

***Insight* Conference on  
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**Managing in Contentious Circumstances:  
Avoiding Untrue Harassment Charges**

The *Insight* organization has asked me to address the delicate question of ‘Avoiding Untrue Harassment Charges’:

- What can organizations do to protect itself, and its managers, from debilitating complaints?
- How can we deal with the issue, especially if untrue or misguided, and diffuse the conflict?
- How do we deal fairly with the complainant/whistle-blower and repair the damage?

These are not simple questions and you won’t be surprised to hear that there are no simple solutions. Or perhaps more accurately, the solutions are simple but it’s the resolve and the execution which are difficult.

But first a few words about why the *Insight* people thought I might have something useful to say about this topic.

## **Doug Jordan and Avoiding False Steps**

I got into executive coaching >15 years ago, before the term was much known.

I had been working for a mid-sized consulting firm in executive assessment and became increasingly interested in providing support to the executive/manager *after* they had been assessed. They needed personalized coaching rather than merely being sent back into the arena and the circuit of standard management training. So I formed my own company – AFS Consulting – and started offering executive coaching.

At about the same time, a new form of grievance procedure was beginning to emerge in the public sector, and to some extent the private sector, on the matter of dealing with complaints of harassment, whether sexual, or abuse of authority, or the unwelcome work environment.

My interest in harassment came about because of the concern of a worried senior ADM who refused to stand by and do nothing when one of his managers faced a complaint from a disaffected employee. He arranged for me to provide the manager counsel where he was otherwise constrained by the process.

It became clear to me, at least in those early days, that managers with complaints against them, whether substantiated or not, had no one in their corner. In despair they often turned to legal counsel, whose adversarial approach often made matters worse.

Since then processes have relaxed a bit from climate of ‘presumption of guilt’ to sensitivity to career consequences for the respondent manager. But as I’m sure all of you present are aware, the prospect of a complaint against you still sends a career chill up your spine.

## Avoiding Untrue Harassment Charges

There is no magic bullet.

It always comes down to two things:

- Vigilant management
- Courage to act, promptly and resolutely

## Avoiding Untrue Harassment Charges

Is the same as Avoiding Valid Complaints

- Have Clear Policies in place
  - And make sure people are aware of them
- Appoint Effective Managers
  - Select well
  - Develop them
  - Replace if necessary
- Hire Employees with Positive Attitudes
  - Hire for attitude, train for skills
  - Develop their skills and engage their talents
  - Replace if necessary
- Give the Management Process the Attention it deserves

Easier said than done but it's worth the effort.

## Avoiding Untrue Harassment Charges: Long Term Strategies

### **Appoint Effective Managers**

- Hire/appoint for aptitude
  - Not technical expertise
  - Technical competence is important, but not superior expertise
  
  - Most important need is interpersonal effectiveness
  
- So,
  - Identify interpersonal competencies
  - Assess candidates carefully against competency profile
  - Do reference checks
  - Immediately send on management 101 training or refreshing

## Avoiding Untrue Harassment Charges: Long Term Strategies

### **Hire Employees with Positive Attitudes**

- Of course technical competence is important and we must examine for it
- But, interpersonal competence more critical for positive, constructive work environment
- Should not be intimidated by 'Objectivity' requirements in selection process
  - Do establish relevant competency profile
  - Do rigorously examine for these competencies in the interviews
  - Do rigorously check references
  - Do 'trust your gut' and refuse to make appointment under pressure to 'fill a vacancy'

## Hire Employees with Positive Attitudes

Some Definitions:

**Personality:** the relatively stable pattern of behaviour and consistent internal states that explain or predict behavioural tendencies.

**Attitude:** the cluster of beliefs, assessed feelings, and behavioural intentions toward an object.

Personality and Attitude do not determine specific behaviour but are good predictors of likely behaviour in any given instance.

## Hire Employees with Positive Attitudes

### The Big 5 Personality Factors

(composite of most personality factors relevant to work)

C	<b>Conscientiousness (High)</b>
	- careful, dependable, self-disciplined
A	<b>Agreeableness (High)</b>
	- courteous, good-natured, empathetic, caring
N	<b>Neuroticism (Low)</b>
	- anxious, hostile, depressed
	+ factors: high emotional stability, poised, secure, calm
O	<b>Openness to experience</b>
	- sensitive, flexible, creative, curious
E	<b>Extroversion</b>
	- outgoing, talkative, sociable, assertive

Research suggests people scoring or evaluated as high on these positive traits are predictive of high job performance.

This appears to be especially the case of high conscientiousness employees who tend to exhibit higher levels of organization citizenship and work better in empowered workplaces.

## Hire Employees with Positive Attitudes

### 3 Other Personality Factors

<b>Affective Commitment (High)</b>
- an employee's emotional attachment to, identification with and involvement in a particular organization
<b>Locus of Control (High Internal)</b>
- the extent to which people believe events are within their control - those with moderately high internal locus of control are predictive of job satisfaction, cope with stress, and respond to performance based reward motivation
<b>Self-Monitoring (High)</b>
- the level of sensitivity to others' expressed behaviour and the ability to adapt to situational cues - high self-monitors can adjust their behaviour readily and tend to be better at social networking, self-leadership and goal attainment

Evidently, hiring people with these sorts of positive attributes increases the likelihood of a positive work environment and reduces the probability of untrue harassment complaints or false whistle-blowing.

But if you get wind of a complaint in these sorts of environments you probably do have a problem with one of your managers!

Okay, enough of OB 101!

## Avoiding Untrue Harassment Charges: Long Term Strategies

### **Management Vigilance**

Avoiding Untrue harassment charges involves long-term management effectiveness strategies as we have just described:

- Hiring and promoting managers with effective interpersonal skills
- Training managers in sound management techniques
  - mechanics of management\* – yes
  - dynamics of leadership\* – especially

It also takes Senior Leadership

- role modeling
- organization monitoring
- willingness to invest in management process
- MBWA

\*6 Management Competencies (according to AFSC)

- Creative Planning
- Skillful Delegating
- Maintaining Controls
- Instilling quality
- Managing Change
- Coaching & Counseling

\*6 Leadership Challenges (according to AFSC)

- Goal Setting
- Problem Solving
- Negotiating Conflict
- Team Building
- Leadership (vision, self-confidence, communications, engages others)
- Positive Human Relations

## Avoiding Untrue Harassment Charges: Long Term Strategies

### Management Vigilance

- Willingness to Invest in the Management Process
  - Management takes time and pays few obvious immediate dividends
  - Today's organizations are undervaluing the importance of management
    - Managers are expected to be technical/results oriented: they have their own deliverables and are not rewarded for 'managing'
    - Managers spend too much time in senior level meetings, not enough time with staff
    - Senior executives do not value their role in coaching subordinate managers
- MBWA
  - Senior managers need to know their managers and their employees on their own turf
  - MBWA can provide early warning signals and first hand perspective on brewing employee problems

### MBWA Rules of Engagement

- Never scheduled
- Never the same route, or the same people
- Practice the art of small talk – making people feel at ease
- Asking questions about their work
- Opportunity for reinforcement:
  - o recognition
  - o quality
  - o vision/purpose
- Never give assignments
- (respect the chain of command, manager's authority)
- Never allow upward delegation ('How would you handle that?' 'Why don't you take that up with your boss?')

## Avoiding Untrue Harassment Charges: Long Term Strategies

### **Courage to Act**

“The willingness to give action to voice”

Too many organizations have good intentions, and even written policies,  
But their day-to-day practices fail to follow through

We make excuses:

- burdensome practices
- too many issues/too few resources
- too much concern for ‘image’
- too willing to accommodate

### Must Practice Management Vigilance

Remove/Replace ineffective managers and destructive staff

- do early intervention
- use active coaching
- create conditions under which they can be successful
- terminate

## Avoiding Untrue Harassment Charges: Long Term Strategies

### **Summary of Organizational Competence**

- Organization Culture that encourages good management practice
- Senior Leadership that invests in first line management in terms of time and attention
- Supported by strong confident H. R. Staff who engage in
  - Active Recruiting and
  - Pro-active Performance Management

## Active Recruiting

- treat recruiting as a mission critical activity
- treat recruiting with high priority/urgency
- examine for personality and attitude
  - o make it rigorous
  - o don't avoid
  - o don't be pre-occupied with 'objectivity'
  
- devote the time to interviewing
  - o conduct multiple interviews
  
- do rigorous reference checks
  - o not just name, classification, time on job – examine for Attitude
  - o pursue referees from own network, not just the names given by the candidate
  
- have courage to say no

## Avoiding Untrue Harassment Charges: Imminent Event

This long-term stuff is all well and good but what do we do when there's something coming down the pike?

Even if you've done a reasonable job of promoting good management practice S\*\*T happens.

But the advantage of good management practice is that you have **early warning systems** in place.

- Different Sources:
  - Senior Manager – intuition about an employee, or about the manager.
  - Human Resources/Employee Relations – Intuition, hallway talk, informal complaint (from complainant or co-worker)
  - Manager – concern about employee – misguided, underperforming

Now is the time to act – not wait for complaint.

## Avoiding Untrue Harassment Charges: Imminent Event

### Problem Manager

- Action by senior manager
  - Engage manager
  - Provide clear feedback/observations
  - Undertake action plan
  - Provide management coaching
  - Manage by FEAR (Frequent Evaluation and Review!)

### Problem Employee

- Action by senior manager with manager/active participation of H.R.
  - Engage manager
  - Engage employee relations rep
  - Describe/diagnose situation
  - Construct performance management/feedback process/plan
  - Provide manager coaching – value of scenario building, role playing, rehearsal
  - Manager conducts feedback/performance management expectations
  - Manage by frequent evaluation and review

## Avoiding Untrue Harassment Charges: Actual Complaint

Follow your internal policies and procedures: not doing so promotes distrust

- Informal complaint
  - Treat like Imminent complaint
  - Follow policy if relevant
  - Attempt mediation/dialogue
  
- Formal Complaint
  - Conduct formal investigation per policy
  - Provide respondent manager with counsel/buddy/coach
  - Attempt mediation/reconciliation
  - Remove one or both parties if necessary
  - Monitor closely for 1 year
  - Provide management effectiveness coaching/employee effectiveness coaching

## Avoiding Untrue Harassment Charges: Repairing the Damages

Wherever possible maintain confidentiality – keep it private

- Offer mediation/reconciliation
- Expect parties to undertake effectiveness coaching

If the situation is already public:

- Conduct staff communications sessions (only of involved parties)
- Reinforce organization's policy on harassment/workplace processes
- Continue MBWA

### Avoiding Untrue Harassment Charges: Case Studies

- An IT shop in a large government department
- A technology research and services shop in a mature organization