CHECK THE DRAMA AT THE DOOR, PART II:

A 10-POINT CHECKLIST FOR AVOIDING AND RESOLVING WORKPLACE CONFLICT

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Published on www.lorman.com - June 2017

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Published Date: January 23, 2017

This article is the second part in a two-part series addressing managerial best practices for conflict prevention and resolution. Part one offered the first half of a 10-point checklist that also identified potential "triggering" events or issues and turning points at which companies may be able to take proactive steps to avoid strife, improve workplace culture, boost employee productivity and loyalty and, one hopes, make their businesses employers of choice.

6. Training—Do It Right!

Almost all companies recognize that having a robust training program is a way to prevent conflict. Unfortunately, many companies design and execute poor training programs. As explained in a recently-issued report by the U.S. Equal Employment Opportunity Commission (EEOC), bad training is not only ineffective, it can be counterproductive.

Triggers:

- A lack of substantive job training for new hires. If I had a penny for every employee who either told me that he or she received little or no training to do the job—or for every employee who told me that he or she became his or her department's trainer by default—well, I'd have a lot of pennies!

- A failure to provide integration training to new hires. (Are you including in your training your company's mission and value statements? Are you introducing new employees to unique aspects of your company's culture? Are you providing a road map for how to be successful in the company or department?)
- Making training perfunctory or making training (particularly harassment-prevention and diversity training) a "blame game." (Making employees or supervisors feel as though they are at fault for problems at work, particularly without providing solutions, will render your training program a complete fail and possibly produce a backlash effect.)
- Designing training that is only a litigation-avoidance tool together with a failure to provide nuanced examples/scenarios. The world of harassment, discrimination, retaliation and diversity is not all-or-nothing, black or white, or yes or no; situations are nuanced.
- Lack of creativity in training

Practices to Consider:

- Solicit feedback from employees to see how new hire training can be improved—both substantive skills training as well as training on business and human resources (HR) topics. Does the department need to develop a training manual? Does the computer-based training offered provide tangible and helpful assistance?
- Unless the training truly is mandatory (such as harassment-avoidance training for managers in California), consider making

some training voluntary, but provide incentives and rewards for participation.

- Make sure training—whether live or online—is compelling and thoughtful. Make sure examples are nuanced, that real-life scenarios are relatable, and that the delivery is engaging. Create buy-in, not blame. Remember the “WIIFM” (“what’s in it for me”) approach when addressing training topics such as harassment, management and leadership, diversity, etc.
- Provide easy-to-use training tools for how to maximize the use of HR processes such as performance evaluations, coaching, dealing with difficult situations, conflict-management and resolution, discipline, terminations, etc.
- Be creative. The EEOC report talked about using techniques such as civility training and bystander training to make anti-harassment training more engaging and effective.
- Train managers AND employees.

7. Making Maximum Use of HR Tools

Rather than seeing job descriptions, job postings, performance evaluations, organizational charts, exit interviews, and other commonly used HR tools as burdens, make them truly useful and productive.

Triggers:

- Failing to put thought into tools to recruit and retain the best employees

- Failing to set clear expectations (about the company, the department, and the position) during the recruitment and hiring process and in job postings and job descriptions
- Using performance feedback tools as a once-a-year (painful and dreaded) exercise
- Ranking systems and too-frequent use of performance improvement plans (PIPS)
- Using job descriptions to give vague information about what is expected of the employee
- Using organizational charts to define people, not positions, and using them to put people's roles in the organization into perspective

Practices to Consider:

- In recruitment and hiring processes, it may be helpful to include tools to minimize bad hires: accurate job postings (ads, descriptions for headhunters, ads in professional journals, etc.); in preparation for interviews, behavior and situational questions that correspond to the company, department, or positional duties of the job and to the supervisor's pet peeves; and consistent methods to judge or rate candidates.
- Job descriptions can be helpful tools that provide a road map to employees, clarifying what is expected of them in their positions.
- Performance feedback that is continuous, honest, and precise works well. If you are going to use an annual performance evaluation system, make sure managers understand that this does not mean that they should not give continuous, timely, and

constructive feedback (positive and negative). Carefully question the use of ranking systems, and evaluate whether PIPS are being used effectively and how to better address performance concerns.

- Honest performance feedback should not be viewed negatively. For example, if an employee has not kept up with company changes, be honest and consider either offering the employee with an opportunity to work in another job or urging him or her to go to another company. You are not doing an employee a favor by keeping him or her in a role for which he or she is no longer suited.

- Organizational charts should not only provide hierarchy information, but also contextualize a position within a larger framework. Remember that although the person in the position is important as an employee, decisions related to a position are about the position, not the person currently in that position.

8. Harnessing Technology

Use technology, analytics and other cutting-edge tools to note and address trends.

- Employers can use technology and data analytics tools to gather, analyze, and use information via to track trends and to identify and address potential problems.

- Employers can collect and analyze the following type of data:

  - hiring data;
  - turnover rates;

- departures of a particular type of employee in a department (for example, has there been a disproportionate number of women, older employees, or employees of other protected categories who have left a particular department or business unit?);
- data about who is being promoted, getting pay increases, getting recognition, or receiving the highest evaluation scores;
- pay equity issues.

➢ How to use the data:

- Many companies have mechanisms in place to encourage diversity and to attempt to eliminate or minimize unconscious bias. These tools can and should be used to supplement those programs.
- For example, is a particular hiring manager only hiring men, young employees, women, people of a certain race, etc.? Although this may not amount to conscious bias, it might indicate unconscious bias or might indicate a lack of diversity in the candidate pool. If so, mechanisms can be put into place (unconscious bias training, expansion of recruitment methods, etc.) to address these concerns before they become a problem.
- Beyond hiring, analyze ratings, raises, promotion rates, etc. for departments and the company as a whole to check for similar warning signs and, if necessary, to implement similar fixes.
- For pay equity issues, use the data analytics to see if there are significant difference in pay among men and women

and among employees of different races and ethnicities. This information can serve as a tool to define or clarify the criteria that is being used to determine employees' total compensation (including starting salary, base salary, incentive bonuses, performance bonuses, etc.).

9. Using Investigations to Resolve Workplace Issues

When an employee lodges a formal internal complaint, the situation has already escalated to a true conflict, but an investigation provides a company with an excellent opportunity to diffuse the situation, no matter the outcome or findings.

Companies often fall into the trap of thinking there are only two options: do nothing or discharge an employee. Doing nothing is almost never the answer (even if allegations are unsubstantiated, you might need to clarify information to change perceptions, there might be a policy or practice you need to tweak, or you might consider some targeted training).

Triggers:

- trying to "spin" facts to "protect" the company;
- failing to implement remedial measures;
- failing to communicate during and after an investigation;
- a lack of consistency (i.e., a lack of actual and perceived fairness) in the investigation process;
- reaching conclusions prematurely or turning an investigation into a witch hunt;

Practices to Consider:

- There are no bad facts in investigations. Your initial job as an investigator is to collect evidence in order to reach a fair and reasonable conclusion. Next, it's to figure out how to fix the situation. If you do not find evidence to support an allegation, there is likely an issue of perception (or misperception) that needs to be fixed. If you find any type of misconduct, you must implement creative and commensurate remedial measures. This means looking at the entire picture to see what would send the most appropriate message and will prevent the misconduct from happening again, or from escalating.

- Communicate, communicate, communicate. At the beginning of the investigation, be precise and transparent. For example, you might tell the accused party: "My job is to provide you with an opportunity to respond to each of the allegations raised about your behavior."; you might tell witnesses: "I'm performing an independent investigation and although the allegations do not involve you or your job directly, you've been identified as someone who might have important information to share with me." During the investigation, make sure you keep the parties apprised of your progress. You are not required to reveal details about with whom you've spoken or the exact work you've done but simply that you are continuing your work. After the investigation, communicate clearly and compassionately with all parties. Make sure you are addressing both actual and perceived fairness throughout the process.

- Do not let unconscious bias or preconceived notions tarnish your independence during and after an investigation.

10. Turning challenges into opportunities

Disrupt how people think about conflict. Set a tone at the management level that the company welcomes a low level of drama if it means that it will not escalate into full-blown conflict and will inevitably lead to an even better work culture.

- Use emotional intelligence to work through situations such as those in the examples cited in this checklist. This means combining logical information (data, performance expectations, etc.) with a human side. A large percentage of conflict arises not because of *what* was said, but *how* it was said.
- Use a common-sense approach. Rather than focusing on minutia, citing policies, having secretive meetings, being afraid of having an overly-informed employee base, hire and retain employees who are committed in addition to passionate about your company and about his or her role within the company.

- Keep perspective. When you are in the trenches, dealing with conflict and near-conflict on a daily basis, it's easy to lose heart. Take a deep breath and remember to use the tools outlined here to keep conflict to a minimum.