

8 Fundamentals of a Civil Treatment[®] Workplace

By Stephen M. Paskoff, Esq.



Organizations of all types need to juggle an increasing array of business needs in order to succeed.

One of these is the need to better capitalize on human potential. In today's fast-paced world, many factors that used to convey a competitive advantage no longer do. But one universal truth hasn't changed: your people are still the potential source of strong competitive advantage. How people are trained, treated, retained, and utilized is crucial in virtually all marketplaces. Enterprises that fail to adequately address these issues are at a distinct disadvantage. They lose employees and have to spend time and money to replace them and train new employees. Talented employees go to competing companies, while other talent stagnates and remains under-utilized.

In contrast, if your work environment and the way business decisions are made supports an ongoing commitment to building a civil, inclusive, and productive workplace, you will be better than others in your market space at developing and retaining talent and on harnessing internal intellectual capital.

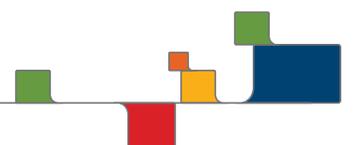
A second trend is the need to minimize risk that stems from employee behavior and could expose the organization to lawsuits or penalties, harm the organization's reputation, or put the public at risk. Every organization I know of requires employees to complete some form of mandatory training on a wide range of issues such as the corporation's values, compliance, sexual harassment, discrimination, and so on.

When I talk to organizations about this second trend, I hear one of two stories: Either, issues like compliance and harassment are viewed as "necessary evils" that are addressed only so the organization can stay in business... or (much more rarely) its policies and processes have been developed and are supported as a way to build a more civil, inclusive and productive work environment.

The first type of organization has made a fundamental mistake when building its workplace culture. The basics are there—words, policies, mission statements—but the underlying elements that give it strength are missing. The organization's leaders have defined their mandate (and definition of success) in very narrow terms: meeting short-term financial objectives and being able to document efforts in case a legal defense is needed. It's not surprising that organizations built this way eventually suffer the consequences of financial losses, damage to reputation, and the inability to compete effectively and successfully.

While these two trends — capitalizing on human capital and maintaining a legal workplace — are treated as unrelated business issues, the fact is that they are closely related. If you do the things that will help you get the most out of your employees, you will also reduce the chances of having illegal behavior occur. The goal of any business leader should be to create a workplace where employees are able to focus on their responsibilities without being distracted by a continuum of behaviors that serve no benefit and damage creativity and create risk.

That's where the Civil Treatment mindset comes in. It's based on the premise that cultural themes such as civility, inclusion, and respect are a business necessity not a business nicety. If you work on these issues, you will be building the foundation for a long-lasting professional, productive, and legal workplace that fosters excellence and bottom-line results. Without this underlying foundation, organizations are prone to suffer even when threatened by only mildly adverse conditions.

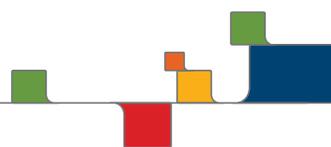




Building a Civil Treatment Workplace isn't necessarily complex or difficult; the key is doing it. As Charles Knight, former CEO of the electronics company Emerson and the prize-winning author of a Harvard Business Review article about a company's interworkings, has said, "Management usually knows what to do, but for some reason it doesn't do it."

To get started, here are eight fundamentals to address:

1. Articulating values and behaviors linked to business success
2. Leadership from the top
3. Engaged management
4. An equipped workforce
5. Meaningful educational practices
6. Prevention, not just detection and correction
7. Equitable accountability
8. Efforts that keep the vision vibrant and sustained in daily actions



1. Articulating values and behaviors linked to business success

Organizations must articulate specifically how they will operate their enterprises, and they must be able to translate their values into specific day-to-day behaviors. Frequently, mission statements contain broad phrases like the following:

- We will treat people with respect.
- We value diversity.
- We will conduct our business with complete integrity.
- We recognize that employees are our most valuable asset.

Yet, when asked to explain what these statements mean in terms of daily business behaviors, individual senior executives may have a different and sometimes conflicting interpretation. It's not surprising then that others throughout the organization have no consistent understanding of what those behaviors really mean.

If an organization fails to develop simple, consistent behavioral messages, people will ultimately interpret those messages through their own perspective. Telling people to sell more is not the same as giving them a quantitative goal; similarly, telling people to "act with the integrity" is not the same as directly telling them not to lie or fabricate records.

Don't exhaustively describe value-linked behaviors, though. Too many rules overwhelm people and distract attention. Instead, identify a few key behaviors that you want to see in the workplace, and focus on key principles that people can easily remember and apply.

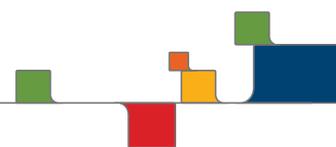
For example, if you want respect to be practiced regularly and routinely, then you first need to describe why it's important to the business that all employees are treated in this manner. And then you need to specifically describe behaviors that demonstrate respect:

- Let's not interrupt one another and let's avoid calling each other names.
- Remember that your tone of voice and body language communicate as much as the words you say.
- When others talk, pay attention. Ask questions, summarize, and turn off or avoid responding to electronic messages.

2. Leadership from the top

It is all too easy to fall into a trap of formulating a vision without backing it up with action. But words and plans are not enough.

Enron, for example, had a well-crafted Code of Ethics that included a section on workplace harmony ("Ruthlessness, callousness and arrogance don't belong here"). Yet when Enron stock prices began to fall, key leaders sold millions of dollars of their own shares while advising employees to buy. They were conducting



business in a manner completely at odds with their stated mission and values. This exemplifies the type of leadership that, in simplest terms, is all talk, no action. A leader's credibility is at stake, and to be effective, he or she not only must have the vision, but also must tie it to the business, hold others accountable, and put action behind the words.

That's why building a Civil Treatment Workplace always begins at the top. Organizational leaders must design and implement a plan for building a civil workplace. Then they must ensure that all team members understand the plan and why it is in place. Leadership must also demonstrate their seriousness about and commitment to transforming the work culture.

Successful leaders use clear, candid language when communicating their vision and back it up with specific actions that they, their direct reports, and others are accountable for. To make the message credible and enduring, leaders must articulate it in their own words and at every appropriate opportunity, including management meetings, company-wide meetings, and other events.

For example, a CEO at a major apparel manufacturer wanted to communicate to his employees that he would not tolerate discrimination and that these weren't just words—he meant it. The policies and mission statements were in place, but he knew that wasn't enough. So at a key business meeting, where he talked about sales and performance issues he also spoke of harassment and discrimination issues.

He presented them as a business concern, no different and no less important than sales goals or manufacturing processes.

And he didn't use policies or legal terminology to get his point across; he simply told his employees, directly and in his own words, "There is certain conduct I won't tolerate, and I don't want you to, either."

To build credibility, leaders:

- must express their commitment to workplace initiatives in simple, understandable language and with the same degree of force they would use on any other serious business initiative.
- should communicate in a variety of ways, including annual reports, periodic memos, postings, and e-mails, and talk about values in public meetings.
- need to clearly outline specific standard, expectations and responsibility of all members of the organization to meet those standards, emphasizing that meeting the standards will be a factor of individual performance.
- must allocate resources to communicate their messages throughout the organization, and they keep the message in front of everyone on a regular basis.

Leaders also must act to correct problems. Too often leaders learn of illegal workplace behavior but fail to take prompt action to remedy the situation. Courts are generally unsympathetic towards a company with leadership that doesn't act promptly and effectively. In a case against Whirlpool, the company was ordered to pay over \$1 million to a female employee who suffered sexual harassment at the company's plant. Although supervisors received repeated reports of the harassment, no one took action, leading to continued harassment and, ultimately, a large verdict against the company.

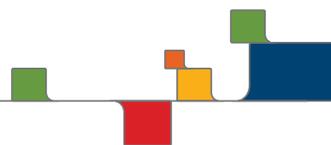


Beyond the legal ramifications, however, leaders have a responsibility to build a culture that promotes speaking up because it helps the organization as a whole to operate fairly and effectively. They must send and support the message that their organization rewards honesty rather than penalizes it.

Further, the most compelling leaders know that success is not about being able to quote policies or legal regulations; it's about incorporating the policies, standards, and behaviors into their everyday activities and decision-making. If a leader undermines the organization's objectives by ignoring them, failing to learn them, or acting contrary to them, it can devastate the organization as a whole.

Employees follow the model and attitudes set by leaders, whether they are positive or not.

When senior leaders require employees to attend training on compliance issues but don't attend these events themselves because they're "too busy," they send a message to the staff that the training isn't really that important. If they attend the training but joke about the content or belittle the subject matter, the employees will not take the training seriously either. And if they contradict the organization's standards by making inappropriate comments or by failing to deal with others who do so, they're sending the message to employees that the organization isn't serious about those standards. Overall the key point here is that a leader's actions communicate their truest level of commitment. And that's what others follow.



3. Engaged management

The messages from senior leaders can get lost if they are not communicated regularly by all the layers of management that form the heart of the organization. Managers have many of the same responsibilities as the organization's leadership.

First and foremost, managers must set the standard and lead by example. Behaving consistently and professionally in all workplace interactions and decisions is crucial.

Second, managers must be able to make business decisions that align with the organization's policies and commitment to professional, legal operations. These responsibilities help the organization minimize risk, avoid unnecessary litigation, and build a civil workplace. Managers have a responsibility to monitor the behavior and guard the words and actions of all those who interact in the workplace, including other managers, employees, customers, and vendors.

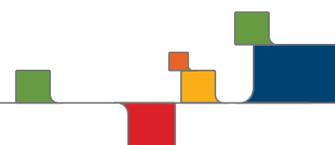
Further, managers need to know how to respond when they learn of inappropriate conduct, including how to document workplace events in a legal, consistent manner. One step that many organizations overlook is teaching managers to get help when they face workplace behavioral issues. Managers must be guardians of the workplace. In essence, when a manager is made aware of inappropriate behavior, the company has officially been put on notice as well. In fact, getting help may be the most important step a manager can take to ensure consistent, proper decisions are made.

4. An equipped workforce

You can't build a Civil Treatment Workplace without the involvement of employees. Yet many companies try to do just that: They provide direction and look for results from managers and supervisors while providing minimal, if any direction and responsibility, to everyone else. These managers and supervisors overlook the crucial fact that since employees are the ones who get the job done, they also should have specific and important responsibilities in creating a civil work environment.

An organization cannot fulfill its business mission without qualified, skilled employees doing the work and carrying out the mission.

Employees are the core of any business and, as such, have both rights and responsibilities in the workplace. Just as managers have a duty to guard their own words and actions, employees must monitor their own behavior in the work environment. Inappropriate conduct is disruptive to the business and can impact the productivity and morale of co-workers. And, having employees manage their own behaviors will help everyone focus on the job at hand without unnecessary distractions. Employees can foster productive work relationships only if they treat each other as colleagues working towards a common goal. They have a responsibility to work effectively with their fellow employees, regardless of differences in background, beliefs, or personality.



Employees are often the first to be aware of workplace issues, and they have a responsibility to speak up to help stop problems before they escalate. Similarly, employees also have a responsibility to support these efforts by recognizing that when a colleague raises a concern, it is in the interest of protecting the work environment. Getting employees to speak up will only happen if, as noted above, leadership creates an environment where such behavior is rewarded.

Years ago, I worked with a power company that was trying to encourage its employees to be more willing to file complaints within the organization rather than outside of it. The steps they followed can be an example to many other organizations striving to improve communication and employee ownership in the task of building a proper workplace. The company made a commitment to welcome all complaints and communicated this commitment to everyone.

Recognizing that employees are pivotal to changing the work culture, the organization involved them in the change process.

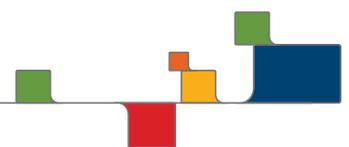
The entire workforce learned about the company message, why it was important, and how they were expected to support it. As a result, both managers and employees understood their roles and responsibilities. Over time, complaints that previously would have been filed with outside agencies were brought up within the organization where they could be handled more swiftly.

5. Meaningful teaching and reinforcement practices

One organization I worked with several years ago asked me if I had new courseware for use with some previously trained managers. When I asked them what they wanted to accomplish, they indicated that several individuals were continuing to tell off-color jokes and make inappropriate comments. While I welcomed the opportunity to be of service, it seemed to me that the issue was not what training to do next but rather why these decision-makers hadn't taken steps to deal with these individuals' behavior and failure to perform to clear standards.

Treating problems as "opportunities for more training" rather than addressing performance deficiencies minimized the managers' accountability and undermined the seriousness of the organization's commitment. Even after recognizing the need for training, however, many organizations simply decide to meet that need by just delivering something— anything. But they may end up implementing a program that either doesn't engage and reach its audience, isn't comprehensive enough, doesn't meet the needs of their workplace climate, or fails to deliver the results in some other way. Organizations must use the right training tool for the job, taking into account the available tools, what each was designed to do, and which would be most effective in getting the job done. Just as you shouldn't choose a hammer to tighten a bolt, organizations also shouldn't choose a training tool that won't be effective in meeting their objectives.

In essence, though, many organizations "choose the hammer" without considering what they want to accomplish. Many employers say their mission is to provide an inclusive workplace that welcomes diversity, is characterized by professional standards of behavior, and does not tolerate discriminatory and harassing conduct. Of course by realizing these objectives, they will also be increasing the legality and professionalism of their



operations while reducing the risk of litigation and a wide array of other business risks. Very few leaders say their mission is limited to guarding against lawsuits; yet many choose learning programs that focus solely on legal obligations and the avoidance of claims rather than their stated mission: to build a civil, inclusive, and productive workplace.

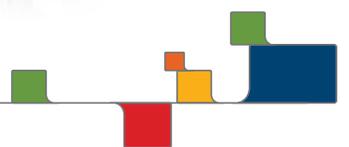
Providing information on legal issues is important, but it is not the same as providing specific standards for workplace conduct.

The common mistake many organizations make is that they use training as their strategy when, in fact, training is a tactic for implementing their strategy. The organization's vision is the strategy; training should be a tactical component of that overall strategy.

Similarly, organizations may say that training on workplace standards and corporate citizenship is vital and is, in fact, just as important to the business as achieving sales goals and producing flawless products. However, when they look at learning solutions, they focus not on what will work the best and deliver their desired results; instead, they try to find the cheapest solution or the one that involves the least time away from work. This won't help them meet their goals.

There are many options for delivering instructions in today's world. To avoid falling into unproductive traps, organizations should ask themselves a few simple questions before they decide on any learning content and delivery system:

- Why are we delivering this instruction? What are the desired outcomes from the instruction?
- Have we chosen the best content and delivery method for achieving the objectives we have defined?



6. Prevention, not just detection and correction

Through their work on compliance, most companies know they should focus on “prevention, detection, and correction.” But unfortunately the first two elements often receive little attention, especially the prevention component.

A culture where employees are encouraged to raise their concerns and receive protection from retaliation after doing so is integral to the strength of the organization. Unfortunately, many companies do just the opposite. They allow employees who speak up to be bullied, harassed, or ostracized, thus discouraging others from coming forward. Not only is this bad business practice, it’s also illegal. A jury awarded a \$3.1 million verdict to a woman who complained of her employer’s failure to promote qualified women. Her employer conducted a very superficial investigation of her complaint and shortly thereafter failed to renew her contract. This led to her claims of retaliation and gender discrimination. In another case, a school teacher received a \$1.5 million verdict after being terminated in retaliation for participating in an investigation of sexual harassment committed by a school official.

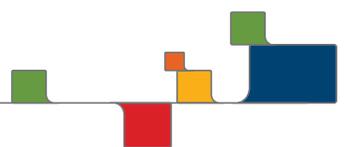
To establish a workplace where problems can be prevented or detected early on, the organization must build and maintain an environment where employees are empowered to speak up about concerns, whether related to safety, policy, or behavioral or legal issues. Managers can fulfill this duty through their own actions: encouraging employees to come forward with problems, responding appropriately to complaints, taking action to address them, and supporting organizational policies that prohibit retaliation.

Employees will not report problems if they don’t trust a manager to address their concerns. True leaders must aggressively pursue the resolutions of troublesome issues if they hope to gain their employees’ trust.

7. Equitable accountability

The best way to sabotage efforts to create a Civil Treatment workplace is to allow exceptions. Go ahead and let “big shots” yell at, swear at, or insult colleagues. Oh, and let them use their body language and tone of voice to intimidate and demean coworkers. Turn a blind eye if a rainmaker lies or falsifies information. Just give a nudge and a wink if an otherwise respected professional engages in unnecessary or unwelcome physical contact or tells racial, sexual, religious, ethnic, or similar jokes or makes related comments.

Creating a more civil, effective workplace will happen only if basic values are applied equally across the organization. And the only way that will happen is if everyone is held accountable. Leaders especially must speak up whenever they see a violation, regardless of whether the violator is another executive or frontline worker. No exceptions. They must acknowledge behavior that complies with the values and standards they want enforced.



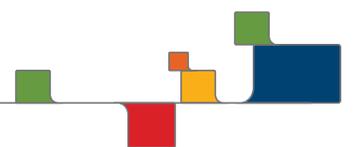


8. Efforts that keep the vision vibrant and sustained in daily actions

Developing a vision, communicating it, and then making it a part of everyone's awareness takes planning and commitment—and that is just the beginning. Once this work is done, the vision must be maintained. Although organizations do the planning, develop and communicate objectives and policies, and implement a broad-based learning initiative, they often stop after an initial round of activity. This approach neglects the fact that systems need to be checked, updated, and occasionally repaired. If an organization is committed to a vision, it must continually plan steps to keep key messages current. Long-term visions can be realized only through long-term plans.

How can key messages be kept alive and credible over time? Organizations that are successful in building long-lasting values are repeatedly ask themselves this question. One company that was recently named the top learning organization in the country for its commitment to employee development, employs the strategy of continually thinking ahead to the "next phase." Its leaders recognize that a one-shot training event or series of activities is not sufficient to meet their vision and business mission.

Organizations that sustain a Civil Treatment environment have implemented long-term, integrated learning solutions that reinforce key concepts and keep a consistent theme and vision in front of their employees. One company I know sets aside a day every few years where they shut down facilities and focus everyone's attention on workplace environment issues. The employees in this company are confident that their leadership has a clear vision and an obvious commitment to addressing these issues.



From Concept to Reality: The Action Plan

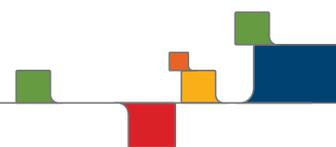
When I encounter organizations that have experienced problems with litigation, damage to reputation, high turnover rates, and other human resource concerns, they usually have a lot in common. They all have policies and inspirational mission and value statements incorporated into annual reports and other public documents. But many have failed to back up their vision with action. They've trained selectively and focused on minimizing legal risk rather than on their objective to change behaviors. Their leaders have failed to make human resource issues part of their business agenda and scorecard. When just one key element of the plan is eliminated, the whole initiative can come tumbling down.

In contrast, organizations that have been successful in retaining good employees, increasing productivity and morale, and creating a culture where all citizens know and apply their responsibilities also have a lot in common. They make a commitment to a comprehensive learning approach, stand behind their vision, and continually reinforce the message.

So how do you get beyond the basics to the successful implementation of a Civil Treatment workplace? These are the steps an organization must take to move from a vision on the conceptual drawing board to a workplace in which that vision becomes a long-lasting framework:

- Leaders must define goals—they must have a vision of what they see as appropriate, professional workplace behaviors, and they must be able to explain those behaviors specifically, providing clear examples of what they mean.
- The vision should reflect both a current and long-range view of important business values and concerns. A successful plan takes into account the current and future conditions and avoids catastrophes or collapse by preparing for potential disasters in advance.
- Leaders must communicate the significance of the vision to their direct reports and then hold them accountable for results. Managers and supervisors must be able to demonstrate the organization's vision through their own actions and behaviors, know how to respond when made aware of behavior that may damage the workplace, and have the tools to make appropriate business decisions. Their behavior, by example, will motivate employees towards meeting the organization's vision.
- All employees—those who actually build and maintain the structure of the workplace—must understand their responsibilities and realize that those responsibilities are key elements of organizational citizenship and successful performance.
- The vision must be communicated through business initiatives, through the conduct and statements of leaders, and through education and training, which must be delivered with a consistent message that reflects key visions and policies. In addition, the content must be designed to communicate the message and lead to outcomes that reflect organizational principles.
- Progress on reaching strategic goals that are tied to specific behaviors must be tracked and managed as a part of other performance goals.

Creating a Civil Treatment workplace requires a commitment to changing behavior at work. Organizations that have put this commitment into practice have recognized the business outcomes it brings. With the right plans, right tools, and right actions, leaders can make great strides towards building a civil, inclusive, and productive workplace that fosters excellence, diversity, and bottom-line results.



About the Author



Stephen M. Paskoff, Esq., is the founder, president and CEO of ELI®, a training company that teaches professional workplace conduct, helping clients translate their values into behaviors, increase employee contribution, build respectful and inclusive cultures, and reduce legal and ethical risk.

Mr. Paskoff is a nationally recognized speaker and author on workplace legal issues. He has written extensively on topics related to workplace compliance and legal issues and how to affect culture change in order to build lawful, professional operations that align with an organization's mission and values.

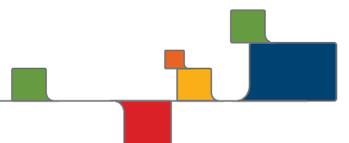
He has been named the highest-ranking speaker at the national conference of the Society for Human Resource Management (SHRM) and has been selected to speak at a number of other national conferences including:

- The American Bar Association (ABA)
- The Society of Corporate Compliance and Ethics (SCCE)
- The Ethics and Compliance Officer Association (ECOIA)
- The American Society for Healthcare Human Resources Administration (ASHHRA)
- The Health Care Compliance Association (HCCA)
- The American Society for Training and Development (ASTD)
- The Industry Liaison Group (ILG)
- Child Health Corporation of America (CHCA)
- The Risk Management Foundation for the Harvard Medical Institutions

In addition, Mr. Paskoff is the current Co-Chair of the ABA's Compliance Training and Communication Subcommittee, which explores best practices in training methodology as well as overall strategies for implementing learning and communication plans to maintain corporate compliance. He currently serves on the Editorial Board of Workforce Management magazine.

Mr. Paskoff and ELI have appeared on or been interviewed by a variety of national media outlets, including: ABC's 20/20, CNBC, Christian Science Monitor, Corporate Legal Times, Corporate University Review, Forbes, Fortune, Fox News, HR Executive Magazine, HR Magazine, HR News, HR Reporter, Inc. Magazine, Industry Week, Workforce Management, The Los Angeles Times, The New York Times, Training Magazine, and USA Today. He is the author of the book Teaching Big Shots to Behave and Other Human Resource Challenges.

Prior to establishing ELI in 1986, Mr. Paskoff was a trial attorney with the Equal Employment Opportunity Commission and a partner in a management law firm. He is a graduate of Hamilton College and the University of Pittsburgh School of Law and is a member of the Pennsylvania and Georgia bars.

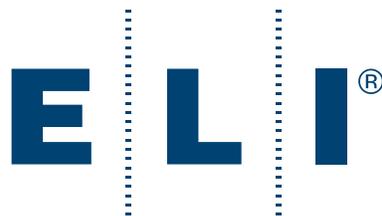


About ELI

From our roots in discrimination and harassment training to our related programming designed to change workplace behavior and minimize legal risk, ELI has continued to evolve since our establishment in 1986.

Today, building on the philosophy of our President and CEO, Stephen M. Paskoff, Esq., a former EEOC trial attorney, management law firm partner, and founding vice chair of the ABA's subcommittee on compliance law training and communication; we provide a variety of programs and services that teach professional workplace conduct, helping our clients translate their values into behaviors, increase employee contribution, build respectful and inclusive cultures, and reduce legal and ethical risk.

Whether delivered online or in the classroom, ELI's award-winning learning solutions are based on a proven methodology that focuses on outcomes that impact bottom-line results. Rather than teaching simply what the law says, ELI solutions help individuals build the skills they need to make a sustained difference in their workplace. As a result, for more than 25 years, ELI courses have been used to satisfy court-imposed and consent decrees, and have won numerous awards, including "Top Ten Training" designations from *Human Resource Executive Magazine*.



For more information about ELI® Learning Solutions, contact your client representative at (800) 497-7654 or visit eliinc.com

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