

RESPECTFUL WORKPLACE

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**HARASSMENT
INTIMIDATION
VIOLENCE**

DUAL ROLE

- Political Expression
- Employer – Duty of Care

DISCRIMINATION LAWS

Age

Sex

Race

Religion

National Origin/Ancestry

Disability

Sexual Orientation

Arrest/conviction record

Marital Status

Military Status

SAFE PLACE ACTS

42 U.S. CODE SECTION 1983

CIVIL SUITS

Assault

Privacy

Defamation

Negligent Supervision

HARASSMENT

Unwelcome attention based on group status:

1. Basis of decision
2. Hostile, intimidating, offensive environment

The Four Types of Violence

1. Homicide
2. Assaults
3. Threats
4. Intimidation (harassment, yelling, following, bullying, overt incivility)

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The Uncivil Society

- Bullying and abusiveness is now a greater concern than EEO harassment.

Definition of Abuse

- Includes but is not limited to:
Bullying, derogatory remarks, insults, verbal humiliation, threats, sabotage, undermining an employee's work performance and exploiting an employee's known vulnerabilities.

General Harassment Statute

Sections 813.125 and 947.013

- Striking, shoving, kicking or otherwise subjecting another person to physical contact or attempting or threatening to do the same.
- Engaging in a course of conduct or repeatedly committing acts which harass or intimidate another person and which serve no legitimate purpose.

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Special employment liability of top officials and executives.

Special exemptions for elected officials.

HARASSMENT

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Duty to stop harassment that we:

- Know about
- Should have known about

- Inform the person
- Inform the organization
- Use the policy

Guidelines

Information Before Action

Fair Warning

- Management
- Person-to-Person
- Guidelines

- Commonly Offensive
- Super Offensive

- Verbal – Fair warning
- Physical behavior or overt (should have known)
- Fighting words/slurs (should have known)

- “Supersensitive” is a personal perception
- Listen (bite tongue)

Duty of Equality to Employees and Public

Managers and officials duty of care for equality alters the standard (more of a should have known)

It was Just a Joke

Duty to Act

Where is “the line?”

Danger areas:

Committed criminal acts

Is an alcoholic

Is drug dependent

Has and/or is spreading a serious contagious disease

Committed professional malpractice

Committed infidelity in one’s marriage or serious relationship

Received a promotion or other job benefit by sex, bribery or other illicit ways

Comments that reveal medical information without consent

Divulging negative employment information (discipline, performance evaluations, reasons for discharge) to those not needing to know

Comments or speculation over sexuality – or lack thereof – or sexual orientation

Office Gossip Email Magnifies the Impact

- Electronic communications and records
 - The growth area in business and liability
 - The email is your ad

Have a Policy on “Inappropriate Use

- Enforce It
- Educate your workforce

Duty of Care

- To monitor
- To report illegal usage

Overt Incivility

- Bullying
- Sabotage
- Undermining work

Duty to Report

Clean Hands

Third Parties

- Customers
- Vendors
- The Public

Protected Expression
v.
Harassment

What to do When an Issue is Raised

- Use the policies

Listen

Do Something

Informal Resolution

- Check with Human Resources
- Document
- Follow Up

Investigate

- Due process
- Equality

Forms of Retaliation

- Adverse decision
- Adverse actions
- Ostracism
- Sarcasm

Prevent Retaliation

- Confidentiality
- Follow up
- Protection and overview
- Adult behavior by all involved

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