

Chapter 7

Sex, Gender, and LGBTQ

Building an inclusive, equitable, diverse, and respectful workplace that works for everyone can be difficult. People continue to experience harassment, discrimination, and unequal or preferential treatment on the job because of their gender or sex, who they are or who they love. LGBTQ workers (lesbian, gay, bisexual, trans, queer/questioning), unfortunately still face challenges and conscious or unconscious prejudice and bigotry from colleagues. These stories describe how HR usually (but not always) rises to the occasion to deal with behavior at odds with organizational values and principles.

AN EMPHASIS ON EXCELLENCE EXPLODES CULTURAL PREJUDICES

Summary

An international school appoints a new, well-qualified principal. Proponents of the local culture and religion are accustomed to older, married men in positions of authority; the appointee is a young, unmarried woman. Administrators undermine her, teachers are insubordinate, parents mistrust her, and students aren't learning. To support her, the board of directors disciplines uncooperative managers, educates faculty to respect her authority, and helps parents to see her as capable.

In a bid to increase diversity and raise international standards at a large prestigious school, its board of directors appointed as the new principal a nonnative woman with impressive experience. She had the track record needed to increase students' exam scores and drive enrollment.

In the region where the school was located, however, proponents of the local religion and culture were unaccustomed to seeing women who were highly educated or in positions of authority, especially if they were relatively young and unmarried, as the new principal was. She became frustrated by the vast opposition she faced.

The school administrators were mostly older married men, who neither showed deference to the principal nor supported her ideas and strategies. Faculty received conflicting instructions about how to respond to her directives. Parents didn't understand how a woman could be an expert in the field and didn't trust her to educate their children. The students lacked the help they needed to perform better on their international exams.

In the absence of a single vision or unity in administration, the school began to see a decline in motivation, commitment, and confidence in both staff and students. Something had to be done to ensure that the situation didn't deteriorate further.

As a global HR consultant, I was brought in to assist the board of directors and the new principal. The issues to be considered included the following: the school's success rates and future plans; staff productivity and retention; student enrollment, diversity, and achievement; the working environment; levels of authority; and the value each person brought to the school. Our timeline was dictated by the exams coming up in a few months.

I made four main recommendations for action. First, empower the principal to assert her authority over the administrators. The board of directors would ask those who remained insubordinate to resign. Second, encourage personal interactions between the principal and teachers so that she could communicate her strategies

to them directly. Third, conduct seminars and workshops with the principal and parents, giving them an opportunity to appreciate her intellect and experience. Finally, compile and distribute a detailed profile of the principal, enabling everyone to recognize her achievements.

These actions were implemented. At a public meeting before the whole school, the executive director of the board affirmed that the new principal was in charge, making it difficult for anyone to defy her instructions afterward. She indeed asserted her authority in subsequent meetings. Only one school administrator persisted in being insubordinate, and he was eventually asked to resign despite his years of service. No one is indispensable when they do not comply with known policies and procedures.

The principal met regularly with teachers to monitor interventions and measure their performance. She sought feedback from students to gauge their understanding of their subjects and commitment to learning, and she also held motivation sessions with them in preparation for their exams. The result was significant improvement in staff engagement and productivity (assisted by a new compensation scheme) as well as in student confidence and comprehension. Teachers and parents saw marked differences. We anticipate higher success rates, an increase in enrollment, and greater diversity in the school.

Even though the appointment of a more “culturally acceptable” principal was briefly considered, we quickly recognized that the real issue for the school was competence, not acceptability. The board chose the best principal—albeit someone initially outside their comfort zone—and now all seems to be going according to plan.

Lessons Learned

This situation certainly sounded hopeless at the beginning. An organization was experiencing multiple difficulties on multiple levels, with some seemingly insurmountable problems even threatening its

future existence. But in the end, good intentions prevailed. This was primarily due to the hiring of the right candidate for the job, but continuing support was just as essential. After a slow start, corrective steps were taken, which led to fulfillment of the organization's original stated goals.

Certain key components contributed to this success story, which you can use when facing similar challenges in selecting or promoting a new leader in your organization. First, look for an executive champion to take performative action. (Here, the board empowered the principal in front of her subordinates and continued its support as she asserted her authority.) Second, separate those who are out of line. (The board reestablished its expectations of employees toward the principal and terminated those who continued to be insubordinate.) Third, communicate to stakeholders directly and honestly to build awareness and reinforce the message that the right person was selected to lead. (The board's strategy to meet its goals for the school by hiring the principal was explained to the faculty; her qualifications and how students would benefit was explained to parents.)

Empathy/Polarization Index

The key factors involved here were *conflict management* (the organization resolves conflict rather than buries it) and *belonging* (the organization provides all staff with a sense of belonging). The organization sought discernment and understanding based on the collective experiences and interests of the various constituencies involved. This overcame obstacles and gave strength to supportive actions on behalf of its leader, enabling her to succeed.

Me + We + WO + RK Framework

Bringing about improvement and change here would require focus on the *We* question (what did my counterpart experience during this conversation?).

INCLUSIVE WORKPLACES AND ANGRY EMAILS

Summary

On company email, an employee states his objection to an internal newsletter article about LGBTQ issues because of his religious beliefs. His act violates organizational policies on use of communications and on inclusiveness; he retires rather than accept discipline. Other employees appreciate the company's subsequent efforts to promote an inclusive workplace, even though the ultimate outcome is inconclusive.

Our company's diversity, equity, and inclusion (DE&I) council received training on LGBTQ issues. Shortly afterward, an article was published in the company newsletter about how people can be allies to the LGBTQ community.

In response to the article, an employee sent a scathing email to its author, stating that LGBTQ issues went against his religious views and that the company should not communicate its stance on the LGBTQ community.

HR contacted the employee to hear his concerns. Before we could follow up with him, however, we found out that he had already forwarded his email to other coworkers, describing what he had done and restating his objection to the article due to his religious beliefs.

HR consulted the legal department before resuming its effort to hear the employee's concerns directly. The employee's emails violated our company code of ethics, which states that honesty, respect, fairness, and integrity drive everything we do. We are an inclusive work environment and will not make others feel excluded.

The employee's emails also violated company policy on electronic communications. By forwarding his email and discussing his personal views about other groups, he was not being inclusive of all

employees. The company was not telling him to change his views or religious beliefs.

HR finally met with the employee. We provided him with feedback and coaching, but he was not receptive to it. As a result, he was placed on discipline, but he chose to retire rather than comply with the disciplinary action.

After the employee left, the company sent an email to everyone in the organization about what inclusiveness means. We also beefed up team-building and training activities that promote an inclusive workplace. These exercises are designed to help members of the workforce learn how to talk to, behave toward, and deal with one another as human beings.

Looking back, it might have been wise to alert upper management that the DE&I council was about to address LGBTQ issues. That way, any objections might be anticipated, and responses could be prepared beforehand.

The editor of the company newsletter also could have added a line to the article welcoming questions and directing them to an appropriate person or department. Perhaps then the employee might have asked a question rather than embark on a scathing email campaign.

Lessons Learned

Hindsight can be valuable in understanding what could have been done differently in a situation to bring about a better outcome. Here, several missing pieces from the story might shed light on the emailing employee's behavior and motivations, as well as on the company's policies and responses.

Tricky situations like this require a thorough investigation. HR needs to be more curious, ask a lot of questions, and facilitate difficult conversations. The information that turns up won't necessarily excuse the actions being investigated. The goal is to gather the facts necessary for HR to make fully informed decisions about those actions.

Seeking advice from the legal department on a specific matter also presents an opportunity for counsel to advise HR on company or policy blind spots more generally.

The following questions can help you think about how your organization would act in similar circumstances. (Also, see Chapter 6 for additional stories that involve religious beliefs expressed in the workplace.)

Clearly, this organization values diversity and inclusion. But did the employee send his email because *he* felt excluded? The incident was a chance for the company to reexamine how its inclusiveness policy was written, communicated, and applied. Were all employees even aware of it? Was it ever actually enforced? If so (and most importantly), was it applied neutrally to everyone?

The employee self-elected out of the disciplinary process by leaving the company. What was the fallout of that move? The organization reengaged its workforce to discuss how their behavior toward one another aligns with its approach to inclusion. Was that discussion reinforced with concrete examples of what behaviors are acceptable and unacceptable? Simply saying “we didn’t tell the employee to change his views or beliefs” is inadequate.

Plan ahead to forestall objections or reactions to organizational policies and expectations by communicating them broadly and regularly to all stakeholders.

Empathy/Polarization Index

The key factors involved here were *belonging* (the organization provides all staff with a sense of belonging), *openness* (the organization fosters openness to different perspectives), and *entrenchment* (the organization encourages staff to understand others’ perspectives, refrain from making judgments, and prevent our opinions from becoming entrenched and weaponized). The company clearly presented its expectations to an employee who couldn’t change his ways. Accepting this defeat made it easier for the company to reinforce its commitment to creating a more tolerant culture for all.

Me + We + WO + RK Framework

Bringing about improvement and change here would require focus on the *WO* question (what were the work outcomes of this conversation?) and *RK* question (what refined knowledge can arise from these experiences and outcomes?).

NOT TAKING IT PERSONALLY

Summary

In the workplace, but during a personal conversation unrelated to work, an employee politely reveals his opposition to same-sex marriage to a gay coworker who had been unaware of his stance. The outcome is good although somewhat inconclusive, being a one-time incident.

I was speaking with a coworker, and somehow the topic of same-sex marriage came up. (This was before it became legal in every state.) I was stunned when he told me he didn't believe in it. We had worked together for years, he knew I was gay and in a serious same-sex relationship, and he'd never made me feel he had a problem with any of it. There were several other members of the LGBTQ community in our office. We worked in a fairly liberal region of the country, and he had always seemed to me to be pretty open minded.

I asked my coworker why he felt that way—why shouldn't two people in love get married? I put forth my standard arguments (which I had used time and again when debating this topic) about state-mandated licenses, civil unions, marriage ceremonies, the role of religion, and more. Usually, as debaters, we got to a place where there was something we could agree on.

My coworker wasn't interested in these or any other arguments.

I was upset. I spoke to an LGBTQ coworker about the conversation. Now he was upset. He wanted to speak to the coworker, but I told him not to—nothing good could come of it, and discussing the issue further at work would only make things worse.

I spoke to the HR director (also a friend). She asked me how I felt, and I told her I was upset. I also said I didn't think anything needed to be done—it was a personal conversation, my coworker was entitled to his opinion, and our disagreement would not limit my ability to work with him. I was really just there to vent.

The HR director's main concern was whether my coworker said anything derogatory, against company values, or that would create conflict. I was adamant that he said nothing of the sort. At that point, she agreed that no action need be taken. We were both adults and could work together without a problem.

I believe this was the right decision. While the conversation with my coworker was upsetting, from an HR perspective, it was handled properly. There was no reason to make a trivial matter into something bigger.

HR might have communicated to me and my coworker—and perhaps also to all employees—a reminder that polarizing topics should not be discussed in the office. Our company culture is very open, and we are like a family. Families have conversation and conflict.

Lessons Learned

It is true that families have conversation and conflict, but within families as well as family-like workforces, certain polarizing topics should not be discussed. It is important to draw lines that should not be crossed, even in organizations whose cultures are open and that encourage conversation. Boundaries help employees avoid talking about issues potentially upsetting to their coworkers, which can cause rifts, loss of productivity, or other unanticipated consequences. Rely on your organization's cultural norms and policies, such as codes of conduct, to set appropriate boundaries.

The LGBTQ employee here handled the situation graciously by simply venting to compassionate listeners. Nonetheless, the HR director had valid concerns over whether the coworker's comments were derogatory, at odds with company values, or conflict inducing. Those questions are central to the investigation of such occurrences if they arise in your organization.

Empathy/Polarization Index

The key factor involved here was *polarization* (the organization welcomes individual as well as collective opinions of all kinds and works to prevent people from becoming further polarized from one another). This workforce could probably benefit from official guidelines to help them develop stronger skills in discussing difficult issues with mutual respect and consideration. This comes from increased awareness of how others' experiences influence workplace interactions.

Me + We + WO + RK Framework

Bringing about improvement and change here would require focus on the *We* question (what did my counterpart experience during this conversation?).

SLOW PROGRESS TO GENDER-NEUTRAL RESTROOMS

Summary

An HR leader explains to a fellow executive the latest legal and regulatory guidance and trends toward gender-neutral restrooms and the need for the company to move in that direction. The executive dismisses the issue, but the leader takes the long view. Several years of education, discussion, and slow progress lead to eventual implementation and wider acceptance.

As an HR leader at my company, I regularly take courses and attend conferences and share relevant information with management. Several years ago, I attended a session on LGBTQ issues in the workplace and how regulators and adjudicators view and enforce these matters. Among the topics covered was gender identity in relation to restrooms. At the time, the guidance and positions of various government entities on gender-neutral restrooms were fractured or not fully developed but were moving toward support.

Back at the office, I debriefed a fellow executive on the session. I explained that our company should ensure ease of access and comply with trending employment law, and that it would be in our best interest to have gender-neutral restrooms.

The executive was immediately dismissive of the idea, adamant that gender-neutral restrooms were not going to happen. He said that while he was supportive of people identifying as LGBTQ, the company would not be spending any money on changing its bricks and mortar or signage. I responded that retrofitting restrooms would be unnecessary and that new signs would involve minimal costs. I reiterated the possible legal dilemmas posed by doing nothing and pointed out the ramifications of failing to best position the company in terms of future compliance.

The executive was undeterred and shut down the conversation. Until then, I had always felt free to discuss all kinds of matters with him, but now I was taken aback. I had expected to, at a minimum, discuss in greater detail the laws and regulations affecting a noteworthy segment of the population and workforce. I had laid out a position fully supported by facts and sources, but no matter how strong my case, the executive's judgments and decisions on this issue were colored by his personal beliefs.

Employment law regarding LGBTQ individuals can be complex and multilayered. Employers must be educated, trained, and able to view these issues apart from their own opinions or inclinations.

To break our stalemate, I considered a few options. All of these I quickly rejected: trying to get buy-in from peers of the executive

might cause a rift within his team; getting allies from other departments to bring the matter to upper management would make them aware of the larger issues, but they might see such a move as undermining authority and an attempt to divide the organization; taking the case directly to staff might backfire.

But change doesn't have to come immediately. Leadership isn't about winning the battle every time. You might have to leave the field and come back another day. I elected to stay on the path of change via slow-moving evolution.

I knew that the issue of gender-neutral restrooms would come up again organically in our company. We served a sizable LGBTQ population. We strived to be a welcoming place to all who sought our services. If a problem arose, we usually didn't wait for a complaint to be filed to take action. People knew that a good number of other businesses and office buildings already had gender-neutral restrooms. Even though none of our employees or patrons had filed a formal complaint about our company's lack of accommodation, it couldn't be said that no one was unaware of it.

Fast-forward a few years. Our organization launched an employee training course about systemic bias and discrimination faced by the LGBTQ demographic. The entire workforce voluntarily attended, and most participated in discussions. Everyone learned something. On their own accord, staff began to list their preferred pronouns on their email signatures. Soon we had a gender-neutral restroom. Even the executive I had spoken to years before supported its implementation.

Taking the long-term view proved to be effective. As an organization, we were able to achieve even more than what I had originally proposed when I first debriefed that executive. If I had attempted to move too quickly then, the overall effort might have devolved. It was better to present a united, persistent front over time with a prepared, professional discourse.

Lessons Learned

When an executive with decision-making power initially refused to make a needed change, the HR leader advocating for the change didn't give up. She kept thinking, researching, and paying attention to societal shifts, gathering new ideas and strategies to effect the change, all the while respectfully influencing others in the company.

Don't underestimate the power of influence and time. Taking a clever, measured approach toward a goal can often help you reach it faster than insisting on immediate action.

It might take a while for an organization's leadership to get where HR knows they need to be. Influencing them in that direction with well-developed arguments, put forth at an acceptable pace, can help you make progress.

Empathy/Polarization Index

The key factors involved here were *polarization* (the organization welcomes individual as well as collective opinions of all kinds and works to prevent people from becoming further polarized from one another) and *entrenchment* (the organization encourages staff to understand others' perspectives, refrain from making judgments, and prevent our opinions from becoming entrenched and weaponized). Slow and steady won the race to bring about a change in this company that aligned with evolving social norms. Continued incremental efforts to appreciate shared experiences among the workforce will help prevent negative behaviors and attitudes from taking a foothold.

Me + We + WO + RK Framework

Bringing about improvement and change here would require focus on the *WO* question (what were the work outcomes of this conversation?).

WHOSE WASHROOM IS IT?

Summary

In a company with separate men's and women's washrooms, in a country whose laws have not addressed the matter, a male cross-dressing employee uses the women's room over the objections of his female coworkers. He punches and injures the security guard they bring in to remove him. After explaining his action as a response to discrimination and teasing, he resigns rather than accept a suspension. The company informs skeptical staff that he was sanctioned for violence, not his LGBTQ status, and renews its efforts to improve diversity, equity, and inclusion. The outcome of this significant issue is good, but aspects are still inconclusive.

The country where I live and work is slowly recognizing LGBTQ rights but is not quite there yet. This incident occurred when the issue of men's and women's washrooms was a hot topic of debate, especially among transgender and cross-dressing people, who were (and still are) advocating being allowed to use the washroom of their choice.

Most, if not all, employers were not prepared to address this issue, including mine. Our company rents one floor of a building and only has separate men's and women's washrooms. Until the day of this incident, one of our employees, a gay cross-dressing man, had always used the men's room. On this day, he decided to use the women's room.

His female coworkers who were already in the women's room were shocked. One asked him why he was wasn't using the men's room. He became angry and defensive, shouting that it was his right to use the women's room. The female coworker countered that he was still a man and that his presence was making her and the other women there uncomfortable. He shouted that she should mind her own business.

The female coworkers walked out of the women's room. The one who argued with the male employee located the company security guard and reported that a man was using the women's room, preventing her from using it.

The guard went to the women's room. The male employee was still there. A number of female coworkers came and went, intending to use the washroom but leaving when they saw the confrontation.

The guard asked the male employee to get out of the women's room. The employee replied that he had the right to use it. The guard asked him a second time to get out. The employee got angry and started yelling invectives. The guard warned him to stop yelling and to leave voluntarily or he would be forced out. The employee didn't budge, kept yelling invectives, and said he would complain to HR. Realizing that the employee would not cooperate, the guard grabbed him, intent on removing him. The employee managed to free himself and punched the guard in the face hard enough to break the guard's nose. This was witnessed by a female coworker nearby, who went to HR to report the matter.

During our subsequent conversation with HR, the male employee tried to blame others for his conduct. He said he got teased regularly in the workplace. This incident would have been a minor one, but the employee's act of violence transformed it into a major one. I filed an administrative disciplinary case against the employee. I also decided to follow up on his complaint about teasing by his coworkers.

An administrative memo was issued to the employee, ascribing fault to him and asking him to explain why he should not be penalized for his action. He replied that he felt threatened and became enraged when he was grabbed, so he punched the guard. He apologized for what he did.

After obtaining written affidavits from the guard, the female coworker who reported the incident, and other witnesses, I convened the discipline committee. We decided to suspend the employee for three days. When the committee served him with this decision, he resigned.

In his exit interview, the employee expressed disappointment over the suspension. He said he felt discriminated against and knew his career at the company was over, hence his resignation. I made sure all records regarding the case were in order, in the event that he filed a lawsuit against the company or a complaint with the national department of labor.

Afterward, some staffers were saying that the company was hostile to LGBTQ people and had fired the employee for that reason. To help quell such talk, we had the employee's supervisor meet with his team to explain what happened: first, that the employee had resigned and was not terminated and, second, that he was sanctioned for punching the security guard, not for being a gay cross-dressing man.

Following up on the employee's earlier comments about being teased and discriminated against, I fast-tracked our DE&I program with senior leadership.

The HR team initiated a communications campaign about the company's stand on equal treatment, antidiscrimination, gender sensitivity, and respect for the individual regardless of age, life status, faith, sex, and the like. We reviewed HR policies to factor in DE&I issues and revised the company code of conduct to align with these considerations. After these interventions, teasing of other LGBTQ employees lessened, according to informal feedback.

Lessons Learned

In individual workplaces as well as across nations as a whole, cultural considerations must be taken into account when it comes to the recognition and implementation of LGBTQ rights. Any approach that an organization takes to address these issues will require time and effort for consultation, discussion, orientation, and communication. Acceptance of proposed solutions might require changing the culture as well as people's minds.

If the government of your country, state, or province has yet to enact applicable legislation or regulation (including, more specifically,

on the use of washrooms), your organization should develop its own policies. Design them to apply uniformly and equitably to everyone in the workplace. Focus on equal treatment and antidiscrimination, while paying attention to existing legal requirements—and people’s sensitivities—as to gender, age, life status, faith, or sexual orientation. To mitigate risks, make sure counsel reviews and approves the language of any policies before they are implemented. Communicate them broadly through multiple channels.

Your organization might consider providing a separate washroom for LGBTQ people, with the same kind and level of privacy as it does for men who use the men’s room and to women who use the women’s room. This might prove difficult if a company has limited space or is unwilling or unable to undertake the expense of adding a new washroom. Another possibility is unisex washrooms, but take care to check whether this solution would be acceptable under cultural norms.

Empathy/Polarization Index

The key factors involved here were *belonging* (the organization provides all staff with a sense of belonging), *openness* (the organization fosters openness to different perspectives), and *polarization* (the organization welcomes individual as well as collective opinions of all kinds and works to prevent people from becoming further polarized from one another). Here, HR took an appropriate and well-measured approach to reengineering the desired change in this organization’s culture by fast-tracking the DE&I program. A by-product of increased mutual understanding and commitment to an inclusive environment will be a better workplace—even if the law and social acceptance of new norms lag behind the culture change.

Me + We + WO + RK Framework

Bringing about improvement and change here would require focus on the *We* question (what did my counterpart experience during this conversation?).

A RUDE “REPLY ALL”

Summary

In response to an internal all-staff email communication announcing the availability of LGBTQ resources, an employee sends a rude reply-all message, prompting additional reply-all messages from others in the organization. When HR talks to the employee, he doesn't seem to comprehend the problem. While the incident is unpleasant and challenging to manage, it is resolved in a mostly positive way.

We are a fairly large social service organization with approximately five hundred employees and a variety of programs. Many of our clients and participants identify as LGBTQ even though we don't have a program specifically designed to serve that population. To inform staff of LGBTQ programs available elsewhere, a director sent out an organization-wide email providing that information. His division often issues such emails.

After the announcement went out, an employee in the finance department responded with a reply-all message saying, “F_S. Can I not get spam with this LGBTQ stuff at my work email?”

An executive answered the employee with another reply-all message, explaining that relevant information is shared via organization-wide email because that's the best way to do so, if a communication doesn't relate to his work or interests, he can just delete it.

A different staff member responded to the executive's email, also by replying to all. This message read, “Thank you for this important and extremely relevant information!!!” It was clear that this staffer intended to show support for the original announcement and to counter the first employee's rude response.

I was on the HR team, and like the rest of the staff, I saw all of the organization-wide messages. The incident presented several challenges.

First, there was the employee's use of rude language, even if partially hidden. "F_S" stood for "FFS," an acronym for the phrase "for f**k's sake." Not everyone may have understood it, but it is obviously what he meant. This was inappropriate because it was the equivalent of an expletive, and it was delivered to the whole organization.

Second, the director's original announcement email about available LGBTQ programs was clearly not spam. Although it is possible that in some instances an all-staff communication could be spam, such was not the case with this particular email.

Third, the employee seemed to be disparaging the sharing of information about LGBTQ programs or questioning their necessity. His language not only indicated that he didn't want to know about their availability but also suggested a distaste for the subject and perhaps the LGBTQ population. People might feel insulted or even harassed by the dismissive, condescending phrase "this LGBTQ stuff."

Finally, there was the reply-all email issue. I think it is a fairly common problem. We have had staff either purposely or inadvertently send their response to a communication to everyone, the "To"s along with the "Cc"s and "Bcc"s. Usually it's not a major concern—just annoying, possibly unprofessional. But this incident seemed to fall into a different category.

The employee's response was definitely unprofessional and potentially offensive and alienating. His position in the finance department requires him to work effectively with people from all different parts of our organization. We value diversity and support connections among the organization and staff, clients, and the community. For an employee to react so negatively (and somewhat publicly) to the simple sharing of information could put people at odds.

I consulted the HR manager, who agreed that the email in question was inappropriate. Someone would have to speak to the employee as soon as possible. At first, we thought his supervisor should do so, but then we decided that the situation was at a level requiring HR to take the lead.

The HR manager spoke directly to the employee. She explained how the language he used in his email was essentially an expletive and not at all appropriate for the workplace, much less in a communication sent out to the entire staff. She also explained how his message could be perceived as unaccepting of or antagonistic to LGBTQ people and those who support LGBTQ programs.

The employee did not seem to really process what she said. He focused on the fact that our organization currently doesn't have any LGBTQ programs. He also said that the finance department is waiting for responses from the director who sent the original announcement. Essentially, the employee was frustrated that the director was behind on work he wanted and spent time on an email he considered unnecessary.

Despite the employee's apparent lack of understanding, HR's intervention was probably effective because he has had no more public outbursts, over email or in person. All-staff emails continue to be sent out, including about LGBTQ issues, and if the employee still has objections, he is keeping his comments to himself. Further corrective action in relation to the incident would have been disproportionate.

In addition to the members of the staff who were offended or frustrated by his rude email, many others have likely changed their opinions of the employee, now assuming he is intolerant or just generally unprofessional.

Lessons Learned

Was this employee clueless, insensitive, or both? Organizations would do well to adopt a comprehensive scheme of rules governing the use of company email, which can be summarized in a brief set of lessons imparted to all employees:

- » Use "Reply all" judiciously.
- » Before you respond to a written or spoken communication, always ask yourself two questions:

- › Is what I'm about to do or say acceptable as professional behavior in a business environment?
- › Is anyone likely to perceive what I'm about to do or say as offensive, unnecessarily provocative, polarizing, disruptive, or problematic?
- » Consider whether using the F-word in any form is *ever* acceptable in business communications.

Make sure the entire workforce—entry-level to executive, in every department—understands the organization's expectations about the rules.

Organizations with stated policies and implemented practices supporting diversity and inclusion must also clearly define how they apply to all work interactions. Show people where the line is drawn between acceptable and unacceptable behavior, and state the possible consequences for stepping over the line.

Empathy/Polarization Index

The key factors involved here were *polarization* (the organization welcomes individual as well as collective opinions of all kinds and works to prevent people from becoming further polarized from one another), *openness* (the organization fosters openness to different perspectives), and *belonging* (the organization provides all staff with a sense of belonging). This organization would do well to help employees overcome their individual misalignments with cultural values so that its collective successes won't easily be thrown off course.

Me + We + WO + RK Framework

Bringing about improvement and change here would require focus on the *WO* question (what were the work outcomes of this conversation?) and the *RK* question (what refined knowledge can arise from these experiences and outcomes?).

TRANSFORMING DISRESPECT INTO LEARNING AND GROWTH

Summary

At a nonprofit organization that provides services to people experiencing poverty and mental illness, a public-facing employee purposely uses derogatory language to refer to a client. The employee, a client of the organization herself, had received no training for the job or for dealing with the public. She is given a chance to learn and now behaves professionally. This is a good outcome resulting from an unfortunate situation.

I am the HR manager for a nonprofit social services organization that helps people with poverty and mental illness. Some of our clients are also employees, as part of the effort to assist them in achieving recovery and independence.

One of our clients was employed here as a receptionist. Her job was to sit at the front desk and welcome people as they exited the elevator and signed in for our organization's services.

One day a transgender client came to the front desk and asked to speak to a caseworker. The employee left the desk, walked back toward the private office area, and said loudly, "Hey, there's some he or she, or whatever it is, in the waiting room, and he/she wants a caseworker." As a caseworker emerged from an office to serve the new client, the employee added, "Looks like a lady but I'm going to call them a 'he' just to piss him off."

I witnessed the whole exchange. After the caseworker served the client, I followed up with the client to find out if they had heard any of the employee's inappropriate comments. They had not.

Our organization is meant to be a safe place for all. Judgments and bias are to be left at home. This employee had exhibited unprofessional behavior before and was previously spoken to about it. Regarding this new incident, however, I discovered (after questioning

several coworkers) that the employee had never received any formal training from us for her very public role as a front-desk receptionist. She also likely had no experience working with a diverse population.

Some managers wanted to terminate the employee immediately. I disagreed. I felt that we, as an organization, were being presented with an opportunity to help someone learn and grow. This would be in keeping with our mission as an employer as well as a social services provider because the employee was also our client.

I found articles and videos on professionalism and diversity for the employee's supervisor to use to educate her. I told the supervisor that the employee should not have been placed in a public-facing position without the proper tools—it was unfair to the public as well as to the employee. With the correct tools, she would be better equipped with the skills (including language) appropriate for her role.

The supervisor met with the employee and explained the problems with her actions. The two of them set up a training schedule and reviewed the articles and videos together.

There have been no more complaints about the employee's attitude or demeanor. She is continuing her training and is much more professional as she greets those coming off the elevator—clients, members of the public, and colleagues. This contributes to making all feel safe and supported.

Lessons Learned

Consider carefully which employees will serve as the public face of your organization or brand and its values and principles. They will represent you to clients, customers, and the larger community. Forgoing such careful consideration is just asking for trouble.

Why did this nonprofit choose this employee for this public role? She was already known to the organization as a client; perhaps the hiring manager knew she had some suitable previous work or life experience. Even so, once she became a new hire, why didn't she receive any formal job training from the organization in its role as

her employer? These questions, unanswered here, raise issues that no organization should leave unaddressed.

It's also difficult to get past the fact that the employee purposefully used derogatory language, which is never acceptable. Only luck prevented the target from being aware of it, which might have led to a volatile situation with more serious repercussions.

The appropriate outcome was achieved primarily because of the HR manager's big-picture view—and generosity. With training (better late than never), the employee learned to provide the same level of respect to clients that she herself receives from the nonprofit as both employee and client.

Empathy/Polarization Index

The key factors involved here were *belonging* (the organization provides all staff with a sense of belonging) and *conflict management* (the organization resolves conflict rather than buries it). This organization appropriately chose to address first the need for treating all people with dignity. The problematic employee got the attention she required to better frame her workplace interactions within the context of understanding others.

Me + We + WO + RK Framework

Bringing about improvement and change here would require focus on the *We* question (what did my counterpart experience during this conversation?) and the *RK* question (what refined knowledge can arise from these experiences and outcomes?).

BUT EVERYONE WAS DOING IT!

Summary

A male employee who slaps female employees' behinds is reported for sexual harassment. Initial investigation reveals that

both male and female employees in that unit accept and engage in the practice as ingrained behavior and assume management condones it. Further investigation reveals that the accused engaged in additional similar incidents and that his previous record of sexual harassment had not been flagged during the hiring process. During subsequent training, everyone involved realizes how wrong their behavior is. This major incident has a good resolution.

An anonymous call to our hospital's confidential ethics hotline reported that a male nurse was sexually harassing female nurses by slapping them on their behinds. The caller was not feeling safe in the workplace.

Initial inquiries revealed that slapping behinds was a regular occurrence among all the nurses in the unit, both male and female. The behavior was so common that they assumed management knew of it and condoned it. Several nurses, however, mentioned other incidents of sexual harassment involving the accused, in addition to the one called in to the hotline.

From the HR perspective, I was as concerned about the seriousness of the individual allegation as I was about management's knowledge of—and inaction concerning—the unit's collective behavior. My priorities in pursuing the case were patient and employee safety.

First, we asked the accused nurse to come to the HR office, where the CEO and I asked him about the confidential hotline call. He never explicitly denied slapping his coworkers, but instead he responded with vague answers, such as, "That would be very uncharacteristic of me." We suspended him without pay until our investigation concluded.

Next, I wanted to gauge management's awareness of this nursing unit's widespread culture of harassment. I interviewed each nursing manager separately to see if any knew about or had any understanding of what was happening there. They were as surprised and shocked as I was.

I also learned that most of the nursing managers were not doing rounds on a regular basis. Because they were not spending enough time with any of their units, they hadn't witnessed the behavior in this unit. Had they regularly checked in, they would have been aware of the situation as the harassment became pervasive.

Another management issue emerged; this one involved HR, not the nursing managers. I discovered that the accused already had a record of sexual harassment. A more robust background check on this nurse, had it been conducted when he was a job candidate, would have flagged him as ineligible for hire. The vulnerability of our patients and his potential colleagues was at stake.

The investigation continued, and several employees corroborated the reported incident. The accused was brought in for another interview. When we confronted him with specific times, dates, and witnesses, he confessed. He also confessed to the additional incidents that hadn't been mentioned until the investigation began. He was fired.

HR provided training about sexual harassment for all hospital employees. We had management facilitate it in order to emphasize their stance and support for a professional culture and why it is expected. A third-party provider conducted an onsite workshop about boundaries in a respectful workplace. Free counseling was offered to anyone who wanted to talk.

When the sexually harassing nurse was fired, several of his coworkers were upset because they didn't think it was fair to discipline him for behavior they all engaged in and had (seemingly) accepted for so long. After the sexual harassment training, however, everyone expressed gratitude for educating them on the issues.

The caller who had reported the incident began a healing process. In the affected nursing unit (as well as throughout the hospital), a culture of respect and boundaries was created in which all employees could feel supported.

Lesson Learned

Managers need to pay attention to what is going on with their employees. Be aware of their perceptions about the kinds of behaviors they *think* you condone, some of which you might not even know about. Set clear parameters for what is acceptable and unacceptable behavior (e.g., smacking the behinds of coworkers: definitely the latter).

The fallout from these events will likely continue at this workplace until everyone involved has healed. The organization did the right thing after the fact by the time HR's investigation concluded, but preventive measures would have been more helpful. Preemployment checks, for instance, enable organizations to avoid hiring potentially troublesome candidates in the first place. (Consider the accused's initial reaction to the allegations—vague, evasive responses are a red flag.) Management's regular communication with and observation of employees can minimize or eliminate problems inherited from previous leaders who may have failed to act.

Training, policies, and executive support for measures that guarantee the respectful treatment of all employees engender trust in the organization. They can help rebuild a culture of safety even in the aftermath of a harassment incident or, as seen here, the discovery of a widespread culture of harassment.

Empathy/Polarization Index

The key factors involved here were *conflict management* (the organization resolves conflict rather than buries it) and *belonging* (the organization provides all staff with a sense of belonging). This company should continue to reinforce its commitment to precluding conflicts through ongoing training and communication. It is important for all employees to not only feel part of the organization but also to feel safe.

Me + We + WO + RK Framework

Bringing about improvement and change here would require focus on the *WO* question (what were the work outcomes of this conversation?).

MEMBERSHIP HAS ITS PRIVILEGES—AND BIASES

Summary

A gym member seeking a family discount is asked to provide information about her same-sex marriage that is not asked of opposite-sex couples. While the employee's questions seem neutral and justified, he is discovered to harbor unconscious bias against the member. The gym makes him aware of it, provides coaching, and standardizes its requests for information. This situation becomes a major one at this organization, but it is managed well.

A member of a gym wanted to add her same-sex spouse to her membership to take advantage of the family discount. She spoke to the employee in charge of memberships, who asked her if she was legally married and whether she and her spouse actually lived at the same address. The member characterized the employee's manner as "skeptical." He told her that her spouse would have to come in to provide proof of address in person. She was unable to sign up for the family membership that day.

The member approached HR. She felt that these questions would not have been asked of someone with a spouse of the opposite sex. She wanted to make sure that other gym members in same-sex marriages would not be treated in this way going forward.

My initial reaction was that the employee was simply caught off guard by the member's request, possibly due to limited experience with people in same-sex relationships. I still had to determine

whether the employee's actions violated our organization's core values and whether he discriminated against the member.

I talked to the employee's supervisor. First, I wanted to find out if the employee had exhibited similar behavior before. Second, I wanted to identify any specific policies that may have been violated during the interaction.

There were rational reasons for gym employees to seek confirmation of legal spousal relationships and shared addresses. In our chain of gyms, there had been several instances of members trying to add unrelated persons to their memberships in order to get the family discount.

Our investigation of this particular incident, however, revealed that the employee in charge of memberships did, in fact, harbor an unconscious personal bias against same-sex marriage. This influenced the manner in which he interacted with and addressed the member who came to HR. The employee was unaware of how his unconscious bias caused him to treat people differently.

The supervisor provided coaching to the employee. She also provided a standard script to use in conversations with all gym members seeking to add a spouse to their membership, regardless of the gender of the member or the spouse.

This helped to call out the employee's action while offering him an opportunity for self-reflection and a change in behavior. The gym member who experienced the bias and disparate treatment was satisfied with our response.

Lessons Learned

This organization embraced an opportunity to reinforce its core values. It addressed the issues brought to HR's attention, enabling the employee to increase his self-awareness and correct his mistakes, while respecting the customer and maintaining her loyalty.

When faced with a similar situation, follow a similar investigative process. Determine the cause of the employee's controversial action. Converse with the employee to discover whether bias played a role.

Review the experiences of other customers seeking the same results to see if there was disparate treatment. Even innocent, rational acts can have disparate effects if caused by unconscious bias.

Empathy/Polarization Index

The key factors involved here were *conflict management* (the organization resolves conflict rather than buries it), *openness* (the organization fosters openness to different perspectives), and *belonging* (the organization provides all staff with a sense of belonging). The company's dispute resolution efforts helped all parties involved to increase their common understandings and improve the quality of their interactions.

Me + We + WO + RK Framework

Bringing about improvement and change here would require focus on the *Me* question (what did I experience during this conversation?) and the *We* question (what did my counterpart experience during this conversation?).