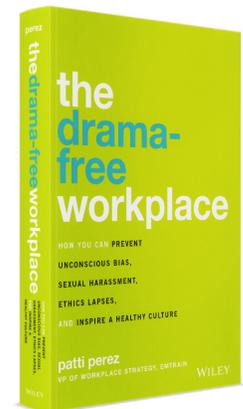


The Drama-Free Workplace

How You Can Prevent Unconscious Bias, Sexual Harassment, Ethics Lapses, and Inspire a Healthy Culture

by **Patti Perez**



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THE SUMMARY IN BRIEF

Companies spend millions on legal compliance training and initiatives to eliminate workplace drama and the resulting low morale and lawsuits, but don't always get the results they want. In *The Drama-Free Workplace*, attorney and HR expert Patti Perez explains the secret to avoiding all forms of drama, legal exposure, and low morale: a healthy workplace culture.

Perez debunks common myths, including the belief that a focus on legal compliance leads to a healthy workplace culture. (In fact, it increases the likelihood of getting sued). She also helps organizations understand the causes of and solutions to problems related to sexual harassment, bias and diversity, and ethics lapses; practice fearlessness, fairness, and freedom; anticipate and prevent situations that give rise to drama; and use emotional intelligence to communicate persuasively about sensitive topics.

The practical tools in *The Drama-Free Workplace* will help all your employees feel valued and motivated, and keep drama, disengagement, and lawsuits away.

IN THIS SUMMARY, YOU WILL LEARN:

- Root causes of workplace drama and strategies to address them.
- The importance of authenticity for creating true inclusion.
- To use emotional intelligence to keep drama away.
- To design and deliver effective training programs.

Introduction

“Workplace culture” has become a familiar term in corporate America. But despite all the talk about how much culture matters, few companies actually do the work required to build and maintain a healthy and productive environment at work. Research validates the fact that a healthy culture drives business results, but little attention is paid to how to actually improve your culture and keep it healthy.

Workplace culture encompasses the beliefs, values, and behaviors that guide your company. There are many components that define and measure the health of a culture at work, including employee engagement, employee satisfaction, happiness at work, compensation, benefits, and other workplace perks. People confuse these individual elements with defining their culture.

A healthy and productive workplace culture is like a pyramid. Like Maslow’s hierarchy of needs, you can’t get to the top rungs without first satisfying basic needs.

A company that provides the basics—fair pay and benefits, and a generally safe workplace—is at the bottom and has a mediocre culture. People come to work for their paychecks. There is little innovation and profits are flat.

A company that goes a step above and provides additional perks and takes steps to ensure an engaged and connected employee base has a good culture. Their employees understand the company’s mission; they feel connected to it and to each other. In terms of employee relations, these companies focus on and follow the law.

Then there are the companies at the top, with fantastic workplace cultures. The secret to these companies’ success is threefold:

- They are intentional and relentless about planning and executing a strategy to put culture at the center of everything they do.
- They have leaders who walk the walk and set the tone.
- Because culture refers to the norms that govern how people approach problems and develop solutions, these companies also see preventing, managing, and addressing conflict (drama) as a vital part of their culture.

And the results are undeniable: a cohesive and collaborative workplace that leads to innovation and, as study after study shows, increased revenue and profit.

How to Blow Up an Organization (and Rise from the Ashes)

Workplace drama takes many forms, but all drama is rooted in conflict and heightened emotions. The drama might involve just a few people (at least initially). But like a progressive disease, the drama spreads if it isn’t dealt with swiftly and effectively. And too often unchecked drama ends up infecting an entire department, division, or company. Identifying the problem is vital to ultimately figuring out how to prevent it and solve it.

Will it really take blowing up your organization to identify, prevent, and fix workplace drama? Yes (but not literally!).

So how does drama manifest itself at work? Here’s a partial list: harassment, bias—conscious and unconscious, perceptions of unfairness, and ethical lapses.

Root Causes of Workplace Drama

Just as important as identifying and recognizing drama (preferably early, when it can still be easily addressed) is recognizing its root causes. Any one of these examples—not to mention a combination of them—has the potential to devastate your company:

- Inauthentic leadership.
- Problem-solving deficit.
- Persistent confusion: unfair or illegal?
- Lack of transparency.
- Communication gaps.
- Increased division.
- Culture of complicity.
- Blind spots pop up.
- Wrong solution.
- Unwillingness to admit wrongdoing.

Of all the underlying reasons that drama creeps into our workplaces and ruins corporate culture, a lack of authenticity is the most serious.

We know the drill: Have a policy for everything, make employees sign acknowledgments for all those policies, draft a statement about your company’s “commitment to diversity and inclusion,” and post it on your company website. Defend every claim of unfairness with your standard statement that your company is “committed to an environment free of ha-

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harassment” and that you are an “equal opportunity employer.”

It's not that any of these are bad, but they are rote responses that send a clear message: “We are an average company who implements average solutions.” And what's worse is a company that says these things but means none of them.

Now comes the hard but fun work: blowing up all preconceived notions about how to decrease or even eliminate drama from your workplace. Yes, it's necessary to identify mistakes and root causes of drama. But the most effective way to eliminate bad behavior is to study and focus on good behavior.

Why Is Sexual Harassment Still a Thing and What We Must Do to Fix It

You've probably read at least one story this week involving allegations of workplace sexual harassment. From banking to entertainment, from media to tech and beyond, powerhouse men in almost every industry have been brought down because their workplace harassment was exposed. As we watch well-known figures fall, questions of “why” and “who knew what, when” swirl.

While the task of taking steps to prevent harassment isn't easy, too many companies have taken an approach that has made it infinitely harder than it needs to be.

In a nutshell, here is the drumbeat of “solutions” we've heard for decades: review and distribute your policy prohibiting sexual harassment; republish your promise of zero-tolerance and a harassment-free workplace; slap together a compliance training session to “teach” managers about unlawful harassment; train managers to document everything, have a witness for everything they do, run every decision by HR; and . . . well, you get the idea.

These “solutions” have failed. Miserably. It's time to explore new ways to solve the issue and reduce workplace drama.

Are We All on the Same Page? Key Legal Definitions and Clarifications

A crucial issue that has made solving the sexual harass-

ment problem more difficult than it needs to be is confusion and misunderstanding about what “sexual harassment” means and what it doesn't mean.

The generally accepted definition for unlawful quid pro quo sexual harassment is the loss or denial of a job benefit for refusal to cooperate sexually. That means that this type of harassment has a few distinct characteristics: It involves a supervisor/subordinate relationship (since the supervisor has the power to grant or deny some job benefit); it involves a boss asking for some sexual favor (“sleep with me or else”); and it involves the loss of some tangible employment benefit (the “or else” is “you'll lose your job,” “I'll demote you,” etc.).

A second type of unlawful sexual harassment is “hostile work environment” harassment, which involves unwelcome conduct of a sexual nature (though a plaintiff does not need to show romantic or sexual desire). The behavior could be physical, visual, or verbal. The conduct must be objectively and subjectively unwelcome (this means that the woman, at the time the behavior occurred, found the behavior offensive or unwelcome, and the behavior must pass the “reasonable woman” test, meaning that any women in the plaintiff's shoes would have found the behavior offensive).

The behavior must be sufficiently severe (usually referring to serious physical conduct) or “pervasive” (occurs with sufficient frequency) that it unreasonably interferes with the plaintiff's ability to do her job.

There are numerous root causes of workplace harassment, but research and experience tell us there are three in particular that correlate strongly to the presence of sexual harassment at work: a culture of complicity, male-dominated (or male-only) leadership, and compliance blinders.

Sexual Harassment: The Cure

Early intervention and early resolution not only shield a company from legal liability, but they also get to the real goal of creating a healthy culture.

A few themes emerge from a careful review of the various causes of workplace sexual harassment. Each one provides insight and ultimately gives us a road map to create actionable solutions to prevent and address workplace sexual harassment:

Promote a culture of precise communication. Communicate your values clearly and persuasively. Begin with an authentic message that your company stands for respect, civility, and belonging. Tell your employees and your leaders what you expect in terms of behavior, integrity, and ethics. Be very specific—without specifics, people will interpret “harassment,” “inappropriate,” “unprofessional,” and “civil” in varying ways.

Cultivate a culture of truth-telling. Encourage reports. Really. View reports as your best opportunity to deal with workplace drama early, before it becomes too big to solve.

Foster a culture of equity and inclusion. Don’t just pay these concepts lip service. Do more than develop an employee resource group or expand your recruitment efforts to attract diverse candidates. Hold people accountable—for doing good and for behaving badly. And make sure your practice of accountability is fair, consistent, and even-handed.

Diversity, Inclusion, and Belonging ... Not Just PC BS

The link between diverse organizations and financial performance has been studied extensively, and the conclusion is clear: Diversity provides a competitive edge. This is especially true if the organization has a diverse leadership team.

Hundreds of companies have designed and executed authentic and creative inclusion strategies that make all employees feel a deep sense of belonging, which leads to maximum engagement and loyalty. These companies remain steadfast in their commitment to diversity not only because it’s the right thing to do but also because it’s the business-wise thing to do.

A foundational issue related to diversity and inclusion is the effect of unconscious bias on our decision-making at work. Although the study of unconscious bias isn’t new, it has only recently become well known.

Unconscious biases (also called implicit biases) are social stereotypes about certain groups of people that individuals form outside their own conscious awareness. In English, that means that all humans are wired to function on auto-pilot when necessary and, as a result, we sometimes have to make assumptions. Usually, these unconscious assumptions are harmless, but sometimes they can be damaging or even dangerous.

Two of the most common types of unconscious bias are confirmation bias and affinity bias (sometimes called “like me” bias). Affinity bias is defined as a positive response to people who are similar to us.

Confirmation bias is the tendency to notice evidence that supports our beliefs, preconceptions, and hypotheses, and to miss, ignore, or dismiss evidence that contradicts them. Instead of trying to falsify a hypothesis, we tend to try to confirm it.

Creating, Executing, and Selling Your Diversity Initiative

Leading companies make inclusion part of their DNA—not just with employees but with customers, suppliers, investors, and other stakeholders. Here are some specific ways they use their commitment to these issues as a key to stave off workplace drama.

Authenticity. Too many companies *say* they’re committed to an inclusive culture that welcomes diverse employees. The truth is that when push comes to shove, their decisions highly favor the status quo. There is rampant bias—women getting “low-balled” during salary negotiations, diverse employees asked to serve on diversity councils with no rewards for that work at compensation time, high-powered leaders allowed to get away with misconduct, and the list goes on. If your company isn’t fully and genuinely committed to diversity (or is lukewarm in its commitment), it’s better to be quiet about diversity than to promote it as a core value.

Trickle-down effect. Yes, a true commitment to diversity starts at the top, but that authentic commitment needs to flow down to other managers and supervisors. This means leading companies don’t focus on old-fashioned metrics like setting numeric goals to evaluate manager performance (quota-setting); they develop fresh ways to teach managers how to create a sense of belonging.

Leading companies teach managers innovative ways to discuss sensitive topics to help employees better understand each other, connect, and build empathy. Leading companies give managers clear information and guidance so they fully understand and are on board with the company’s inclusion goals and can clearly communicate those goals to their own employees. And leading companies involve managers in decision-making about the initiative, so they feel a true sense of ownership in the process.

Creative communication and branding. Words matter. While the terms “diversity” and “inclusion” should conjure up positive images, they have become politically

charged words, often eliciting extreme reactions. You don't necessarily need to ditch those words altogether, but consider slogans such as "We Are One," "Stronger Together," and "One Team." This and similar messaging that precisely defines the ultimate goal of your efforts—bringing together the entire mosaic of your talent—leads to a win-win for employees and companies alike.

PART II: HIKING TO THE TOP OF THE HEALTHY WORKPLACE CULTURE PYRAMID

Reaching the Top of the Healthy Workplace Culture Pyramid: The Three Fs

Making your way to the top of the healthy workplace culture pyramid is much like taking an actual hike up a mountain. To begin our journey, we'll need to explore the three Fs, which are essential to any healthy workplace culture.

1. Fearlessness. Sir Winston Churchill wisely stated, "Fear is a reaction. Courage is a decision." Organizational courage is an essential component of every healthy workplace culture, but many corporations respond to controversy and challenge from a place of fear because it's easier than exploring what causes that fear and analyzing whether the fear is reasonable.

You're twice as likely to be struck by lightning at some point in your lifetime than you are to be part of an organization where a single incident of harassment becomes an EEOC charge.

And yet, every day of every week of every month of every year, companies make decisions about their employees based on this faulty risk assessment—an assessment based on the probability of becoming embroiled in an employment-related lawsuit. Even worse, by focusing on this fear, too many companies fail to put their energy and focus into taking steps that are actually proven to reduce the likelihood of an employee bringing a claim.

2. Fairness. Actual fairness involves facts. Was it fair that your supervisor criticized your performance? If your performance description was accurate, then probably so. Was it fair if others were making the same mistakes as you, but he singled you out for criticism? No, selective fairness isn't fairness. Was it fair that you were chosen for the layoff? If the company established criteria based on their best business judgment and followed that criteria in a consistent and objective way, then yes, it was fair.

But, is it fair if you were passed over for a well-deserved promotion and the position was instead given to the boss's unqualified son? No—this not only sounds like nepotism, it also sounds like a terrible business decision.

That said, fairness doesn't mean treating everyone in the exact same way. In the employment context, factors that influence actual fairness involve consistency and transparency.

3. Freedom. In a healthy workplace culture—one in which employees have been vetted not only for knowledge, skills, and abilities but also for emotional maturity and commitment to success—leaders don't use rules as a means to exert more and more control over their employees. In fact, rules in such thriving workplace cultures don't restrict employee freedom—they enhance it.

But what does this kind of freedom look like? How can we let go of our detailed, structured rulebooks that delineate every nuance of what's allowed and what's not and begin to structure rules that enhance employee freedom?

Step 1: Reinvent rule-making. First, we must rethink the way we design and enforce rules. Often, the issue isn't with the rules themselves but rather with the failure to design and enforce truly useful rules. Company policies and guidelines are filled with unnecessary, poorly thought-out rules that serve little to no purpose. Before addressing a workplace issue by instituting yet another rule, ask yourself these two questions:

- Does the rule really solve a problem or address a question?
- Are you actually prepared to enforce that rule? If so, how?

Step 2: Give employees freedom by treating them like adults. It's time for company leaders to act less like middle-school hall monitors and more like the middle-school teacher who encouraged you to explore and be curious. Yes, there will be people who need more detailed guidance than the official rules provide, but that's exactly what your senior leaders and middle managers are there to do—provide specific guidance and leadership to their teams when needed.

When she became CEO of GM, Mary Barra dramatically changed the dress code policy at the company from a bloated, 10-page policy to two words: "Dress appropriately." This guideline certainly doesn't mean the same thing to every employee at GM—appropriate dress for a GM factory worker will be totally different from that of a GM

business executive. But, instead of mandating exactly what every type of employee should and shouldn't be wearing, Barra left it up to the individual leaders and managers to determine appropriate work attire with their employees.

Emotional intelligence is your ability to recognize and understand emotions in yourself and others

Reduce Drama Through Precise and Persuasive Communication

Learning to communicate effectively and persuasively, and teaching your employees to do the same, is essential to reach the top of the healthy workplace culture pyramid.

Emotional intelligence is your ability to recognize and understand emotions in yourself and others and your ability to use this awareness to manage your behavior and relationships. In their book *Emotional Intelligence 2.0*, authors Travis Bradberry and Jean Greaves identify four emotional intelligence skills that pair up under two primary competencies: personal competence and social competence. Personal competence is your ability to stay aware of your emotions and manage your behavior and tendencies. This includes your self-awareness and your self-management skills.

Social competence is your ability to understand other people's moods, behavior, and motives in order to improve the quality of your relationships. This includes your social awareness and your relationship management.

Using Emotional Intelligence to Keep Drama Away

What strategies can companies implement to help employees communicate clearly and transparently?

You are what you say, so be meticulous with your words. For example, calling diversity efforts "stupid" creates a reasonable and expected belief that a person is antidiversity. If that's the image a person wants to have, then he or she has done a good job being impeccable with

the choice of words. But here's the rub: Whoever believes this must face the reasonable and expected consequences of the choice to say these things.

If the person seeks to be viewed as someone whose opinions do not affect their decision-making at work, then he or she must be more precise and less emotional when speaking about these topics.

Use helpful communication tools. Provide employees with tangible and easy-to-use tools to strip communication of personal attacks or needless emotion. This doesn't mean you create a robotic workplace, but it does mean that you give employees options to communicate in more-precise ways. HR and compliance company Emtrain uses the Workplace Color Spectrum® for this purpose. This simple communication tool categorizes behavior by color, ranging from green for respectful and positive behavior to red for illegal and toxic conduct.

This tool serves numerous purposes. The first is that it creates an easy and safe way to call out objectionable behavior. And it does so in a way that makes it about the conduct and not about the person. So, "Laura, your insistence that I celebrate birthdays is annoying and discriminatory; you're being a real jerk," becomes, "Laura, I know you like celebrating birthdays, but I've told you I don't and I can't. Your behavior is orange at best and bordering on red. Please stop."

Seek to be understood: Not everyone will agree with you, and that's okay. Do your part to fix drama quickly when you can, but your goal should be to clearly and precisely state your point, knowing that people might disagree. Don't let this reality kill your spirit or your commitment to continue to communicate in a respectful and clear way with all your colleagues. This advice is easier to give than it is to follow. But it is possible, and the reward—decreased drama at work—is well worth the effort.

PART III: A DIY ROADMAP FOR CREATING AND MAINTAINING A DRAMA-FREE CULTURE

Policies, Schmolicies ... How to Write and Enforce the Right Rules

Though policies are universally recognized as useful tools to prevent misconduct, too many organizations pay little attention to writing and enforcing policies that will have that desired effect. So how can you take a fresh new approach to writing policies? How can you write policies that

In the wake of #MeToo, the issue of harassment prevention training has taken on a life of its own.

become an integral component of your journey to becoming a drama-free workplace?

Policies Should Set Expectations, Not Restrict Freedom

Should policies be written to give employees the right to do something, or should they be written to encourage employees to do the right thing? The best way to prevent workplace drama is to encourage employees, to promote greater connection and empathy, and to give them a sense of fairness. Here are some examples and ways you can improve your policies:

Timekeeping policies shouldn't just be a way to keep tabs on employees. Let employees know that in addition to legal requirements, you have timekeeping mandates because you are committed to making sure everyone gets paid for all the work they do. A well-written policy tells your employees that you value their physical and mental health and want them to work hard when they're working, but to take time to decompress, too.

Disability policies should cover more than legal obligations. Yes, your organization is required to provide an accommodation request if, after a good faith interactive process, you find an accommodation that is reasonable and will be effective in allowing the employee to do her job. But a great employer does more than comply with this requirement. Stating the "why" gives you a chance to tell employees that your goal is to make the process a win-win proposition.

Bullying policies are often vague and fail to define what is meant by "respectful" or "professional." Does this mean that saying one curse word after stubbing your toe is wrong? Or does it mean that a boss who throws things at employees is behaving acceptably because he's "high spirited?" First, if you think it's necessary to have a policy on abusive or demeaning behavior, give specific examples and be realistic. Follow up by discussing this more during training.

Policies about evaluations and salary reviews could help create a more seamless process, but unfortunately many policies make the process more bureaucrat-

ic. Inauthentic, canned language sends the message that you only see the evaluation process as a necessary evil and don't really do much analysis when deciding about salary increases. Add language that sets expectations for managers and employees. This might include your organization's commitment to continuous feedback (along with training on what that means), helpful supplements with answers to FAQs, and an offer to help if someone is struggling with how to give feedback.

Your Step-by-Step Guide to Designing and Delivering Effective Workplace Training

Debates about harassment prevention training are all the rage. Does it work? What's the ROI? Who is best suited to design and deliver training? Will it help us change behavior? Will it reduce the risk of being sued?

In the wake of #MeToo, the issue of harassment prevention training has taken on a life of its own. Numerous state legislatures have passed mandatory training laws. These laws require harassment prevention training, and though they vary in detail, what they have in common is that training, whether you love it or hate it, is seen as a necessary piece in the larger puzzle of harassment prevention.

So what's the best way to design and deliver training that has its intended effect?

Steps for Implementing a Successful Training Program

The key is to be thoughtful and methodical in planning, designing, deploying, and tracking your work. It will take effort and commitment, but going through these steps will be well worth the journey since training done right will provide you with a critical component in your quest to become drama free.

Step 1: Plan and set the tone. It will be vital for you to do some planning up front to make the training program successful. Equally important will be setting the tone so that your program flows with your other harassment prevention

efforts. To accomplish that, you'll need to get buy-in from leadership; collect and analyze information; and coordinate training with other efforts to improve your culture.

Step 2: Design the program based on what you've learned from Step 1. Now that you have solid guidance about what you need to emphasize in your training program, it's time to roll up your sleeves and start designing it. Here are the questions you need to ask yourself first: What methodology will you use to train? Who will you train? How will you prioritize training? What other training topics will you cover?

Step 3: Design the content. Create the content based on what is required (if you're in a state that requires training), what your workplace needs most, and what other skills will help you achieve a healthy culture.

Step 4: Map out a detailed plan on how to deliver the content. Once you've decided on whether your training will be live, online, or a combination of both, it's time to develop an actual calendar and a methodology to track who will be trained and when.

Step 5: Deploy, track, and celebrate. Create a training calendar, and start scheduling sessions or rolling out e-training. Stay mindful of deadlines for mandatory training, and deploy it in a way that makes it easy for everyone to be trained on time. Make sure you have a way to track who has attended/taken training.

Not enough companies celebrate training. Set up a system to recognize a job well done. Consider giving a prize to the department that has the highest training attendance.

Step 6: Collect and analyze data to keep the

training loop going. Track anything and everything related to training. For example, is there a trend in terms of the types of questions employees are asking or issues they express confusion or concern about? If you have a system that asks polling questions, what information do the answers uncover?

The bottom line with workplace training is this: While it's true that decades of designing and deploying bad or mediocre training has done almost nothing to rid our workplaces of drama, you now have a great opportunity to rewrite that script and make training a signature piece of your drama-free workplace puzzle.

Thoughtful training, along with the other proactive strategies discussed above, will help you create a vibrant, healthy organizational culture that is free of drama and where everyone feels safe and respected.

IF YOU LIKED THIS SUMMARY, YOU MIGHT ALSO LIKE:

- *Stop Workplace Drama: Train Your Team to Have No Complaints, No Excuses, and No Regrets*
by Marlene Chism
- *Reviving Work Ethic: A Leader's Guide to Ending Entitlement and Restoring Pride in the Emerging Workforce*
by Eric Chester



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