

HILL ADVISORY NEWS

“Working with the human side of business”

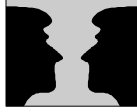


'Offensive' Employee E-mail Results in Harassment Complaint !!

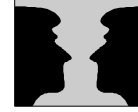
**HOT
MAIL**

- * Norm worked as a shipper/receiver at a gas processing plant for 24 years. He had a discipline-free work record and was currently Vice-President of the union. Amanda worked at another worksite for the same company for 9 years. She met Norm a few times at company meetings and was in daily contact with him by phone and e-mail.
- * E-mail was regularly used for communication within the company operation, however, there was a strict policy in place regarding its use. It stated it was unacceptable for an employee to use e-mail or the Internet for anything other than company business purposes. It further stated “Distribution of illegal or inappropriate information was strictly prohibited and would result in immediate disciplinary action.” In spite of this, it was not uncommon for pornographic material to be e-mailed between employees.
- * One day Amanda e-mailed an off-colored joke to a co-worker, Jim, using the company computer. Jim then forwarded her message to Norm. Norm liked Amanda and hoped to start up a relationship with her by sending her anonymous e-mail messages. He planned on identifying himself to Amanda later once things were going well.
- * Norm began sending Amanda numerous anonymous e-mail messages and identified himself as ‘Big Stick.’ At first Amanda assumed the messages had been randomly sent and deleted them. Then more explicit messages began to arrive. She received two messages stating “You are so hot, I could lick you all day longMmmmm!” and “I want to give you your best Xmas present ever. Cum on baby ... make it a Merry Xmas for the both of us.”
- * At this point she became frightened and felt someone was stalking her. She saved these messages and reported these e-mail incidents to her supervisor - who then contacted the Human Resources Department. They agreed to conduct an investigation. Amanda later received two additional pornographic e-mail pictures and messages which she immediately forwarded to her supervisor.
- * During the investigation, the company installed software which allowed them to trace the messages back to their source and to Norm’s computer. A meeting was held with Norm, the union and management. Norm was advised discipline could result up to and including discharge. Norm denied sending any of the e-mail messages and claimed several other employees had access to his computer.
- * The employer discovered that someone on Norm’s computer had entered several hard-core pornographic sites on the Internet. Norm continued to deny guilt and was suspended with pay until the investigation was completed. The investigation concluded that given the evidence available, Norm was the guilty person responsible for the e-mail incidents regarding Amanda. Norm was discharged. He filed a grievance and an arbitration followed
- * The union conceded some form of discipline was appropriate - but given Norm’s long service with no previous discipline, they felt discharge was an excessive response and asked that a lesser penalty be substituted. The employer maintained that discharge was appropriate because of the repeated nature of the offence, the fact that the messages were anonymous and Norm’s refusal to admit to his actions.
- * The arbitrator determined Norm was guilty of sexual harassment and stated “To send anyone an anonymous inappropriate e-mail message was contrary to the most basic concept of decency in addition to being a cowardly act.” However, he felt discharge was too severe a penalty given Norm’s lengthy discipline-free work record and the shame he and his family had already endured. *The arbitrator therefore substituted Norm’s dismissal with reinstatement, subject to a six month suspension (including the time Norm had already served during the investigation.)* Norm was also instructed to write a letter of apology to Amanda and an employee whom he had tried to implicate. He was also instructed to apologize to his employer stating that he understood his actions constituted a violation of the Employer’s Information Technology Policy.....

**** Could a ‘harassment’ complaint have been avoided? Was the employer lax in enforcing its’ Information Technology Policy? ****
Having such a policy in place with regards to employees using the company e-mail or Internet is a good start. However what about those employees who ignore policy? These employees should know that messages can and will be monitored. There are security software programs available that block communication which contain offensive language. However, the key to preventing harassment complaints is ‘education.’ Employers can also ensure that employees are taught how to use the e-mail and Internet systems appropriately by incorporating this as part of their ‘harassment’ training sessions. The cost of preventative measures including effective policies, monitoring and training that protect the employer from liability are minor - compared to ‘harassment’ complaints your company may be faced with!!



What are 'You' Doing About Workplace Conflict ??



What is your company doing about workplace conflict today? Are you handling workplace conflict in a different way today than you handled it 5 years ago? If you are still struggling with workplace conflict in the same way as you did 5 years ago - I would suggest it's time to look for a change

- * What that change should be - becomes the question - the 'million \$\$\$ question' today. As a harassment investigator, I'm here to tell you that conflict in the workplace is one of the biggest contributing factors to harassment complaints today. As I travel across the country and investigate harassment complaints, over and over again, I see unresolved conflict that ends up being placed in the 'harassment basket.' Unresolved conflict ending up in the 'harassment basket' costs employers thousands and thousands of \$\$\$ Why is this happening?
- * In my opinion, in most organizations, unresolved conflict has no place else to go except under the harassment policy. Don't get me wrong - I think organizations are trying hard to intervene at an appropriate level or in an appropriate way - once conflict in the workplace hits. But that's not working as well as we'd like it to!
- * Most organizations would agree that unresolved conflict in the workplace today is increasing - not decreasing. As it increases - so do harassment complaints.
- * Somehow we are failing to help employees accept responsibility for their own actions
- * The question then for organizations to ponder is "How do I help my employees learn how to accept responsibility for their own choices or actions?"
- * Think about the two roles played out in a conflict situation. Classically one is a bully. The other plays a victim. I would suggest to you that both the bully and the victim refuse to take responsibility for their own choices. Each of them points to - and blames - the other person. When blame is attributed to another person, then responsibility for one's own actions is not accepted. In our working society today, it is easier to blame someone else than to accept responsibility for one's own actions. *That - to me is the key - in turning around conflict in the workplace.*
- * I believe mediation, alternate dispute resolution and dispute resolution techniques of any form belong in the workplace as long as whatever the technique used is effective. However, the basis for mediation and other forms of resolution in the past has been 'compromise.' 'Compromise' does not always work! Think about it. Do you see 'compromise' in the workplace working? I think your honest response to that question would be 'sometimes - but not always.'

Currently Hill Advisory Services is exploring a variety of different options in working with conflict in the workplace. We don't see any one way as being the only way. Rather, we see a need to explore and evolve in order to truly effect a change as to how we deal with 'conflict' in the workplace today. We are learning how to help people accept responsibility for - and become more aware of - their own actions. Our findings are taking us in many different directions other than 'compromise.' Why don't you join us in our exploration?

**** From the desk of Cam Hill , President - Hill Advisory Services ****



" Newsletter via E-mail "

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Thanks to all of our clients (and new readers of our website) who have requested the newsletter via e-mail. We eventually hope to obtain all of our clients' e-mail addresses to ensure quick and speedy transmission of our newsletter. We are asking those clients who wish to continue to receive the newsletter and have not yet provided us with their e-mail address - to do so - by contacting (Donna) the Editor at:

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We will be pleased to add you to our current newsletter e-mail listing

Even though Cam Hill & Associates are constantly on the move - you can always get in touch with us!!

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