



SONJA MCGILL URGES EMPLOYERS TO CONSIDER RIGHT WORDS AND ACTIONS FOR WORKPLACE HARMONY, COMPLIANCE IN DALLAS BUSINESS JOURNAL

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Partner Sonja J. McGill authored the article titled, “Right words in an employee handbook short-circuits harassment before it starts,” featured in the *Dallas Business Journal*. The piece explores how establishing clear behavior guidelines, workplace “dos and don’ts” and fostering a workplace culture of compliance – from entry-level employees to executives – is critical to ensuring that workers are productive, protected from harassment and clear on what is and is not acceptable behavior. McGill starts by looking at how the language and contents of employee handbooks are crucial to breaking down key concerns and questions, including acceptable internet usage; use of portable digital assistants (PDAs), such as smartphones; scheduling; absenteeism; and vacation procedure. She adds that, especially in the #MeToo era, ensuring that tools are in place for employees to voice concerns and that senior-level executives take claims seriously are vitally important, both for workplace harmony and to minimize liability and litigation. McGill notes that new employees need to be effectively trained and directed to those individuals responsible for addressing concerns, and incumbent employees need to be refreshed on the law through periodic update sessions.

Full text of the article is below, and can be viewed on the *Dallas Business Journal*’s website by clicking [here](#).



Right words in an employee handbook short-circuits harassment before it starts

Employee handbooks or manuals are great tools for establishing a company's expectations for appropriate or acceptable workplace behavior. Yet, no single handbook can address every situation.

Still, if there are certain policies you believe are critical to your employees' success (and your sanity), including them in a manual sends a clear message that you will hold your employees to account when they act in ways that diverge from those expectations.

Some form of the following guidelines are seemingly straightforward but they often drive managers crazy because they are prone to widespread abuse, particularly by employees who are predisposed to cause angst.

- *Employee use of the internet for personal enjoyment.*
- *Employee use of their PDAs during the business day.*
- *Break schedules for certain job categories.*
- *Requirements for requesting and using personal time off, i.e., leave.*
- *No call/no show procedures.*
- *Absenteeism/tardiness policies.*

For accountability to work, remember that everyone shares responsibility for enforcing these rules; it is not simply the company's burden to do so. Otherwise, some employees will game the system, and the responsible ones will become resentful, and probably decide to leave because they believe the rule breakers are allowed to get away with murder.

With respect to handling complaints of harassment and discrimination, particularly in this #MeToo era, it is important to make it clear to your employees that your company does and will not tolerate harassing or offensive conduct of any kind, and that employees are free and encouraged to report complaints without any fear of retribution, as long as they are made in good faith.

*The Supreme Court of Texas recently issued a decision concerning an allegation of same-sex sexual harassment called *Alamo Heights Independent School District v. Catherine Clark* (Tex. 2018). That decision is particularly instructive because the plaintiff presented credible evidence that she endured what she thought was harassing conduct for more than a year.*

The court ruled against her because the alleged harasser, a supervisor, was an "equal opportunity" menace to everyone. But, there was no disputing the plaintiff's claim that it took way too long for her employer to take her complaints seriously. Suffice it to say, a company that permits harassing behavior to



persist for an extended period of time will chase away its valuable, high-potential employees who can easily find other jobs, thereby leaving behind mediocre ones with little commitment to the company's best interests, on top of potentially facing a large payoff to the complaining employee and his/her lawyer.

Also remember, if someone complains about harassing or offensive conduct but is reluctant to take it any further than a casual conversation, you can best believe that your failure to remedy the situation in an official capacity will come back to haunt you.

The moral of the story: You can set the tone for the workplace conduct you desire through an orientation process that often begins the very first day someone joins the company. The honeymoon period is not just reserved for new marriages; it also applies for companies and their newest recruits.

This process, referred to as onboarding, does not have to be elaborate. It does require someone in authority speak for the organization to welcome new employees and inform them on the various "dos and don'ts" that will make their time at the company positive and prosperous.

Onboarding can be done individually or in a group setting. Use the honeymoon period judiciously, so that an employee cannot later claim they did not know how they were expected to act, or not, while working.

For employees who have been around for a while, regularly train them when they stray from suitable decorum at your company. It is difficult for them to rely on the "I did not know" defense, but if you routinely train them, either through regular huddles or touchpoints that they are veering off from a good path, it is much easier to discipline them when you must.

And, it is also easier to discipline someone back into practicing healthy work habits rather than getting rid of someone whom you rarely admonished and waited until the last possible moment to fire.

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