

TRAINING
LEADER'S
GUIDE

Legal Issues for Managers
It's Just Not Fair

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Legal Issues for Managers It's Just Not

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Introduction to *Legal Issues for Managers It's Just Not Fair*

Training Benefits:

Am I fair?

That is the key question behind this training course. In an ever-diverse and changing workplace, it might be hard to recognize what is fair and what isn't. And even if you think you are being fair, do others?

Creating a fair workplace should be an urgent goal for all organizations. Fortunately, this is easier than it appears. As with all things, it begins with communication. And learning to communicate fairness is the purpose of this course, *Legal Issues for Managers, It's Just Not Fair*.

To begin with, all employees must be treated the same—justly and fairly. And secondly, those employees must know they are being treated justly and fairly.

Upon completing this training session, your participants will know the number one rule for avoiding misunderstandings between their employees, thereby preventing lawsuits against themselves or their companies:

- *Treat employees fairly and learn to communicate that fairness.*

Participants will also learn the six guidelines to follow when dealing with employees that will help them achieve fairness. They are:

- Focus on job-related behavior and issues.
- Be consistent.
- Communicate and provide feedback.
- Document.
- Never make promises that you or your organization can't keep.
- When in doubt, call in an expert.

Training Session Checklist for *Legal Issues for Managers, It's Just Not Fair*

Trainer's Note:

This checklist should be used to help you gather all necessary materials for the training session.

Meeting Preparations:

- Determine your training objectives.
- Measure the current status of your participants, using the pre-training survey.
- Choose different ways to train to ensure transfer of information.

Location:

- Create a relaxed environment.
- Make sure all seats have a good view of the visuals.
- Make sure there is enough light to take notes when participants view the video, *Legal Issues for Managers, It's Just Not Fair*.
- Provide an adequate writing surface for participants.
- Assure good acoustics.
- Assure that your room is accessible and equipped for participants with disabilities.

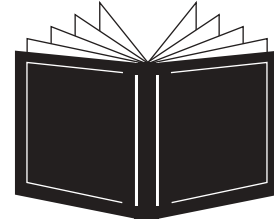
Video Equipment:

- Make sure the VCR is properly connected to the monitor.
- Test the VCR, and check monitor for proper picture, color, and volume.
- Make sure the tape is rewound and ready to play before beginning your session.
- Check all other equipment for proper operation.

Materials:

- Training Leader's Guide*
- Videotape, *Legal Issues for Managers, It's Just Not Fair*
- AMI How-To Book, *Legal Issues for Managers*
- Overheads
- Paper and Pencils
- Additional Equipment
- Participant Worksheets

Trainer's Instructions on Using the Book *Legal Issues for Managers*



*Legal Issues
for
Managers
by
Mike Deblieux*

No time to call everyone together for training? No problem—American Media has made training even easier with its self-study programs. By combining the effectiveness of the video, *Legal Issues for Managers, It's Just Not Fair*, and AMI's how-to training book, *Legal Issues for Managers*, your employees can improve their skills through a self-guided study.

Throughout this guide, we have included several exercises from *Legal Issues for Managers*. This book is part of American Media's How-To Book Series.

Written in a user-friendly, easy-to-understand style, the book includes interactive exercises in each chapter to help the reader process the information and put it into action—ensuring that your training makes an impact.

Legal Issues for Managers may be used in several different ways that complement your training session. You can:

- use the exercises we have developed for this course, incorporate other exercises from the book that you feel better meet the needs of your organization, or use a combination of both,
- assign reading of an entire chapter of the book that covers an area you wish to emphasize in your session, or
- assign reading of the entire book and completion of assigned exercises.

Providing copies of the book to each participant allows you to continue instilling the importance of legal issues in the workplace after your session is completed. The book is an excellent tool for continued learning and provides an easy, hands-on reference for use on the job.

Tips for Transferred Learning

Trainer's Note:

Keep in mind the following tips when conducting any adult training. You may wish to review these tips and incorporate them into your session planning.

1. Adults learn when they feel they need to.

Discuss ways your training will help participants improve job performance by learning to treat all employees fairly, and to take steps that will protect the company from potential legal action.

2. Adults learn by doing.

Use the exercises found in this *Training Leader's Guide*, or create your own to give participants an opportunity to practice skills they can take back to their jobs. Also, provide reinforcement tools, such as the desk reminder cards and copies of the how-to book *Legal Issues for Managers*, for your participants to take back to their jobs for continued and reinforced learning.

3. Adults learn by solving realistic problems.

Discuss and analyze actual on-the-job situations. Allow the trainees to solve these real-life problems by using what they have learned.

4. Adults learn in an informal environment.

Design your training room to be as informal as possible. Avoid classroom-style seating. If appropriate, encourage training participants to wear casual clothing. Encourage discussion and interaction to make participants feel more comfortable.

5. Adults learn by different training methods.

Vary your training methods. Combine discussions, role-plays, case studies, self-evaluations, and action planning in your training session. Using a variety of methods reinforces your message and promotes audience involvement.

6. Trainers learn by follow-up methods.

Follow-up methods are crucial when determining the success of transferred training. Feedback from your participants' managers, follow-up surveys or training sessions, 3-, 6-, and 9-month skill-testing sessions, etc., can help you evaluate the information being used on the job site.

Possible Session Agendas

Trainer's Note:

Two session agendas have been provided to help guide you through your *Legal Issues for Managers, It's Just Not Fair* training session. You can modify these agendas to meet the needs of your participants. A blank agenda sheet is also provided on page 9 if you wish to create your own agenda.

2-Hour Session

<u>Activity</u>	<u>Time</u>	<u>Page Number</u>
Introducing the Session to Participants	10 minutes	13
Showing Video and Reviewing	20 minutes	14
Focusing on Job-Related Behavior and Issues Discussion	20 minutes	17
Focusing on Job-Related Behavior and Issues Exercise	20 minutes	18
15-Minute Break		
Keeping an Incident Diary Exercise	30 minutes	29
Posttraining Survey Exercise	20 minutes	38
Session Evaluation Form	5 minutes	40

4-Hour Session

<u>Activity</u>	<u>Time</u>	<u>Page Number</u>
Introducing the Session to Participants	10 minutes	13
Showing Video and Reviewing	20 minutes	14
The Perception of Fairness Discussion	15 minutes	15
Focusing on Job-Related Behavior and Issues Discussion	20 minutes	17
Focusing on Job-Related Behavior and Issues Exercise	20 minutes	18
Communicating and Providing Feedback Discussion	20 minutes	24
Communicating and Providing Feedback Exercise	45 minutes	25
15-Minute Break		
Keeping an Incident Diary Exercise	30 minutes	29
Chapters 7 and 8 from the Book <i>Legal Issues for Managers</i>	25 minutes	37
Posttraining Survey Exercise	20 minutes	38
Session Evaluation Form	5 minutes	40

These suggested times are approximate and may vary depending on the needs of your organization and the number of participants in attendance.

Possible Session Agendas, Cont.

6-Hour Session

<u>Activity</u>	<u>Time</u>	<u>Page Number</u>
Introducing the Session to Participants	10 minutes	13
Showing Video and Reviewing	20 minutes	14
The Perception of Fairness Discussion	15 minutes	15
Identifying Unfair Treatment Exercise	15 minutes	16
Focusing on Job-Related Behavior and Issues Discussion	20 minutes	17
Focusing on Job-Related Behavior and Issues Exercise	20 minutes	18
15-Minute Break		
Fairness in Hiring and Promoting Practices Discussion		
from the Book <i>Legal Issues for Managers</i>	20 minutes	20
Being Consistent Discussion	20 minutes	21
Being Consistent Exercise	20 minutes	22
30-Minute Lunch Break		
Communicating and Providing Feedback Discussion	20 minutes	24
Communicating and Providing Feedback Exercise	45 minutes	25
Keeping an Incident Diary Exercise	30 minutes	29
Never Making Promises That You or Your Organization		
Can't Keep Discussion	15 minutes	33
Never Making Promises That You or Your Organization		
Can't Keep Exercise	20 minutes	34
15-Minute Break		
When in Doubt, Call In an Expert	15 minutes	36
Chapters 7 and 8 from the Book		
<i>Legal Issues for Managers</i>	25 minutes	37
Posttraining Survey Exercise	20 minutes	38
Session Evaluation Form	5 minutes	40

These suggested times are approximate and may vary depending on the needs of your organization and the number of participants in attendance.

Trainer's Personalized Session Agenda

Trainer's Note:

You may want to plan a session that is different than the agendas provided on pages 8-9. Below is a blank agenda to assist you in outlining your session.

	Activity	Time	Page
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			

Invitation Letter to Participants

Trainer's Note:

This letter can be sent to your participants approximately one to two weeks prior to your training session. Modify the letter to fit your specific needs.

(Today's Date)

To: (Participant's Name)

From: (Trainer's Name)

Re: *Legal Issues for Managers, It's Just Not Fair* Training Session

Are you a fair person? Do you treat your employees fairly? Do they think you treat them fairly?

Most of us would like to answer yes to all of these questions. But how can we really be sure? While we may perceive ourselves as acting fairly, others may interpret our actions differently. And that misunderstanding can lead to legal action against you and our company if we're not careful.

On (insert date), we will be holding a training session to learn more about fairness in the workplace and how to avoid legal entanglements with employees who feel they have been treated unfairly. The session will be held at (insert location). Upon completing this training session, you will know the number one rule for avoiding misunderstandings between your employees, thereby preventing lawsuits against yourself or your company:

- *Treat employees fairly and learn to communicate that fairness.*

You will also know the six guidelines to follow when dealing with employees that will help you achieve fairness. They are:

- Focus on job-related behavior and issues.
- Be consistent.
- Communicate and provide feedback.
- Document.
- Never make promises that you or your organization can't keep.
- When in doubt, call in an expert.

To help us get the most out of our training session, please take the time to complete the enclosed **Pretraining Survey**, and return it to me by (insert date). Your honest response to these questions will help us place emphasis on critical areas.

Please mark your calendar so you can attend this very important training session.

Thanks!

WORKSHEET

Pretraining
Survey



Trainer's Instructions for the Pretraining Survey — *AMI's Legal Issues for Managers Skills Assessment*

Trainer's Instructions:

1. Complete the **Invitation Letter to Participants** (page 11), and enclose a copy of AMI's *Legal Issues for Managers Skills Assessment* to each of the participants. Ask them to complete this survey and return it to you at least five days before the training session.
2. Use the *Legal Issues for Managers Skills Assessment Trainer's Tool* to evaluate the needs of your participants. This survey will help you identify trouble spots in your organization and allow you to tailor the training session to emphasize areas or topics of importance.
3. You may wish to reuse this valuable tool as a posttraining survey at the end of your session to determine if your training goals have been met, or if further education and training are necessary.
4. A sample copy of the *Legal Issues for Managers Skills Assessment* is provided in the back of this training leader's guide. To purchase copies of this assessment tool, as well as the trainer's evaluation tool (answer key), call AMI at 1-800-262-2557.

Introducing the Session to Participants

Time Required:

- 10 minutes

Materials Needed:

- Overheads 1 & 2

Objective:

- To introduce participants to each other and create an environment conducive to training.

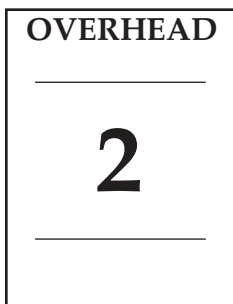
Trainer's Instructions:

1. Ask participants to go around the room and introduce themselves and describe their jobs.
2. After all participants have finished their introductions, introduce yourself to the group. Then, describe the agenda for this training session and outline the training goals.
3. Read or paraphrase the following to the group:

Show & Review Overhead:



Show & Review Overhead:



During today's training session, you will learn the number one rule for avoiding misunderstandings between your employees, thereby preventing lawsuits against yourself or your company:

- *Treat employees fairly and learn to communicate that fairness.*

You will also learn the six guidelines to follow when dealing with employees that will help you achieve fairness. They are:

- Focus on job-related behavior and issues.
- Be consistent.
- Communicate and provide feedback.
- Document.
- Never make promises that you or your organization can't keep.
- When in doubt, call in an expert.

Showing Video and Reviewing

Time Required:

- 20 minutes

Materials Needed:

- Video, *Legal Issues for Managers, It's Just Not Fair*

Trainer's Instructions:

Show the video *Legal Issues for Managers, It's Just Not Fair*.



Ask & Discuss:

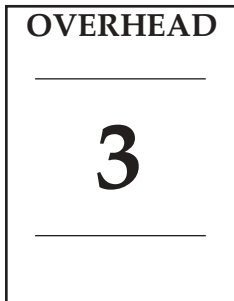
- Q.** After watching the video and understanding the guidelines for treating employees fairly, do you think you are a fair manager? What do you do that makes you a fair manager?
- Q.** Measuring yourself against the material presented in the video, do you think your employees feel you are fair? Why or why not?
- Q.** Now that you have seen the video, what changes can you make in your work environment so that employees will perceive it as being a fair place to work?

The Perception of Fairness

Discussion

Trainer's Instructions:

Show & Review Overhead:



Ask & Discuss:

Time Required:

- 15 minutes

Materials Needed:

- Overhead 3
- Flip chart

Objective:

- To discuss how an organization can change to be a more fair workplace for people of all backgrounds.

1. Ask participants to break off into groups of three or four to discuss the following question:

What are some things we can do to ensure that employees are treated fairly and know they are being treated fairly?

2. Allow participants 10 minutes to discuss this in their small groups.
3. Ask each group to select a spokesperson to present their ideas to the larger group.
4. Have each group present their ideas and write all ideas on a flip chart or chalkboard.
5. After all ideas are presented, discuss as a large group.

Q. Which of these ideas can we begin implementing today?

Q. Which of these ideas are most important to implement? Why?

Q. Which ideas will be the hardest to implement?

Q. What *actions* can we take now to implement these ideas?

Identifying Unfair Treatment Exercise

Time Required:

- 15 minutes

Materials Needed:

- None

Objective:

- To practice recognizing unfair treatment in the workplace.

**Trainer's
Instructions:**

1. Divide participants into small groups of three or four.
2. Ask each participant to think of a situation he or she has witnessed that may be considered unfair treatment and share it with the other members of the group, keeping in mind the need to be discreet.
3. The small group should discuss and decide how they would handle each situation if it happened again.
4. Have each small group choose one of the situations they discussed to present to the large group. A representative from each group should present the situation and describe how they decided to handle it.
5. Discuss all responses as a large group.

It is often easier to recognize unfair treatment perpetrated by other people. It is much harder to recognize it in one's self. But to be an effective manager, you need to learn to be fair in all situations, and to all employees. By recognizing unfairness in others, you can begin to apply that awareness in your dealings with other people.

Focusing on Job-Related Behavior and Issues Discussion

Time Required:

- 20 minutes

Materials Needed:

- Flip chart

Objective:

- To discuss the importance of keeping communication with employees job-related.

Trainer's Instructions:

1. Draw a line down the center of a flip chart. Label one side "job-related" and the other side "non-job-related."
2. Ask participants to brainstorm for examples of comments or questions that fit each of these categories (many examples were provided in the video). Try to come up with at least five to seven examples for each category.
3. As a large group, discuss the following questions.

Ask & Discuss:

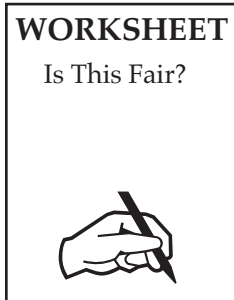
- Q.** Can non-job-related discussions or activities with employees affect your decisions as a manager?
- Q.** How can you avoid allowing non-job-related traits and actions affect your decision making?
- Q.** As a manager, when should you be the most concerned about asking non-job-related questions? (Possible answers: interviews, performance appraisals, terminations, etc.)

It is up to you whether or not you socialize with your employees on your own time. But keep this in mind—no personal conversations at work and no work conversations on your personal time. This is the best way to be fair to everyone in your office and to avoid the appearance of favoritism among your employees.

Focusing on Job-Related Behavior and Issues Exercise

Read or Paraphrase:

Trainer's Instructions:



Time Required:

- 20 minutes

Materials Needed:

- *Is This Fair? Worksheet*

Objective:

- To practice identifying and writing fair job-related questions and comments.

Now that we've discussed the importance of keeping employee communications job-related, let's see if you can identify unfair questions or comments that may be considered unfair and rephrase them so they are fair.

1. Distribute copies of the *Is This Fair? Worksheet*.
2. Allow participants about 10 minutes to complete the worksheet.
3. Discuss answers to the worksheet as a large group. Possible answers are provided below. *Remember, when rewriting questions or statements, participants may provide responses that differ from the answers given below. The key is to make sure their responses are job-related.*

Is This Fair? Trainer's Copy

Each sentence below is an example of a question or statement that may be considered unfair. For each example, rewrite the sentence so that it will be fair.

Example:

Unfair: *Susan, we'll need somebody in this position willing to make a long-term commitment. With two little ones at home, we're worried about your ability to commit the necessary time to this project.*

Fair: *We're looking for a committed, reliable employee for this project. Can you give me an example of your past commitment to a project?*

Unfair: I see on your application that you speak fluent Portuguese. Where did you learn such an unusual language?

Fair: Do you have any special skills we should know about that might help you in this position?

Unfair: Bill and I discussed the Randolph account over drinks the other night. We came up with some great ideas we think you should look at.

Fair: I think the Randolph account could use some fresh ideas. Why don't you and I and Bill get together for lunch and discuss some options?

Unfair: I'm not familiar with Eastern religions. What holidays do you celebrate that we don't?

Fair: We're happy to have you aboard. To help us with our staff scheduling, could you let us know of any religious holidays you observe to make sure we allow you the necessary time off?

Unfair: Judy, this promotion will require traveling. Is this going to cause trouble for you at home?

Fair: If you accept this promotion, you will be required to travel extensively. Are you willing to do so?

Is This Fair?

Each sentence below is an example of a question or comment that could be considered unfair. For each example, rewrite the sentence so that it will demonstrate fairness.

Example:

Unfair: *Susan, we'll need somebody in this position willing to make a long-term commitment. With two little ones at home, we're worried about your ability to commit the necessary time to this project.*

Fair: *We're looking for a committed, reliable employee for this project. Can you give me an example of your past commitment to a project and how you were able to complete it?*

Unfair: I see on your application that you speak fluent Portuguese. Where did you learn such an unusual language?

Fair: _____

Unfair: Bill and I discussed the Randolph account over drinks the other night. We came up with some great ideas we think you should look at.

Fair: _____

Unfair: I'm not familiar with Eastern religions. What holidays do you celebrate that we don't?

Fair: _____

Unfair: Judy, this promotion will require traveling. Is this going to cause trouble for you at home?

Fair: _____

Fairness in Hiring and Promoting Practices

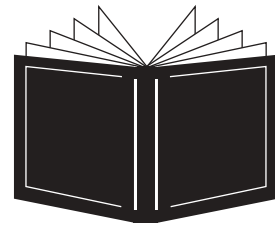
Discussion from the Book *Legal Issues for Managers*

Time Required:

- 20 minutes

Materials Needed:

- Copy of the book *Legal Issues for Managers* for each participant.



*Legal Issues
for Managers*

by Mike Deblieux

Objective:

- To discuss how hiring and promotion decisions are made in the participant's organizations.

1. Ask participants to turn to page 44 of the book *Legal Issues for Managers*. Ask them to read pages 44–45.
2. As a large group, discuss the following questions.

Q. In the reading, Eric made decisions about prospective employees based on personal information they had provided in their resumes. Was he being fair? Was he showing unintentional bias? If so, how?

Q. Do you think the hiring or promotion decisions made in our organization are being done fairly? What circumstances could make them unfair?

Q. Do you treat the job-hiring or promotion process as a test for your employees? What is the advantage of viewing such processes in this way?

Being Consistent Discussion

Time Required:

- 20 minutes

Materials Needed:

- None

Objective:

- To discuss the importance of being consistent in one's treatment of employees.

Read or Paraphrase:

Let's consider the example of Ron shown in the video. Ron was the manager who went golfing with a male employee and discussed business while on the course. This excluded the female employee who did not play golf and was not present during the business discussion. When the male employee subsequently received a promotion, Ron created the perception of unfairness in his decision.

When the female employee filed a complaint, Ron asked his human resource department for help in dealing with the problem. He was given the following advice:

- Be consistent
- Communicate the reasons behind your decisions.

Let's discuss the first point presented here: Be consistent. Because Ron was not consistent in his treatment of employees—socializing with one and not the other—he created a perception of favoritism among his employees.

Ask & Discuss:

Q. Ron informed the female employee he would avoid discussing work issues while golfing with employees. Is this enough? Should Ron not golf with employees?

Q. Should Ron plan other social activities that would include everyone?

Q. Are employees obligated to attend company-sponsored social functions? By not doing so, are they jeopardizing their chances for advancement or continued employment with the company?

Read or Paraphrase:

The second point, communication with employees, will be discussed in the next section of this training session. But first let's practice recognizing consistent treatment in the workplace.

Being Consistent Exercise

Trainer's Instructions:

WORKSHEET

Be Consistent



Time Required:

- 20 minutes

Materials Needed:

- *Being Consistent Worksheet*

Objective:

- To practice identifying and resolving issues of inconsistency when dealing with employees.

1. Distribute copies of the *Being Consistent Worksheet* to each participant. Allow 5-10 minutes for participants to answer the questions given.
2. Discuss answers as a group. Answers will vary by individuals, but guidelines for answers are provided below.

Being Consistent Worksheet—Trainer's Copy

Consider the following examples of two employees working under the same supervisor who found themselves in similar circumstances but were treated quite differently.

Raul

Raul is a hard worker who often comes in early and works late. He needs time off to run his car to the shop. The supervisor allows him to leave.

Sharon

Sharon is a hard worker who is always on time and always completes assigned tasks efficiently and timely. She asks to leave early for her son's ball game. The supervisor tells her this is okay as long as she fills out a request for vacation time.

1. Are there differences in the character profiles of these two employees? If so, what are they? *Raul comes in early and stays late. Sharon works the required time only.*
2. Why do you think the supervisor made the decision he/she did? *Because Raul works extra hours.*
3. Was the decision fair? *(Answers will vary; the perception of fairness will depend on the individual.)*
4. Will Sharon think the decision was fair? *Probably not, since she has to use vacation time and Raul does not.*
5. What should the supervisor do when faced with this situation in the future? *The supervisor should ask the company's human resources department if there is a company policy governing this situation. If the company requires the use of vacation time for personal obligations, then both employees should be required to apply for vacation time.*

Being Consistent Worksheet

Consider the following examples of two employees working under the same supervisor who found themselves in similar circumstances but were treated quite differently.

Raul

Raul is a hard worker who often comes in early and works late. He needs time off to run his car to the shop. The supervisor allows him to leave.

Sharon

Sharon is a hard worker who is always on time and always completes assigned tasks efficiently and timely. She asks to leave early for her son's ball game. The supervisor tells her this is okay as long as she fills out a request for vacation time.

1. Are there differences in the character profiles of these two employees? If so, what are they?

2. Why do you think the supervisor made the decision he/she did? _____

3. Was the decision fair? _____

4. Will Sharon think the decision was fair? _____

5. What should the supervisor do when faced with this situation in the future?

Communicating and Providing Feedback Discussion

Time Required:

- 20 minutes

Materials Needed:

- Flip chart

Objective:

- To discuss the importance of communicating with employees.

Read or Paraphrase:

Let's return again to the example of Ron, whose actions were interpreted differently by his male and female employees. When Ron was faced with the problem he was told to be consistent—which we just discussed—and he was also told to communicate with his employees the reasons behind his decisions. Ron promoted the male employee because he best matched the criteria for the job. But he didn't communicate his reasons, and the female employee in turn perceived the situation to be that of sexual bias.

Trainer's Instructions:

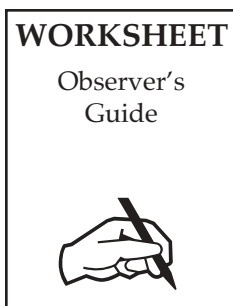
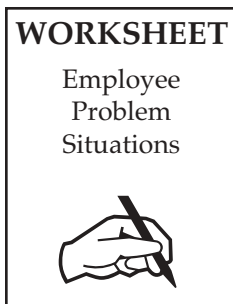
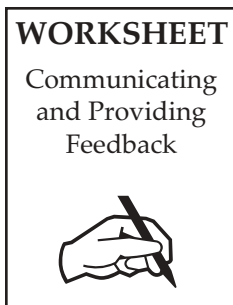
1. Ask participants to brainstorm ideas, methods, or tools that they can use in the workplace to increase communication between themselves and their employees.
2. Ask one person to record all ideas on a sheet of paper. Make copies of this list and distribute to all participants before the end of the training session.

Possible Ideas

- Distribute employee memos—paper or e-mail.
- Post job listings with their criteria on the department bulletin board.
- Schedule frequent and regular department meetings.
- Make all announcements on hiring or promotions yourself, and provide an explanation as to why the choice was made (i.e., experience, seniority, education, special training, etc.).
- Maintain an open-door policy with employees.
- Provide an employee handbook to all employees.

Communicating and Providing Feedback Exercise

Trainer's Instructions:



Time Required:

- 45 minutes

Materials Needed:

- *Communicating and Providing Feedback Worksheet*
- *Employee Problem Situations Worksheet*
- *Observer's Guide*

Objective:

- To help participants practice communicating and providing feedback.

1. Tell participants they will now be offered the opportunity to practice documenting their communication with employees. Distribute copies of the *Communicating and Providing Feedback Worksheet* to each participant. They will use these to write down specific facts about one of the sample employee situations provided on the *Employee Problem Situations Worksheet*. (You might consider providing a second *Communicating and Providing Feedback Worksheet* to each participant for use in his/her personal work situations.)
2. Ask participants to break off into groups of three. Explain that they will be role playing a sample situation within their small groups. During the role-playing exercise, one person will act as the *supervisor*, one will be the *employee*, and the third person will be an *observer*. Remind participants that the purpose of the exercise is to offer an opportunity to practice their skills in a controlled environment. Each participant will have an opportunity to role-play each of the positions.
3. Participants role-playing as the *supervisor* should inform others in their group which sample employee situation they have chosen. Give the *observers* the *Observer's Guide*. They will use this form to take notes and provide feedback to the *supervisor* at the end of the exercise.
4. After these steps have been taken, and each person understands his or her role in the exercise, participants will begin the role-play. Have the *supervisor* talk with the *employee* as if the situation were really happening. Ask the *employee* to respond as he or she thinks an actual employee would. After the role-playing is completed, the *observer* will provide feedback to the *supervisor* on how he or she handled the situation.
5. Have participants switch roles and continue the role-playing until each individual has been allowed to practice his or her situation.

Employee Problem Situations Worksheet

Situation 1

An employee is consistently late for work in the morning, causing inconveniences to other workers—such as a delay in getting necessary information. Coworkers have complained that it is unfair that they have to be to work on time but this employee is allowed to consistently arrive late.

Situation 2

An employee continues to turn in incomplete work—reports are half done, sources are unchecked, and facts and statistics are often wrong.

Situation 3

An employee working in shipping and receiving has twice in the last month sent shipments to the wrong place.

Situation 4

An employee has been heard making discriminatory remarks in front of other employees. Several coworkers have complained about this behavior.

Communicating and Providing Feedback Observer's Guide

Instructions: As an observer, your role is to observe the other participants during the role-playing and record your observations. After the role-playing, you should be prepared to discuss your observations with the supervisor.

1. Was the supervisor specific and did he/she have and use facts?
2. Did the supervisor explain what the performance expectations are?
3. Did the supervisor offer some suggestions to help the employee?
4. Were the consequences of not improving performance explained to the employee?

Keeping an Incident Diary Exercise

Read or Paraphrase:

Time Required:

- 30 minutes

Materials Needed:

- *Incident Diary*

Objective:

- To help participants practice documenting performance.

We saw in the video the importance of keeping documentation, even if it's informal, for example, a quick handwritten note outlining what was communicated in a conversation with an employee. We saw how documentation saved Samantha (interviewing a disabled prospective employee) and her company from a costly court trial. Jerry's lack of documentation (when firing Ralph from a manufacturing job), however, cost his company a lawsuit and himself a job.

Keeping a daily incident diary is an easy habit to acquire and an excellent way to keep track of daily communications with employees. Good daily documentation should include facts and details about what the employee did that day; what, if anything, was said by you and the employee; how the employee reacted, such as anger, agreement, commitment to do better; and any supporting documentation that might support what you have written, such as time sheets, written warnings, customer complaints, etc.

Trainer's Instructions:

Remember, incident diaries should be used for positive employee interactions as well as negative.

1. Distribute copies of the *Incident Diary* to each participant, and read the *Background Information* to the group.
2. Ask each participant to read through the *Housekeeping Department* highlights and complete the *Incident Diary*.
3. After participants have filled out their *Incident Diaries*, discuss and critique entries as a group (you may need to break into small groups).

WORKSHEET

Incident
Diaries



Keeping an Incident Diary

Exercise, *Cont.*

Background Information:

You are a supervisor of housekeeping for the Anita Beauty Rest Hotel. Your department is responsible for cleaning up to 50 hotel rooms every day. The basic job requirements for your employees include:

- Work hours of 8:00 a.m. to 4:30 p.m., with two 10-minute breaks and one half-hour break for lunch.
- Every room should have fresh towels, a clean tub, sink and toilet, and a freshly made bed; all trash should be picked up, and the room should be dusted.
- All cleaning needs to be finished by 2:00 p.m.
- All linens and towels need to be washed and folded by the end of the workday.

Keeping an Incident Diary

Exercise, *Cont.*

Instructions: Read the highlights of what happened within your department today. As the supervisor, what facts should you document in your incident diary for today.

Highlights of Today:

Mary arrived for work at 8:10 a.m.; she looked as though she hadn't slept all night. Barb finished her assigned 10 rooms by 11:00 a.m. and offered to help Mary since she was running behind.

Bob was unable to be found for about 30 minutes this afternoon; it was discovered later that he had to leave on a personal errand that took longer than he thought. Because he was gone for such a long period of time, he missed his 2:00 p.m. deadline.

Jane, the new employee, completed the "buddy system" and cleaned her first room by herself. Jane has been very good about trying to learn her duties. I think she was fired from her last job; I hope that doesn't happen here.

Mary and I met at 2:30 to talk about her tardiness. She said she would improve but was having some personal problems. I told her she was expected to be at work each day at 8:00 a.m.; if she could not do so, she would be subject to discipline.

Upon double-checking Jane's assigned rooms, I discovered that she forgot to clean the sink in 103. I'll discuss this with her tomorrow morning. Bob finished the laundry by 3:30 but failed to fold several towels.

Never Making Promises That You or Your Organization Can't Keep Discussion

Time Required:

- 15 minutes

Materials Needed:

- None

Objective:

- To discuss the importance of not making a promise that can't be kept.

Read or Paraphrase:

The video provides a great example of making a promise you can't keep. In the exchange between Jerry and Ralph, Jerry, the supervisor, says to Ralph, a manufacturing worker,

"...The robots are letting us grow without adding a lot of people down the road. But that doesn't mean we're gonna be firing senior folks like you... Quit worrying, no one's gonna get fired."

The supervisor has made a few mistakes in this example, but let's concentrate on the promise Jerry made, "...no one's gonna get fired."

Ask & Discuss:

Q. Why shouldn't Jerry make such a statement?

Q. What should Jerry have said in this situation, if anything?

Q. After having made this statement, what could Jerry have done to correct or improve the situation?

Q. If Jerry was not expressing company policy, is his company responsible for his comment? Why or why not?

Never Making Promises That You or Your Organization Can't Keep Exercise

Time Required:

- 20 minutes

Materials Needed:

- *Never Make Promises You Can't Keep Worksheet*

Objective:

- To practice preventing the possibility of making promises that can't be kept.

Change is a constant companion to our work environments. And change, although inevitable, is often faced with fear, anger, and resentment. When working through a time of great change or difficulty, it is easy to make promises to your employees that will make them feel better. Things like, "I know we all liked working with Joe, but he has decided to move on. I promise you I will find someone equally as capable and pleasant to work with." Or "We all know the company is going through a restructuring process, but trust me, nobody in this department will be affected."

Comments like these, while they may temporarily appease your employees, will not solve anything long term, and are examples of promises that neither you nor your employer can keep.

1. Distribute copies of the *Never Making Promises You Can't Keep Worksheet*.
2. Allow participants about 10 minutes to complete the worksheet.
3. Ask for volunteers to present their answers to the group.
4. Discuss responses as a large group.

The easiest way to help employees through a time of change is to be truthful about what is happening and to communicate what you know about the changes. While the truth may be hard to face, your employees will appreciate your honesty, and you will retain their respect.

Never Making Promises You Can't Keep

Instructions: Think of a situation you will be facing in the next six months that will greatly affect your department. Examples include promoting someone, hiring someone, laying off employees, realigning departments, a company-wide move, etc. Write about this situation in the space below and the affect it is likely to have on your employees.

1. A change taking place in the next six months that may affect employees. _____

2. Steps I can take to ease employees through this change. _____

3. Promises I cannot make that relate to this change. _____

When in Doubt, Call In an Expert Discussion

Time Required:

- 15 minutes

Materials Needed:

- None

Objective:

- To discuss the availability of expert help on how to treat employees fairly.

Read or Paraphrase:

Every organization should provide resources for information on how to treat employees fairly and avoid legal entanglements. These resources might include, but are not limited to, personnel or human resource departments, corporate legal counsel, and training tools such as those used in this course, the video *Legal Issues for Managers, It's Just Not Fair* and the how-to book *Legal Issues for Managers*.

You may also seek advice from your direct boss or a more experienced manager within your company. Or if no support network exists in your company, like Samantha in the video, you may decide to form a committee to help yourself and others learn how to treat employees fairly and make sure the employees know they are being treated fairly.

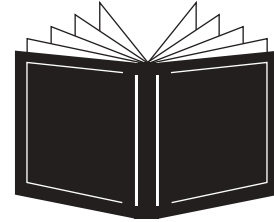
Ask & Discuss:

Q. What resources do we have in our organization for assistance on this subject?

Q. Are there any other ideas or tips for available resources on this subject?

Q. Are there any further questions on how to get help?

Chapters 7 and 8 Exercise from the Book *Legal Issues for Managers*



*Legal Issues
for
Managers
by
Mike Deblieux*

Time Required:

- 25 minutes

Materials Needed:

- Copy of the book *Legal Issues for Managers* for each participant

Objective:

- To discuss special laws that managers and supervisors need to be aware of when dealing with employees.

Trainer's Instructions:

1. Ask each participant to read Chapter 7, "The Americans with Disabilities Act," and Chapter 8, "Other Employment Laws," in the book *Legal Issues for Managers*.
2. When participants are done reading, discuss any questions or comments on the material as a large group.

Ask & Discuss:

- Q.** How has the ADA affected your office or department? Has it made any difference? Has it improved hiring or promotion practices within your organization?
- Q.** Were any of the employment laws presented in this reading previously unknown to you? Are you surprised by any of the employment laws?
- Q.** Do you think most employers/employees are aware of these employment laws? If not, what problems does that pose?

Read or Paraphrase:

It is a good idea to keep this resource handy and reread these chapters on a regular basis to remind themselves of the many important legal considerations for hiring and employing.

Posttraining Survey Exercise

Trainer's Instructions:

WORKSHEET

Post-training
Survey



Time Required:

- 20 minutes

Materials Needed:

- *Posttraining Survey Worksheet*

Objective:

- To gauge the effectiveness of this training.

Distribute copies of the posttraining survey to each participant. Allow approximately 15 minutes for participants to complete and then discuss answers as a group. Use the results of these surveys to determine the transference of the material you presented in this training session.

Posttraining Survey Worksheet — Trainer's Copy

- 1. What is the number one rule for preventing lawsuits against yourself or the company?**
Treat employees fairly and learn to communicate that fairness.
- 2. What are the six guidelines to use when dealing with employees to achieve fairness?**
 - *Focus on job-related behavior and issues.*
 - *Be consistent.*
 - *Communicate and provide feedback.*
 - *Document.*
 - *Never make promises that you or your organization can't keep.*
 - *When in doubt, call in an expert.*
- 3. How can non-job-related discussions or activities with employees affect your role as a manager?**
By socializing with employees you may participate in unconscious bias towards those employees you know well. Even if you are able to manage without bias, you might create the appearance of favoritism among your employees. And discussing work-related issues during social activities with some employees will be excluded from the discussion those employees who are not present.
- 4. Why is consistency important?**
You must have in place and use the same set of rules for all employees. Allowing exceptions or creating special circumstances will create an atmosphere of unfairness.
- 5. Name three ways you can improve communication with employees?**
Possible answers may include: 1) Distribute employee memos—paper or e-mail; 2) Post job listings with their criteria on the department bulletin board; 3) Schedule frequent and regular department meetings; 4) Make all announcements on hiring or promotions yourself, and provide an explanation as to why the choice was made (i.e., experience, seniority, education, special training, etc.); 5) Maintain an open-door policy with employees; 6) Provide an employee handbook to all employees.
- 6. How can keeping an Incident Diary help you with documenting employee behavior?**
You will have a daily record of interaction with employees that include observations about their work habits, conversations, and actions took.
- 7. What resources are available to you when learning to treat employees fairly?**
Answers will vary but may include the human resources department, books, videos, legal counsel, seminars, employee handbooks, etc.

Posttraining Survey

1. What is the number one rule for preventing lawsuits against yourself or the company?

2. What are the six guidelines to use when dealing with employees to achieve fairness?

3. How can non-job-related discussions or activities with employees affect your role as a manager? _____

4. Why is consistency important? _____

5. Name three ways you can improve communication with employees?

6. How can keeping an Incident Diary help you with documenting employee behavior?

7. What resources are available to you when learning to treat employees fairly?

Session Evaluation Form— *Legal Issues for Managers, It's Just Not Fair*

INSTRUCTIONS:

Please circle the number that best describes your evaluation of the training session.

	Strongly Agree	Agree	Uncertain	Disagree	Strongly Disagree
This training program concentrates on the importance of developing techniques to treat all employees fairly.	5	4	3	2	1
This training program helped me understand the importance of being aware of my actions and how those actions might be perceived by employees.	5	4	3	2	1
As a result of this program, I am more confident in MY ability to act fairly in the workplace.	5	4	3	2	1
The objectives of the program were clearly presented.	5	4	3	2	1
Opportunities to ask questions and discuss issues were sufficient.	5	4	3	2	1
The session was well-organized.	5	4	3	2	1

The best part of this program was: _____

This program could be improved by: _____

Additional comments _____

I would recommend this session to others. (Circle one.) Yes No

Follow-Up Letter

Trainer's Instructions:

The letter below should be personalized and sent to each participant one to two weeks after your training session. By following up in this manner, your participants will have the opportunity to review and utilize what they learned in their work environment.

(Today's Date)

To: (Participant's Name)

From: (Trainer's Name)

Re: *Legal Issues for Managers, It's Just Not Fair* Training Session

Earlier this month you attended a training session in which we talked about the importance of treating all employees fairly to avoid potential legal action. We also learned the six actions to take when dealing with employees. They are:

- Focus on job-related behavior and issues.
- Be consistent.
- Communicate and provide feedback.
- Document.
- Never make promises that you or your organization can't keep.
- When in doubt, call in an expert.

If you would like to continue your own self-study to improve these techniques, you are welcome to contact me or (name / department) for use of the *Legal Issues for Managers, It's Just Not Fair* video, the *Legal Issues for Managers* self-study book, and other materials we have collected on how to maintain fairness in your workplace and to avoid legal actions from employees.

Our hope is that you have been able to put the ideas you learned to work within your area. If you have any questions, please contact me at extension (###).



Overheads

Legal Issues for Managers
It's Just Not Fair

The Number One Rule for Dealing with Employees

**Treat employees fairly and learn to
communicate that fairness.**

Six Guidelines to Follow When Dealing with Employees

- Focus on job-related behavior and issues.
- Be consistent.
- Communicate and provide feedback.
- Document.
- Never make promises that you or your organization can't keep.
- When in doubt, call in an expert.

The Perception of Fairness

What are some things we can do to ensure employees are treated fairly and know they are being treated fairly?