



Supervisor Accountability & Retaliation Claims

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Best Practices to Minimizing Harassment and Retaliation Incidents

Dealing with Harassment Issues Is Cause For:

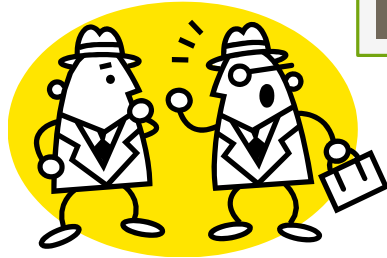
- Frustration, Confusion and Resentment towards co-workers/ employees/ supervisors
- Divides employees
- Affects Productivity
- Potential for costly litigation

And can be Minimized or even Avoided with Best Practices

Before you have an incident

- Make certain ALL levels of employees are briefed on your agency's policy prohibiting Harassment/Bullying/Retaliation
- Document that ALL employees and supervisory staff attended a training and understand your agency's policy prohibiting Harassment/Bullying/Retaliation
- Identify the chain of command for employees to communicate concerns if they feel they are being harassed.
- And Communicate – Communicate – Communicate before tempers flair.





Department of Labor identifies the practice of “Communication and Follow Up” as a reliable resource to ensure employees their concerns are being taken seriously. Avoidance will only escalate the matter.

Documentation of All forms of communication is vital. Confirmation that your Department of Human Resources has received documentation of the incident should be noted in the employee’s personnel file within the first 48 hours following a reported incident. - Documentation of next steps and a resolution must also be noted in the personnel file

Harassment is not a topic to be discussed around the water cooler. Confidentiality should be part of your agency’s policy manual and as such, lack of confidentiality is cause for disciplinary action including but not limited to termination.



Consistency is not a Puzzle It's a Process

Documentation and Follow Up

Are measures of Accountability

Clarity of Policy

Ensures employees they will be treated fairly

Communication

Conveys the message - "Your concerns have been heard".

Every Member of the a Team Participates

- **Documentation is required from ALL levels of Staff –**
From Entry Level to Upper Management and CEO
- **Responsibility is a two way street**
Fair and Equitable Balance
- **Retrain, Revisit, Retain**
Weekly Staff Meetings ensure consistency and timely updates
- **Employee Signatures**
Accountability measures for trainings and SOP Updates

"The strength or Weakness of a team is the responsibility of each individual member".

Henry Ford

Retaliation Claims

- Retaliation claims are the largest single claim area in employment law
- Retaliation claims continue to increase each year
- And the claims amounts are significant: just at the EEOC in 2013 the monetary benefits associated with retaliation claims totaled \$169.4 million

Retaliation Claims

- The more active retaliation claims area are: race, sex, national origin, age, disability
- Other retaliation claims areas include: religion, military service, equal pay

Retaliation Claims

- Supreme Court retaliation cases:
 - Burlington Northern & Santa Fe Railroad v White (2006)
 - Crawford v. Metropolitan Govt of Nashville (2009)
 - Thompson v. North American Stainless (2011)
 - University of Texas Southwestern Medical Center v. Nassar (2013)

Retaliation Claims

- What can we do?
 - Train and remind supervisors
 - Review and update your anti-retaliation policy
 - Be prepared to act promptly to address retaliation claim (do not ignore or isolate claimant)



Questions?