

Developing People
Creating A Competitive
Advantage

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Supreme Court's June Ruling Favors Broader Protection From Retaliation

The Supreme Court reinforced Title VII's ban on retaliation against employees who complain about, or cooperate in the investigation of, unlawful employment discrimination.

The ruling significantly eases the legal standard for showing retaliation and could lead to more litigation against companies. Under the court's new standard, the justices defined retaliation as **any action taken by an**

employer that would intimidate "a reasonable employee" into backing off from a discrimination complaint.

Unfortunately, when people complain of on-the-job discrimination, retaliation is more the norm than the aberration. Among all the different types of discrimination claims in the employment context, retaliation is the most common. In 2005, nearly 30% of charges filed with the EEOC were for retaliation.

Writing for the court majority, Justice Stephen Breyer said that "retaliation comes in all forms. It does not have to be related to hiring, firing or promotion or permanent loss of pay. It will be up to trial courts to determine whether reasonable employees would have been intimidated by an employers actions."

The following case demonstrates the importance of management's role in stopping and preventing harassment. It also demonstrates the importance of training managers to insure managers take appropriate action in order to avoid these kinds of cases. Linda Treasure

Community College to Pay \$850,000 in Sexual Harassment Suit Robin Courtaway Kirkwood Journal

Caren Sharpe drove away from St. Louis County Circuit Court Friday night in a 1980s Oldsmobile and with the promise of an \$850,000 award from a week-long civil trial against St. Louis Community College.

The secretary to the campus' chief of police at St. Louis Community College at Meramec since 1989, Sharpe said her life has changed permanently after she was sexually harassed

by a campus police officer from 1997 to 2004. She complained formally many times, nothing was done, until the gun incident.

On Feb. 11, 2004, the harassing officer walked into Sharpe's office, closed the door, pointed his gun at her and said, "If I can't have you, no one will," and pulled the trigger. The gun was not loaded.

A law suit followed. A jury awarded Sharpe \$400,000 in

compensatory and \$450,000 in punitive damages. Sharpe a single parent, said she is still employed by the college district. She said she has not yet decided her future career plans. "Finally, someone heard me," she said. Finally, I had eloquent voices to tell my story in my attorneys, Jerry Dobson and Michelle Neumann. I had been shouting and no one's been listening."

Universal Skill Vital to Management

Linda Treasure

Is there a universal skill, one that can be used in many different kinds of situations? For example, what skill enhances the opinion others have of you? What skill would enable you to hire the right person, discipline an employee or take a sexual harassment complaint?

It is a basic skill, one of the first you developed. One, that over the years, has often been neglected, especially as you have become busier and busier.

It's one of the communication skills but one that gets little attention. We often take it for granted. We assume that we communicate, that you have spoken and I have understood. However, all too often something goes wrong. All too often

someone wasn't *listening*.

When people listen, really listen, speakers realize two things: that you have heard and understood the message and that you cared about them personally. They feel good about themselves and they respect you more.

There are two kinds of listening. One focuses on content, the other is basic to interpersonal relationships which is active listening. Active listening communicates to the other person an understanding of him/her and his/her situation. It validates the person and their message.

So what makes up this interpersonal kind of listening? One part is non-verbal skills. Do you maintain eye contact? Do you look at the speaker in a way that communicates interest? Do you

face the person and even incline forward? Such things communicate interest and respect. Leaning back or slouching does not. Do you nod your head so that the person recognizes that you heard and understood? If you cross your arms and legs, uncross them, otherwise you're communicating defensiveness. Also maintain an appropriate distance, or you will be communicating disrespect.

Remember the power of paraphrasing. When you repeat back the essence of the speaker's words, it is empowering. Paraphrasing is critical in performance reviews, invaluable when conducting interviews and necessary when taking a sexual harassment complaint.

Be a good listener. Focus. Use self-discipline, eliminate distractions and you will experience much richer communication.

Helpful Tools ...When Faced with chronic complainers

"Take a hard look at yourself when faced with chronic complainers. Is your attitude or demeanor part of the problem?"

In his book, *Speakers Sourcebook II*, Glenn Van Ekeren shares a thought provoking story of two young women who worked in a community hospital.

These two women came to understand that the very situations that caused them frustration were reflections of their own attitudes. The

women had grown weary of dealing with ungrateful patients, gossiping co-workers and a less-than-sympathetic administration. They decided to quit their jobs. Before resigning, they tried an experiment. They resolved, just for the fun of it, to go the extra mile for every single person they encountered.

Regardless of how they were treated, these two women treated everyone with kindness. They used encouragement and respect every time they communi-

cated. Before long, an amazing transformation took place. Patients were happier. Co-workers acted warmer and friendlier. The administration seemed surprisingly more responsive to the needs of employees.

When faced with challenging people, is your attitude or demeanor part of the problem? By making a conscious effort to remain positive, change is possible.

Abstracted Office Solutions Sep/Oct 2005 "Turning Whiners into Winners" by Kathy Simmons