

Dealing With and Eliminating Unacceptable Behavior

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PERFORMANCE MANAGEMENT



ESSENTIAL
INSIGHTS

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Dealing With and Eliminating Unacceptable Behavior

Employees' behavior problems left unchecked can lead to frustration, stress and, ultimately, an unproductive workplace. That's why unacceptable behavior must be dealt with.

But how best to go about identifying and correcting unacceptable behavior?

The first step is identifying exactly what is and what isn't "unacceptable behavior." Some acts are universally viewed as unacceptable--theft, threats of violence, substance abuse, etc. But other acts fall into gray areas.

Is poor communication an unacceptable behavior? Spitting? How about horseplay? Putting on lipstick at your desk? That's OK? Then how about clipping your nails at your desk? Is that OK, too? Where's the line?

Simply put, there really are only two ways to deal with unacceptable behavior: Help offenders change their behavior or get rid of them. That's pretty simple.

However, good employees are, by definition, willing to change their behavior and do the right thing for the betterment of the organization.

Good managers know good employees are worth saving – especially from themselves.

This Essential Insight focuses on helping managers take the steps needed to stop unacceptable behavior and to help employees improve before the disciplinary process runs to its inevitable conclusion – dismissal.

4 keys to handling unacceptable behavior

Make this 50% of everybody's job

You hate hearing: "That's not my job!"

Everybody does. Consider adding this behavioral standard to everyone's job description:

Behavior Standard: It is required that you maintain a positive work atmosphere by acting and communicating in a manner so that you get along with all customers, clients and co-workers.

The four keys to addressing unacceptable behavior are:

1. Identify the behavior
2. Document the behavior
3. Confront the behavior (not the person) and help the person understand the consequences, and
4. Measure results and adjust/react to those results.

Good managers want to help employees who are heading down the wrong path.

And a well-planned, face-to-face talk is often all it'll take.

But sometimes managers have no recourse but to go further. That's when it pays to remember that good employees, those worth keeping, will respond positively to well-executed intervention.

3 categories of unacceptable behavior

Unacceptable workplace behavior comes in many variations, but it can be broken down into three general categories.

The first is criminal behavior – theft, violence and threats of violence, illegal drug use and the like. In most cases these issues are handled in concert with the police.

Most employers regard illegal criminal behavior as grounds for immediate dismissal.

The second category is behavior that is unlawful, but not criminal. Sexual harassment; discrimination based on age, ethnicity, gender, race, religion and retaliation are all examples of unlawful behaviors.

These behaviors require immediate action on the part of supervisors, managers and the employer. When encountered, these types of actions should be dealt with immediately according to an

employer's written policies and procedures.

The third – and largest – category is everything else that violates workplace norms and rules.

The 4 negatives of unacceptable behavior

Unacceptable behavior left unchecked often has negative impacts that go far beyond a person simply “acting up,” or not doing his or her job. They affect other people, as well, in the following ways:

1. Decreased productivity
2. Lack of motivation, de-motivation
3. Decreased accountability
4. Wasted time

For instance, when an employee is allowed to go about bad-mouthing his co-workers or his employer, that is going to have a negative impact on everyone else.

Productivity takes a beating when people regularly miss time or flaunt the rules at work. Productivity also suffers when people disrupt others' work or otherwise hurt morale.

Motivation also takes a hit when unacceptable behavior is allowed to slide. If some employees are not required to abide by the rules, co-workers will question why they should toe the line.

That leads to a lapse in accountability. If my manager isn't holding a co-worker responsible for bad behavior, why should I hold myself accountable?

And there's another, often-overlooked, type of fallout from unacceptable behavior: wasted time. Dealing with difficult people or explaining why they've been treated differently eats into valuable time needed to effectively supervise your department or area.

Bias and harassment require immediate attention

Use the word 'behavior' instead of 'attitude'

No one has a good or bad attitude. In fact, managers should not use the word "attitude" in the work setting.

Instead, use "behavior."

It's much easier to deal with a behavior than an attitude.

You can tell a worker: "It's unacceptable for you to roll your eyes and walk away while I am giving you instructions."

That's far more clear and specific than saying "I don't like your attitude."

Bias and harassment are two types of unacceptable behaviors that can result in your organization being dragged into a legal proceeding. Neither can be tolerated.

Bias, which is also referred to as discrimination, is treating an individual or group in a negative manner based on race, ethnicity, gender, national origin, disability, a pregnancy or intention to get pregnant, genetic information or age.

Discrimination in hiring, job assignments, etc. based on any of these factors is illegal.

Similarly, sexual harassment against an individual, regardless of gender, is also unlawful and must be addressed immediately.

When someone complains to a manager about any of these offenses, or if a manager witnesses an incident that might rise to the level of bias or harassment, Human Resources should be alerted right away.

No manager can decide unilaterally that bias or harassment did not occur.

As an investigation proceeds, the manager who reported the incident to HR will likely be asked to participate in the process.

During that process, it's important to keep the person who made the complaint up to date on the progress of the investigation. Assure the person that the investigation is underway and that he or she will know the results when it has concluded.

A real life court case

Co-workers were “joking around” with disabled employee: Did they go too far?

People have different levels of sensitivity when it comes to what's discrimination, and what's not. The law is not so flexible.

Here's an example of what can happen when a manager makes a call on whether a situation involves bias.

An employee had a nervous disorder, which some of his colleagues found “amusing.” Co-workers often teased him and the more they teased him, the worse the disorder became.

People would deliberately slam doors or make other kinds of sudden, loud noises near the employee. They laughed when he jumped or became flustered. Some called him “Shake and Bake.”

The employees always described it as simply “joking around.”

When the employee complained to his manager, he said he'd talk with the other workers, but added that he didn't think it would do much good. They were just joking, the manager said. Unsurprisingly, the teasing continued.

The disabled employee eventually sued his manager for allowing a hostile work environment to persist.

The firm lost in court and was ordered to pay thousands of dollars to the worker.

Based on Bath Iron Works v. OWCP.

The 4 keys to eliminating unacceptable behavior

■ Identify the behavior

Identifying unacceptable behavior seems simple enough, until a manager has to describe specifically what those behaviors and

Fix performance or behavior?

It's always easier to deal with an employee's performance than behavior.

It's easy to tell a person "I want you to be in the office by 8:30 a.m. each morning."

And it's very simple to document that, too.

It's more difficult to explain to someone that you don't want them "acting like you are above everybody."

Given a choice, fix the performance issue first.

actions are. As discussed earlier, that can get a little trickier.

■ Document the behavior

Documentation is the single most important thing a manager can do. It's essential to carefully document interactions with employees to protect the organization if the situation becomes a legal issue.

■ Confront the behavior and explain the consequences

Managers should always confront the behavior, not the person. It's the behavior that is unacceptable.

If employees see a manager's intervention as a personal attack, the situation is unlikely to improve.

And remember, people generally don't change without a compelling reason. That's where consequences come into play. We all understand there are consequences for improper behavior in our personal lives. Work life is no different.

■ Monitor results

Checking back on a regular basis lets good employees know their manager cares about their progress.

4 crucial steps to eliminate unacceptable behavior

Let's take an in-depth look at four crucial steps that managers should take when dealing with unacceptable behavior in the workplace.

1. Identifying unacceptable behavior

Is it unlawful and criminal?

Is it unlawful, but not criminal?

Is it a violation of workplace rules?

Consider for a moment a manager having a problem with an employee's behavior.

What specific behavior is causing the problem?

It's never helpful just to tell an employee they are causing problems with other co-workers or are not doing their job properly. That doesn't give an employee much to work with in terms of what exactly they need to correct.

Employees need to understand what specifically is preventing them from getting along with others. What aspect of their job are they not doing properly? What do they need to do to turn that around?

The offending employee may be coming to work late or failing to relay essential information to others who need it to get their jobs done.

Once the behavior has been identified, the next step is to identify the category it falls into. Is it illegal and criminal, like selling drugs?

Or is it illegal, but not criminal? Sexual harassment and discriminatory treatment based on race, age, gender or other bias fall into that category.

Or is the employee violating norms and rules specific to your workplace? Most unacceptable behavior falls into the last category.

2. Document, document, document

There is no shortage of horror stories about well-meaning companies that have tried to handle situations with problem employees and ended up losing in court – because they didn't have the documentation to back up their case.

When managers fail to write things down, interactions frequently turn into a "he said, she said" situation. In those instances, neither judge nor jury know who to believe.

Shifting responsibility to the employee

People tend to blame others for their own shortcomings.

When this happens, it's essential for good managers to shift responsibility back to the employee.

Do this by:

1. clarifying expectations
2. providing training
3. arranging proper consequences
4. providing feedback
5. removing obstacles to improvement, and
6. documenting every step of the process.

Written documentation must include specific examples of the behavior the manager wants to address.

For instance, if an employee came in late without a proper excuse on five occasions, that should be written down along with the dates and times it occurred. Likewise, if a worker misses too many deadlines, it should be documented which deadlines were missed, and when.

The employee should be asked to sign the documented statement, and it should be noted – in writing – if an employee refuses to sign the document.

Written documentation should also include direction on what needs to be done to correct a problem situation.

For instance, a manager may have to create a plan for time-management and reporting to help a person get back on track with deadlines.

The important thing is to be sure that everyone involved understands and agrees about what needs to be done.

When a manager meets with an employee to discuss unacceptable behavior, bring copies of the document for the employee to read and sign. That way, people can't say they didn't know what was expected of them.

The manager should keep a copy for his or her files, give a copy to the employee and make sure Human Resources gets a copy, too.

Take a look at what can happen when managers fail to document essential information.

A real life court case

Company failed to document behavior – and paid

An African-American employee who'd been with the same employer for many years asked his supervisor one day why he'd never been promoted – and questioned whether it had anything to do with his race.

The manager always felt he had a good relationship with the employee, so he sat down with him and told him that he needed to be more of a "self-starter" to get promoted.

That was a mistake.

The employee demanded to know why this was the first time he'd been told he wasn't enough of a self-starter.

From the employee's point of view, the first time he mentioned race, his manager came up with a reason he'd never heard before.

When the employee was later removed from his position as a team leader, he sued for racial bias.

The employer claimed the worker was moved because he was sorely needed in another position but a jury awarded the employee more than \$50,000.

Why? The jury concluded that since the manager had not told the worker about his perceived shortcomings, or at least never documented doing so, race seemed "more likely than not" a factor in this case.

Based on Miles v. State of Indiana.

3. Confront the behavior and explain the consequences

It's not uncommon for harsh feelings to get in the way when a manager is addressing difficult situations of unacceptable behavior.

In these cases, it pays to remember the simply acronym Q-TIP, for Quit Taking It Personally.

Avoid language that invites arguments

When discussing deficiencies and making suggestions for improvement, avoid qualifying phrases like "I think that ..."

That merely weakens the statement that follows and will likely invite an argument.

For instance: "Well that's what you may think, but actually I think ..."

Instead, it is better for a manager to state his or her perception as fact.

That's why managers are put into their positions, to make these kinds of judgment calls.

It's a good idea for managers to remind employees that their behavior is what's being called into question, not them as individuals.

Still, these situations can get very emotional, and not acknowledging an employee's anger or concerns will likely only add fuel to the fire.

When someone says he or she is having a problem with another employee, it may not seem like a "problem" to the manager. But for the employee, it is real. It matters to them.

Good managers acknowledge these kinds of situations and make sure employees know that their concerns will be addressed.

A word of caution: When confronting an employee's problem behavior, managers should avoid resorting to intimidation tactics.

For instance, yelling at someone may stop a problem temporarily, but it is a short-term solution. Yelling typically only increases hard feelings. The problem is likely to repeat or even get worse.

Instead, once a manager identifies and explains problematic behavior to the employee, they'll want to calmly walk the employee through the details of the disciplinary process.

The employee needs to understand that continuing on the current path is not an option. Good people – people worth keeping – respond positively when given a chance to avoid negative consequences and will get back on the right track quickly.

(More about one-on-one encounters later in this Insight report.)

4. Monitor the results

Avoiding 'triangulation'

When dealing with unacceptable behavior, one of the more problematic things a manager, or employee, can do is triangulate – working to address one individual's issue but talking to somebody else about it.

Too often, people do that to avoid facing the issue head on.

When you feel you need to talk to someone else before having a difficult conversation, that's OK – *if you leave the discussion with a deadline by which you will have that difficult conversation with the affected employee.*

Most managers will agree that the most difficult part of dealing with unacceptable behavior is the face-to-face talk. No one likes to do it, but it must be done.

So, once a manager has worked through the steps of dealing with unacceptable behavior, there is a risk that all that hard work will go for naught if the situation is not properly monitored.

It's essential when dealing with a sticky situation to stay in touch with the affected employee, ask questions and keep an open door.

As an employee makes measurable strides to improve problematic behavior, compliments can help to maintain momentum.

And don't underestimate the value of listening. Employees who are acknowledging and striving to change their behavior often need to talk about how those changes are affecting them.

Managers should also be alert to any adjustments they can make that would help the employee to succeed. That could be as simple as adjusting a work schedule.

Of course, it's critical that any adjustments don't run counter to the rules that were being broken in the first place!

Keeping an open door is always a good practice, but it's especially helpful when struggling employees are looking for direction and support.

An employee who doesn't get that guidance from their manager is left to figure out how to proceed on their own or seek advice from someone else.

And they won't always make the best choices.

Handling one-on-one encounters with difficult people

Experienced managers almost always have the confidence to make one-on-one exchanges work in their favor. Still, few managers look forward to what can be a difficult give and take.

One of the most important things to determine is whether a one-on-one is really necessary. Some situations can be handled by simply telling someone to “knock it off, or else!” There is no need to make a mountain out of a mole hill.

But when a manager decides a face-to-face discussion is the best – or only – route to take, it can be risky just winging it. It always pays to take some time to prepare.

The setting is important, so pick the spot carefully. Of course it should be private and a neutral place is a good choice. Managers should steer clear of their own office. That can make an employee feel like they are on “foreign” ground and promote defensiveness.

Wherever the meeting is held, it should be free of interruption.

One of the keys to dealing effectively with people is recalling past interactions.

What made a specific interaction a success? How can those positive results be reproduced?

Strive to remain objective: face-to-face encounters can become emotionally charged quickly. Good managers check their temper at the door, and talk in a calm, respectful manner.

Great managers listen and don’t try to “win” the discussion. Making your points understood is what’s important. The key is to focus on explaining what the problem is, what needs to be done to correct it and gaining agreement with the employee on how to make that happen.

Avoid comparisons to other employees'

A rule of thumb when dealing with unacceptable performance is to avoid comparing the employee to co-workers. That just creates more problems.

Instead, focus just on the person in front of you, giving a straightforward assessment.

For instance, it should never be "You only do six of these a day, and Beth does 10."

Instead, it should be "You do six of these a day, and there is room to do more. I'd like to find a way to build you up to eight, or even 10. What do you think of that? What do you think we need to do to help you get to that number?"

Preparing for encounters with two or more people

Avoid taking sides while offering support

It is challenging enough preparing for a one-on-one encounter with a single difficult employee.

And it is tougher still for a manager to deal with two or more people who are in conflict with each other – and perhaps with the manager as well.

These types of meetings require a fairly structured approach.

First, avoid meeting separately with two employees who are feuding. When a manager allows each person to talk separately, it risks cementing the opposed positions. Each employee will want to stress the "merits" of his or her case against the other.

Also, meeting with each privately can create distrust by one or both sides. When they don't know what's been said behind closed doors, it's human nature for each person to suspect collusion between the manager and the "enemy."

Instead, meet with both at the same time and make it clear that the purpose of the meeting is to resolve the conflict, not to take sides.

Be sure everyone is aware, right off the bat, that you expect to be able to find a resolution. And be clear about the consequences if they can't find a way to fix the situation.

Allow each person to speak and give their point of view without being interrupted by the other person. This should be a brief discussion so both parties are clear about the disagreement.

Then, ask each person for suggestions on what the other person

A place where everyone is held accountable

Managers can inspire an environment of accountability, where employees are spurred to take ownership, by practicing these few key steps:

1. Allow no surprises. Stop giving excuses or accepting excuses from anyone.
- 2 Do not ask, "Why?" or "Why not?" when something isn't done. Instead ask, "What's the next step to get it done?" or "When can I count on you to have that done?"
- 3 When you hear, "I'll try" or "I'll give it my best," kick it up a notch. Respond by saying "I know you're going to try your best, but what I need to know is can I count on you for good results?"

could do to help solve the conflict.

It took two people to create and exacerbate this situation and it will take those same two people to get themselves out of it.

After both sides have spoken, the manager should stress again the need to find a resolution and express faith that both sides can solve the problem.

Clearly spell out the consequences if that doesn't happen. Then get commitment from both sides to make the needed changes.

If necessary, write up a formal plan that both sides can agree on.

4 keys to keeping a balance

Good managers want to be fair. But what's fair to one person might not seem fair to another.

When any manager prepares to respond to a situation of unacceptable behavior, it pays to consider these four points.

- 1 Severity
- 2 Past performance
- 3 Length of service
- 4 Previous actions

Severity: There can be a lot of gray area here. For instance, it's one thing for an employee to come in late on a slow workday versus coming in late on a day the person knows is important and will be very busy. But a lateness is a lateness, so do you respond fairly? It's always good to discuss these more challenging situations with HR, or another seasoned manager, to get some different points of view.

Past performance: Using the same example of lateness,

what has been the employee's performance in the past? Has he or she been chronically late, or was this a one-time occurrence?

Length of service: It's likely that a person with 20 years of solid performance will be treated a bit differently than a person who is brand new to the job. Length of service is a value to consider in terms of an employee's loyalty and commitment.

Previous actions: The question here is what actions have been taken previously with employees in the same situation? This is another area where HR's input is valuable. HR needs to be sure that efforts to correct unacceptable behavior are consistent from one employee to the next.

The Last Word: Protect the company – and the employee – with clear policies

The best way to deal with unacceptable behavior in the workplace is to make sure your policies make expectations, and consequences, as clear as possible.

Share those policies and procedures in your hiring documents and employee handbook and post them prominently where employees will see them.

When employees understand what is expected from them and what behavior is unacceptable, they are less likely to put themselves, and the company, into situations where discipline is required.



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