

HR STORIES FROM THE FRONT LINES



Forgive & Forget . . . Not This Time

Monica is the HR manager at Friends' Department Store. She called to discuss the following facts:

Rachel, a former salesperson, complained to Monica that Ross, a longtime manager of one their highest producing stores, had touched her inappropriately during her employment.

Rachel explained that she and Ross had dated in the past, but had been on a break for the past month. Last week, after her shift, she and Ross got into a heated discussion in the parking lot and Ross put his hands around her neck as if he were trying to choke her. Rachel resigned, saying she did not feel safe around Ross.

Rachel also told Monica that Ross has dated other employees, which makes the workplace uncomfortable for employees. No one has complained about Ross's conduct because Ross is best friends with Joey, the owner, and they are afraid of retaliation.

Monica is concerned. Is this a "woman scorned" situation or is there something behind Rachel's tale? Ross is a well-respected manager at the company's most successful location and Monica does not want to mishandle the situation. Monica knows that the only way to learn the truth is to conduct an investigation and talk to the other employees who work in the store about Rachel's complaint.

During her investigation, Phoebe's story corroborates Rachel's allegations. A couple of months ago, Ross "playfully" pulled Phoebe's head into his crotch while they were in the breakroom. This happened in front of several other employees and the employees teased her, saying that she would, "do anything to keep the boss happy." While Phoebe was embarrassed by the situation, she did not complain because of Ross's close friendship with the owner.

When questioned about the allegations, Ross downplayed the seriousness of each incident. Ross admitted that he touched Rachel's neck, but said he was not "choking her." Ross also admitted that he pulled Phoebe's head into his crotch, but said that Phoebe knew he was just playing around. Finally, Ross admitted that he has dated several female associates, but he does his best to keep his personal life out of the workplace.

Following her investigation, Monica went to Joey, the owner, with her findings. She told Joey that she recommends he terminate Ross.

Joey disagreed. Joey excused Ross's misconduct and said, "That's just the way Ross is." Instead, Joey wanted to demote Ross to a shift leader and transfer him to another location. Joey's explanation -- he just "can't stand to lose a top producer like Ross, after all, his store is the highest in sales."

Joey's plan was risky, so Monica called for help. How could she change Joey's mind?

Monica explained to Joey that keeping Ross on as an employee in any capacity would expose the company to a potential sexual harassment claim because the company is not meeting its obligation to prevent sexual harassment in the workplace. In addition, it sends the message to other employees that Ross's conduct is acceptable behavior, which may result in other employees engaging in similar conduct.

Joey begrudgingly agreed to terminate Ross. In addition, Rachel was offered her job back (Rachel declined), and all employees were provided with sexual harassment training.

(*This incident really happened; but names and other details have been changed.)