

HR STORIES FROM THE FRONT LINES* MADDENING MYSTERY



Dirt Delivery has been in the gardening business for fifteen years. The company is family owned and operated.

The Policy

The company has a handbook which it distributes to all of its 200+ employees. The handbook contains the following policy:

“Workplace Conduct

Dirt Delivery Inc. believes in creating a working environment conducive to achieving our work-related goals. Dirt Delivery also believes in creating a working environment where all employees feel welcome and no one is subjected to racial, religious, or any other type of harassment or discrimination. For this reason, Dirt Delivery strictly prohibits the use of any vulgar language, language intended to isolate any individual employee, and proselytizing at work.”

The Mystery

Dirt Delivery has a small break room for staff to use. The room also doubles as a small conference room and has a chalkboard and table for meetings. On any given day, 20-30 employees use the break room. About two weeks ago, employees started complaining that the chalkboard was covered with Bible verses. The HR manager immediately removed the verses and placed a copy of the company’s workplace conduct policy directly on the chalkboard.

The next day, and for three days after that, the HR manager would go to the break room to find Bible verses on the chalkboard and the company’s policy thrown on the ground. Things were getting worse and several employees had complained about the writing on the chalkboard. The HR manager began an investigation during which she questioned each employee that had access to the break room. Everyone she interviewed denied writing on the board and claimed they had no knowledge of who was responsible.

Someone was writing on the board, but who? Frustrated, the HR manager placed a surveillance camera in the break room. When she walked into the break room the next day, she again saw the proselytizing on the board. She quickly grabbed the surveillance tape and took it into her office to view.

The Tape

On the tape, the HR manager saw the night janitor enter the break room and begin to clean the floors, counters, etc. Nothing appeared out of the ordinary. After a few minutes of scrubbing the sink, the janitor walked over towards the chalkboard and grabbed a piece of chalk. He quickly began writing the verses on the board. The HR manager was furious. The janitor didn’t work for Dirt Delivery, he worked for the cleaning service company that had a contract with Dirt Delivery.

After watching the tape, the HR manager called her contact at the cleaning company. Calmly she explained the situation and the company’s policy. She also let the company know that many employees had complained about the verses on the board. She asked the president of the cleaning company to tell his employee to please stop writing on the chalkboard. Much to her disbelief, the president told her their company encourages the expression of religious beliefs, whatever those beliefs may be, and also refused to tell the janitor to stop.

What Can HR Do?

The HR manager called us for assistance. What could she do? She had an obligation to enforce Dirt Delivery’s policy and to protect her employees who had complained about the chalkboard. If the culprit had been one of her employees, she would have known exactly what to do. But the janitor wasn’t her employee. Could she talk with him directly? Could she ask him to stop? Could Dirt Delivery be held liable for harassment if the culprit wasn’t even a company employee?

Advice

The company must address the employee complaints and provide a harassment-free workplace. Dirt Delivery needs to let the cleaning company know that the behavior must stop, and if the company isn’t willing to deal with the janitor, Dirt Deliver will need to find another cleaning company. Dirt Delivery has an obligation to protect employees from third parties, including contractors, vendors, and clients.

There is no other choice.

Feedback

Questions? Comments? Let us know by emailing us at terrytraynor@eplaceinc.com.

**These examples are based on an actual incidents however, names and other organizational details have been changed.*