



“And HR Did Nothing!” — Navigating in a Gotcha Culture” Webinar

Q&A Review

Responses to these questions were provided by the webinar presenters, Allison Vaillancourt and Helena Rodrigues. Information shared by presenters is not intended as legal advice and should not be relied upon as such. No legal decisions should be made without first conferring with your legal counsel.

Q: Going back to the statement about the hesitancy of HR having "friends" in the workplace —can you provide any guidance on how to tell a coworker who believes they are just "venting" to a friend, that our HR hat is always on and it may require us to take action (even if that is not what they are trying to accomplish)?

A: "You know I am here for you, but I need to remind you that I am always wearing my HR hat." "I care about you and I care about our organization. I am always here to listen, but may need to step in and do more than listen, and I am sure you can understand that."

Q: How can I encourage my HR department to take corrective action for toxic managers so employees feel supported and the reputation of the office shifts to that of an office that supports employees rather than does nothing?

A: Is HR at fault here or should we look to the supervisors of the toxic managers? HR often recommends that action be taken and leaders choose not to heed the guidance. Also, look for opportunities to speak out on toxic behaviors (not exclusively when responding or reacting to bad behavior) that offers empowering guidance for individual employees and reiterates organizational values.

Q: I loved this webinar - do you recommend all levels of management hear this?

A: Yes, definitely. A recording of the webinar is available at <https://www.cupahr.org/events/webinars/and-hr-did-nothing-navigating-in-a-gotcha-culture/>.

Q: I find it casts a chilling effect on employees when you say, "I can't keep it confidential..." What phrase do you use to keep the conversation open when an employee says, "I just want you to know something but don't want you to do anything about it?"

A: "I want you to know I take your concerns very seriously, but I can't hear what you've told me and not do anything. If it happened to you, it could happen to someone else, and I know you don't want that. We need to look into this, but we don't have to attach your name to it. There are ways to investigate this without revealing that you are the one who came forward."



Q: What are your strategies on rebuilding trust of employees when something comes out as a "gotcha" that really wasn't your fault, but as HR, you are blamed?

A: "I feel so disappointed that you believe I didn't honor my promise to you. I want you to know that I took action, just as I promised. I'm sorry the eventual outcome wasn't what you wanted."

Q: How can you help forthcomers understand that even though they don't see results, action has been taken? Do you tell them actions (but not outcomes) that you have taken?

A: Be upfront about what you will do and what you have done. Make it clear that action may be taken (for example, discipline) that will not be obvious or able to be shared. Also, leaders sometimes decide not to take action when offered guidance. Be clear about the role of HR in advising next steps, but that leaders in most situations ultimately decide what course of action to take.

Q: I was expected to cover two positions for nine months, promised compensation, had to take it to HR, and now my performance evaluation is being affected. Is there anything I can do?

A: We're so sorry. This sounds like a terrible situation. Being asked to do two jobs for the price of one seems very unfair. While you probably do not want to inflame the situation, you might ask, "can you help me understand why my performance evaluation was written this way? I have worked hard doing two jobs for nine months and am surprised by this evaluation. What would I need to do to meet your expectations?"

Q: In your view, how does HR being an under-resourced area of campus play into the overall belief that we are ineffective and lack follow through?

A: This is a significant problem! Being under-resourced can also make us an easy target for being blamed when things are not done. When we hear, "HR never answers the phone," we wonder how many people are actually available to take calls. It is wrong to blame an under-resourced department for failing to be responsive.

Q: How do you advise HR staff who have issues with their manager?

A: Find a trusted ally within HR, preferably a leader, who can help influence better behavior and encourage accountability.

Q: When you are not directly involved in addressing/investigating concerns, but are in HR, what approach should you take? I would advise the employee to report the issue and let my HR manager know, but should I do more?

A: Be clear about what you are going to do. "I want you to know I am taking this very seriously. I am going to report this to X and copy you on my message."



Q: What if you are a junior HR employee and the senior HR leadership is not proactive in directly approaching higher leaders when an employee issue is brought forward, even by a whole team of staff vs. manager?

A: How is the issue being brought forward? There are times when we have to accept that our leadership is not aligned with our personal values. You might be facing that situation now. You could always express confusion about why the situation is not being elevated, but something tells us that something problematic is going on here.

Q: How can HR professionals become more transparent without compromising confidentiality? I'm attempting to respond to "HR did nothing." (For example: complaint is made, HR investigates, recommends action - how much is shared with the person that filed the complaint?)

A: Basically, "I'm so glad you have come forward. Here is what I am going to do next. There are times when actions are taken quietly and it won't be possible for you to know the details of what transpired. I know this is frustrating, so please don't think that nothing has happened just because there have been no announcements or public hangings." Perhaps educating leaders through trainings or presentations involving real scenarios (with identifying information removed) and clarifying the roles of HR, the leaders in situations, and the organization in making change, finding resolution, and/or addressing bad behavior.

Q: Given the increasing number of reporting requirements and penalties, what tips do you have for convincing employees to come speak with HR about issues? There seems to be an increasing divide between those who want to report everything that happens and those who don't want to say anything, even about serious issues, because they don't want to become the 'face' of the problem.

A: Such a great and hard question. People need to feel safe before they will come forward. Be sure your HR team members are serving on project teams, making presentations, and are well-connected throughout your community. People who are afraid are generally willing to come forward only if they know someone and feel like they can trust them.

Q: How can you maintain/repair your reputation when false information has been shared publicly, you are unable to discuss the situation and the organizations PR strategy is nonexistent? Do you have personal recourse or are you are the mercy of the organization?

A: We recommend working to establish a strong reputation BEFORE something like this happens, but that is not always how life works. Now is the time to kick your reputation management mojo into action. Start making speeches about organizational justice. Share articles on LinkedIn that speak to your values. Gather key influencers together to brainstorm ideas for improving your organizational culture. PROVE you are not the person they are claiming you to be.



Q: How can we work with managers who follow HR when they like our advice and then ignore or speak badly when they do not like our advice?

A: Oh, yes. THOSE managers. Unfortunately, this is true for most or all of us doing HR. There is peace/power, however, in accepting that we cannot control everything. Our job is to give our best guidance and hope managers are wise enough to take it. We have worked with managers who ignored our advice for years and then one day said, "I should have listened to you." Seek other opportunities to showcase and share HR's expertise. Be visible and be heard (on committees, in communications) as frequently as possible outside of our traditional manager/leader advising.

Q: How much do you use history in addressing current situations? For example, there is an employee who has had problems in the past. At what point, do you use that historical information to look into a current situation or do you evaluate each situation separately, trying to ignore historical information to not cloud judgment?

A: This is a tough question. A person with a history of false claims could one day come forward with something legitimate and if you fail to review it, you could be in serious trouble. If an issue has been thoroughly investigated, there is generally no need to reinvestigate it just because the person wants to revisit it. However, if a new issue surfaces, it would be risky not to consider it seriously. In other words, don't let past experiences influence how you hear new information.

Q: Do you have any tips for where to begin shifting a thick culture and history of inaction - unwillingness to confront issues, deal with conflict, set clear expectations - management failure to act and employees with a huge sense of entitlement?

A: This sounds exhausting! Our first question is, "How did things get this way?" Often, when an institution has no reason to change, it does not. Well-resourced organizations often feel like everything is fine and there is no need to do things differently. Exposure to new people and perspectives can be helpful. Sometimes, it is necessary to bring in a few levels of new leadership to see major cultural change.

Q: How would you advise that we as HR representatives handle a situation where an employee may be hinting about difficulties they are facing with supervisors, but they have not fully disclosed the issue? Should we probe for more information or should we document and wait for them to disclose fully when they are ready and then take necessary steps to elevate to the appropriate entities that would handle these issues?

A: We would be pretty direct. "It sounds like... and I am concerned about you," and take it from there. If you document the conversation, but do nothing, you could later be accused of knowing something and failing to take action. A classic "gotcha" situation!



Q: When a toxic HR environment is not addressed and a staff member leaves, isn't that exposing the organization to claims of constructive discharge?

A: Possibly. Constructive discharge claims are not always that easy to prove and we would want to know the definition of "toxic" and if the staff member attempted to resolve concerns before leaving.

Q: How do you correct bad behavior in senior leadership, when it is attached to a mental health condition (i.e. bipolar)?

A: Our philosophy is to address the behavior, not the cause of the behavior. As you know, claiming that the concerning behavior is related to a mental illness will give the leader the right to claim "regarded as" status under the ADA. This is why we prefer to focus on the impact of the behavior rather than the cause of it. If a leader is throwing pens and slamming drawers, we don't care if it is because he is going through a divorce, the Mets lost last night, or if he is off his meds. The conversation needs to be the same: "Your behavior is concerning us and cannot continue. As a reminder, we have employee assistance services in case you would find it helpful to talk to one of the counselors there. I am here to support you as well. What do you need from me to turn this around?" Sometimes it is not easy to approach a senior leader, particularly if you are new to the organization or are in an individual contributor role in a hierarchical organization. If this is the case, can you identify a trusted senior leader in another unit, maybe a campus partner, with whom you can share the concerns about the bad behavior?

**Q: Do you have any suggested resources for additional guidance on reputation management?
Thanks :)**

A: *Critical Moments* by Bill Coletti might give you some ideas, but it is more organization oriented. It is interesting that there are not a lot of resources in this area. We should write something!

There were some fantastic questions that required a bit more information. If you don't see your question here, it may have been one of them! Don't hesitate to reach out to Learn@cupahr.org and request a follow-up.