

# TRAINING GUIDANCE

ON **21 KEY**

HR TOPICS

**HR** Daily Advisor





# SPECIAL REPORT

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# Training Guidance on 21 Key HR Topics

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# 401(k)s

## 401(k) training is a key employee benefit

These days many people live well into their eighties and some make it into their nineties. That means that many of your employees can expect to live 20 or more years in retirement.

Financial experts say that to live comfortably during retirement, a person needs about 80 percent of his or her current wages. Social Security alone won't provide the level of income necessary for employees to continue living comfortably in retirement. And for most workers, personal savings won't make up the difference.

That's why 401(k) plans are so important. These plans are the key element in retirement planning for most employees.

Because 401(k)s are such an important benefit, employees are likely to have many questions about how the plan works and how they can make their money grow. Your supervisors should be able to field basic questions about your 401(k) plan and help employees learn what they need to know to make informed investment choices and comply with the rules of the plan.

Although some of your supervisory staff may already understand the ins and outs of your plan, it's best to be certain and train all supervisors to make sure they have the information they need to provide employees with accurate and up-to-date information about your 401(k) plan.

### **Legal overview**

Section 401(k) was added to the Internal Revenue Code in 1978. This section of the federal income tax code allows employers to sponsor special savings and investment plans for their employees. These plans are called 401(k)s, after the section in the tax code. They are designed as self-funded retirement plans for employees.

Basic rules for 401(k)s are laid out by the Internal Revenue Service (IRS). Other rules are established by employers. The main advantages of 401(k)s for employees are that contributions are made with pretax dollars and that taxes on earnings are deferred until funds are distributed, which generally occurs after an employee reaches age 59½.

The Economic Growth and Tax Relief Reconciliation Act of 2001 allows 401(k) catch-up contributions for employees aged 50 and over. The maximum amount of catch-up contributions changes from time to time, depending on cost-of-living increases. To take advantage of catch-up contributions, eligible employees must make a separate written election for the additional payroll deduction. However, under the act, employers are not required to allow catch-up contributions or to match these extra employee contributions.

## Training topics

Your 401(k) training program should contain, at a minimum, the following general elements:

- ◆ Definition of 401(k) plan
- ◆ Advantages of 401(k)s
- ◆ Eligibility requirements
- ◆ Maximum contributions
- ◆ Vesting rules
- ◆ Savings potential
- ◆ Catch-up contributions
- ◆ How contributions are handled by the plan
- ◆ Invested options
- ◆ How to choose investments
- ◆ Diversification guidelines
- ◆ 401(k)s vs. IRAs
- ◆ Distribution rules
- ◆ Loans and early withdrawals
- ◆ Disadvantages of 401(k)s

## Training specifics

Here is a basic outline of topics specific to your organization's plan that you need to cover during training:

- ◆ **Review your organization's matching contributions**, including the percentage of the matching contribution. Give an example of how much this can add to an employee's account annually.
- ◆ **Discuss eligibility requirements** for your 401(k), including how long employees must be employed to be eligible (usually 1 year) and whether part-timers are eligible.
- ◆ **Describe the plan's vesting rules** for employer contributions and specify the maximum percent of annual wages that employees are allowed to contribute to the plan.
- ◆ **Help trainees calculate** the amount of savings they should have when they retire, based on their annual salaries, annual contributions, average annual return on investment, and employer matching contributions.
- ◆ **Explain your policy on catch-up contributions**, including the current amount of the catch-up contribution.
- ◆ **Discuss a sample 401(k) account statement** with trainees. Identify all the information contained in the statement. Explain when statements are distributed to employees.
- ◆ **Review the investment options** available in your 401(k).

- ◆ **Explain rules for transferring funds** from one investment to another. Also provide copies of the slide to trainees so that they can show the chart to their employees.
- ◆ **Identify qualifying reasons for loans** under your plan as well as maximums and minimums.
- ◆ **Discuss loan repayments**, including the interest rate and the number of years employees have to repay loans.
- ◆ **Explain your plan's rules for hardship withdrawals**, including qualifying reasons, required proof of financial need, and so on.

Because 401(k)s are such an important benefit, employees are likely to have many questions about how the plan works and how they can make their money grow. Your supervisors should be able to field basic questions about your 401(k) plan and help employees learn what they need to know to make informed investment choices and comply with the rules of the plan.

Although some of your supervisory staff may already understand the ins and outs of your plan, it's best to be certain and train all supervisors to make sure they have the information they need to provide employees with accurate and up-to-date information about your 401(k) plan.

### Training exercise

Have your trainees complete the worksheet below.

1. Briefly explain what a 401(k) plan is.

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2. Identify three advantages of 401(k) plans.

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3. What are the eligibility requirements for participation in the 401(k) plan?

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4. Briefly describe how employees' 401(k) contributions are handled.

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5. Identify three investment options that may be available in a 401(k) plan.

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## Guidance

Discuss the results as a group and answer any questions.

1. A 401(k) plan is an employee-funded retirement plan. It operates as a special kind of savings and investment plan established by employers under the federal tax code. Plans allow employees to invest pretax dollars for retirement and defer taxes on earnings.
2. Advantages of 401(k)s include:
  - ◆ Tax-deferred earnings
  - ◆ Reduction in current gross income
  - ◆ Automatic payroll deductions
  - ◆ Control over account
  - ◆ Portability
  - ◆ No minimum investments
  - ◆ Loan options
  - ◆ Matching contributions
3. To be eligible to participate in a 401(k), an individual must:
  - ◆ Be an employee (temps, independent contractors, and the like do not qualify).
  - ◆ Be at least 21 years old.
  - ◆ Meet the time-in employment requirement.
  - ◆ Explain any other eligibility requirements under your plan.
4. Contributions to 401(k)s go into a special trust fund for employees. Money in the fund is invested in different ways. Contributions buy shares in the fund's investments. Shares go into an account in the employee's name.
5. Investment options vary depending on the employer's plan. Explain only the funds available in your plan. The following investment options may be available:
  - ◆ Aggressive growth funds
  - ◆ Balanced funds (both stocks and bonds)
  - ◆ Bond funds
  - ◆ Employer stock
  - ◆ Growth and income funds
  - ◆ Growth funds
  - ◆ International and global equity funds
  - ◆ Money market funds
  - ◆ Mutual funds
  - ◆ Stable value funds
  - ◆ Stock index funds

The above material is adapted from a course in *TrainingToday's HR Library* called "How to Explain the 401(k) to Your Employees."

# Americans with Disabilities Act (ADA)

## ADA FAQs

In the United States, there are millions of people with physical or mental disabilities who also have valuable aptitudes, job skills, and experience. Yet they have often faced workplace discrimination because of their disabilities. In the following guidance, we provide important information on what your supervisors need to know about working with individuals with disabilities.

The material in this guidance comes from BLR's popular *10-Minute HR Trainer* session, "The ADA—What Supervisors Need to Know." Train your supervisors and managers on these basic facts, definitions, and requirements regarding the Americans with Disabilities Act.

## What does the Americans with Disabilities Act (ADA) require?

The ADA was enacted to remove obstacles to employment and give individuals with disabilities the chance for equal job opportunities. The law prohibits discrimination based on disability against qualified individuals in all employment practices, conditions, and privileges of employment, including:

- ◆ Job applications, recruitment, and hiring practices;
- ◆ Compensation, benefits, promotions, training, and other conditions and opportunities; *and*
- ◆ Discipline, discharge, and layoff.

## What is a disability under the ADA?

According to the ADA, a "disability" is defined as a physical or mental impairment that substantially limits one or more major life activities. Here are more details on the law's terms:

- ◆ "Major life activity" includes activities such as lifting, bending, seeing, hearing, speaking, walking, eating, breathing, performing manual tasks, working, learning, thinking, concentrating, communicating, and caring for oneself.
- ◆ "Substantially limits" means being unable to perform a major life activity that most people can perform, or being more restricted than most people in the way or length of time in which a major life activity can be performed.

The following also qualify as disabilities under the law:

- ◆ A record of a disability now cured (for example, cancer) or a record of a misdiagnosis.
- ◆ Being subjected to an adverse employment decision (such as being fired or demoted) because your employer thinks you have an impairment. (Impairments like common colds generally are not included.)

## **What are not disabilities under the law?**

The following are not considered disabilities under the ADA:

- ◆ Current use of illegal drugs or untreated alcoholism
- ◆ Compulsive gambling
- ◆ Sexual behavior disorders
- ◆ Temporary problems such as the common cold

Note that recovering substance abusers in treatment, however, may have a qualifying disability under the Act. Instruct supervisors to consult with human resources in such situations.

## **How does the ADA define ‘qualified’?**

The ADA says that individuals with disabilities who are qualified are those who:

- ◆ Meet legitimate requirements for a job in terms of skill, knowledge, *or* experience.
- ◆ Can perform the essential functions of the job with or without reasonable accommodation.

## **What does ‘reasonable accommodation’ mean?**

The ADA requires employers to provide reasonable accommodation, if necessary, to enable an employee with a disability to perform essential job functions, and to participate in the privileges and benefits of employment. Reasonable accommodation may include:

- ◆ Restructuring a job,
- ◆ Modifying work schedules,
- ◆ Acquiring or modifying equipment,
- ◆ Making existing employee facilities more usable by workers with disabilities, *or*
- ◆ Providing qualified readers or interpreters.

Employers don’t have to provide reasonable accommodation if the accommodation would:

- ◆ Impose an undue hardship on the organization (for example, significant difficulty or cost); *or*
- ◆ Create a “direct threat” to the individual or coworkers (for example, a situation where the disability, even with accommodation, would create a safety or health hazard).

## **Which conditions qualify as disabilities under the ADA?**

Among the conditions that qualify as disabilities under the ADA are:

- ◆ Substantial visual or hearing impairment
- ◆ Paralysis and other mobility impairments

- ◆ Diabetes
- ◆ Mental illness
- ◆ Intellectual disabilities
- ◆ Learning disability
- ◆ HIV infection
- ◆ Cerebral palsy
- ◆ Muscular dystrophy
- ◆ Respiratory disorder
- ◆ Cancer
- ◆ Epilepsy

Instruct your people to consult HR about other conditions that may or may not qualify as disabilities under the ADA.

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### Training tips:

- ✓ **Review your organization’s equal employment opportunity policy** and procedures.
  - ✓ **Discuss subconscious attitudes toward people with disabilities.**  
Ask participants to identify assumptions people often make about workers with disabilities. Then ask them to talk about employees with disabilities they’ve supervised and what they have learned from those experiences.
  - ✓ **Give examples of reasonable accommodations your organization has made** in the past. Ask participants to talk about accommodations they’ve made and how this has worked out.
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## Attendance

### Tackle attendance issues with training

Every organization has them—employees who push every attendance policy to the extremes. The first step to employee improvement—even before training—is for employees to show up!

The vast majority of supervisors’ day-to-day HR problems relate to attendance, says Bob Gibson, blogging on [www.Fedsmith.com](http://www.Fedsmith.com). But too many managers tend to be casual about it. That won’t work, says Gibson. Managers need a plan.

#### Is attendance getting worse?

Gibson suggests that the following factors reinforce or encourage poor attendance:

- ◆ Sick leave policies under which employees lose unused sick leave

- ◆ Flex scheduling that makes it hard to see who is late and who is missing
- ◆ An increase in telecommuting that trusts the employee to manage and report time
- ◆ Culture clash, in which younger generations are just more casual about attendance

Here are Gibson's suggestions for getting a handle on time and attendance:

1. **Assemble your own “attendance bible.”** This folder or notebook should contain a copy of everything related to attendance, including policies, SOPs, forms, collective bargaining clauses, and so on. (And become familiar with all the provisions and penalties.)
2. **Establish clear expectations.** Typically, that would include everyone involved following all policies and practices, and also these key principles:
  - ◆ It is the employee's responsibility to request leave and provide documentation as required.
  - ◆ It is the manager's responsibility (not the office timekeeper's) to grant leave.
3. **Follow certain absolutes.** Gibson finds that when he adheres to certain absolute rules, he can manage problems more easily. These are among his rules:
  - ◆ Everyone who misses work and does not call in gets a piece of paper—it might be just a reminder ... or a disciplinary warning.
  - ◆ Leave requests must be documented and submitted in advance.
  - ◆ Medical absence of more than 3 days requires medical documentation.
  - ◆ Leave abuse requires action. Let the employee know of your concern and remind the employee of his or her responsibility. If the abuse continues, discipline. (If you don't, morale will suffer because regular attendees will tire of pulling the weight for the slacker.)
  - ◆ Maintain confidentiality. Don't discuss individual attendance issues except with your boss, the employee, and HR.
4. **Apply rules consistently.** As with all HR matters, it's important to give consistent treatment to all employees. (More and more today, that means consistent process, not necessarily the exact same treatment.)
5. **Log leave requests.** Without a log, it's hard to track abuse.
6. **Document leave problems and share with the employee.** Don't keep secret records, says Gibson.
7. **Seek help from HR.** Take advantage of HR's experience with attendance problems.
8. **Act promptly, properly, and decisively to solve problems.** A delay suggests that you condone the behavior.
9. **Follow up.** Stay on top of attendance issues, says Gibson. It's so easy to “hope they will get better.” They won't.

## **Attendance training topics**

Tackle your attendance problems by training employees on the following attendance issues.

### **1. Employer expectations regarding attendance**

Regular attendance is a requirement of every employee's job. It is important because:

- ◆ High absenteeism rates reduce productivity.
- ◆ Absenteeism puts undue burdens on other employees.

### **2. Employer policies related to attendance and leave**

Know how many days off you're entitled to, with or without pay, for:

- ◆ Vacations (and any limits on choosing vacation times)
- ◆ Personal days (and how your organization defines them)
- ◆ Illness, hospitalization, pregnancy, and other health issues
- ◆ Holidays
- ◆ Jury duty
- ◆ Death in the family
- ◆ Family and Medical Leave Act leave
- ◆ Americans with Disabilities Act accommodation (e.g., time off for medical treatments)
- ◆ Any other leave, either state-mandated or employer-provided

### **3. Employer procedures governing attendance and leave**

Know the procedures you need to follow related to time away from work. For planned absences (vacation, personal days, FMLA leave, etc.), you need to know:

- ◆ Requirements for advance notice for various types of leave,
- ◆ Forms and certifications required, *and*
- ◆ Limitations on when leave may be taken.

For unplanned absences, you need to know:

- ◆ How to report unplanned absences (if, for example, employees must call their supervisors immediately to report illness or other unplanned absence).
- ◆ That you need to speak with a supervisor (or whomever you designate) whenever possible. (For example, phone messages left at 3 a.m. are not sufficient.)
- ◆ Why it's important to inform others of unplanned absences promptly. (Other employees need to know about absences in order to plan and complete their own work. Supervisors need to record absences properly to ensure employees are paid when appropriate.)

Success in conquering attendance problems starts with training supervisors, who can then effectively train employees.

# Avoiding lawsuits with training

## Train your managers in what not to say

The court that took issue with the phrases “more energetic person” and “Midwestern girl look” points up the importance of training managers in what to say and what not to say, says Attorney Stephen R. Woods. He offers two cases that illustrate the point dramatically.

Woods is a shareholder in the Greenville, South Carolina, office of law firm Ogletree Deakins, Nash, Smoak & Stewart, PC. His remarks came at BLR's annual National Employment Law Update.

## Seeking a person ‘more energetic’ than you

*The Story:* Klockner Pentaplast of America (KPA) employed 58-year-old Dean Inman as its VP—Technology. When Michael Tubridy, the company's president, terminated him after 17 years, he told Inman it was for failing to meet company expectations. Specifically, Inman had refused to develop a plan to set measurable goals for his department, refused to support a salary freeze, and harassed the human resources staff regarding a change to the company's health plan, among other things.

Inman, in contrast, said that Tubridy told him that he “did not fit the profile or model” of what potential buyers of the company look for in a technical leader and that KPA needed a “more energetic person” as leader of the technical department.

David Veasey, who was 45 years old, replaced Inman.

The trial court rejected Inman's age discrimination claim, and he appealed. The 4th Circuit found that he offered credible evidence to dispute KPA's stated reason for his discharge: Inman had received bonuses every year, and was singled out for praise at a company meeting shortly before he was fired. “[I]f Inman has evidence from which a jury could conclude that the real reason he was fired was his age,” the court reasoned, “the jury could also conclude that the deficiencies that KPA claimed existed in Inman's work were exaggerated to cover up the age-based motivation for the termination.”

The court also pointed to a meeting attended by Tubridy, in which a management consultant suggested that KPA enlist “young,” “energetic,” “future people.” Tubridy made notes during the meeting, which included the phrase “young, energ[etic].” The court reinstated Inman's age bias claim.

The court record indicates that KPA had ample documented reasons for terminating Inman. Unfortunately, the unnecessary comments about Inman were enough to convince the court that the case should be heard.

## We want that ‘Midwestern girl look’

*The Story:* Shortly after Brenna Lewis started working for Heartland Inns of America, Lori Stifel, Lewis's manager, received permission from Heartland's Director of Operations, Barbara Cullinan, to offer Lewis a full-time “A shift” position.

After Cullinan saw Lewis working the front desk, Cullinan told Stifel that she was not sure Lewis was a “good fit” for the front desk. Cullinan stated that Lewis, who wore loose-fitting clothes, avoided makeup, and had short hair, lacked the “Midwestern girl look.” Although the front desk job description in Heartland’s personnel manual did not mention appearance, Cullinan ordered Stifel to move Lewis back to the night shift. Stifel refused, citing the “phenomenal job” Lewis had been doing.

At the same time, Heartland informed its general managers that hiring for front desk positions would require a second interview. Cullinan notified Lewis that she would need a second interview to “confirm/endorse” her current position. Lewis protested, noting that other Heartland staff members had not been required to have a second interview. Three days later, Lewis was fired. In its termination letter, Heartland asserted that Lewis had “thwart[ed] the proposed interview procedure” and exhibited “host[ility] toward Heartland’s most recent policies.”

Lewis sued Heartland, alleging sex discrimination and retaliation. The trial judge granted summary judgment in favor of Heartland and Lewis appealed.

Lewis argued that Heartland fired her “because her appearance did not comport with its preferred feminine stereotype” and not because of her job performance or qualifications.

The court pointed out that Lewis had a history of good performance at Heartland, and that one could infer that Heartland had a discriminatory motive to fire Lewis. As a result, the 8th Circuit ruled that Lewis had presented sufficient evidence to proceed with her sex discrimination claim.

Bottom line: In both of these cases, what might be considered “stray remarks” by some courts were grounds for going to trial in these courts. Your best defense? Train your managers.

## Coaching vs. mentoring

### The difference between coaching and mentoring

In the following guidance, Susan G. Weinberger, EdD, president of the Mentor Consulting Group in Norwalk, CT, USA, coaches us on the differences between coaching and mentoring. Or does she mentor us? At any rate, read on for valuable information from Dr. Weinberger ...

The American writer, George Matthew Adams, once observed that “many moments of personal success and fulfillment in an individual’s life come about through encouragement from someone else.” No doubt you can remember those who impacted your life when you were young, during the school years, involvement in community activities, at your first job, and perhaps, the job you hold now.

Whether the support came informally or through a deliberate, formal program, helping you personally or professionally, there is no doubt that others can be easily identified who influenced and shaped your future. Those were or are your mentors.

Typically, informal mentoring programs do not have a structure, time limit, or support from a sponsoring business or other organization. How often the mentor and protégé meet is up to them. There are no entrance requirements.

Formal mentoring programs are long-term. They have minimum requirements including selection of participants, training, support, and frequency of meetings between mentor and mentee.

### **Coaching and mentoring: Different goals, different methods**

Establishing an internal mentoring program is not a new idea. In fact, a front page article in the *Harvard Business Review* in 1978 declared, “Everyone who makes it has a mentor.” Until recently, however, business has been less involved in establishing formal mentoring programs for employees, focusing more on internal coaching.

It is easy to get confused about the differences between coaching and mentoring. The purpose and expected outcome of each is distinctly different, although at times, some overlap exists. For example, coaching, which provides specific feedback, can be used within mentoring. But as Lorraine Stomski, senior vice president of Aon Consulting, explained, mentoring is more holistic than coaching in that it develops the whole individual through guidance, coaching, and development opportunities.

An employee serving as the “coach” assists another colleague, known as the protégé, in order to improve their job performance. Often the purpose is to work with the protégé toward the goal of climbing the ladder of success and getting ahead.

Some companies even offer reverse coaching. That is, a senior employee who has, perhaps, been in the company for several decades is coached by a newer, junior employee in areas such as computers and advanced technology. Research informs that these kinds of formal coaching efforts improve career success and employee morale and retention.

Mentoring, unlike coaching, is far more personal and friendship-based, offering nonjudgmental support as a positive role model and focusing on a mentee’s longer-term personal development. The mentor makes suggestions. The relationship is neither formally evaluated nor connected to job advancement but rather to personal improvement.

According to Lois J. Zachary, president of Leadership Development Services in Phoenix, “The mentee or protégé has gone from being a passive learner—where the mentoring is done to you as you sit at the foot of the master—to an active learner who directs the process. It’s much more collaborative now; there is more precision and structure.”

Many companies do not choose between implementing a coaching or mentoring program. They often implement both programs to meet different employee needs. When Jack Welch, former CEO of General Electric, stated that a strong mentor/mentee relationship is the basis of forging tomorrow’s leaders, I suspect that he recognized this as an outcome of both internal coaching and mentoring programs.

The chart below demonstrates some of the differences between coaching and mentoring.

	COACHING	MENTORING
<b>GOALS</b>	Improve job performance or skills.	Support and guide personal career growth.
<b>INITIATIVE</b>	Coach directs learning.	Mentee is in charge of learning.
<b>VOLUNTEERISM</b>	Protégé agrees to accept coaching; may not be voluntary.	Both mentor and mentee are volunteers.
<b>FOCUS</b>	Immediate problems and learning opportunities.	Longer-term personal development.
<b>ROLE</b>	Focus on telling with appropriate feedback.	Focus on listening, behavioral role model, making suggestions and connections.
<b>DURATION</b>	Short-term needs; “as needed”	Longer term

(Source: Coaching and Mentoring—Harvard Business Essentials—2004)

### Benefits of implementing an internal mentoring program

The business community in this nation is seeking employee retention, productivity, satisfaction on the job and improved morale, leadership, pride, and social responsibility. Creating corporate citizenship programs leads to competitive differentiation and stakeholder loyalty. Mentoring plays a critical role in personal combined with professional development. Mentors help their mentees over the speed bumps, providing needed support and encouragement. They offer advice, guidance, and promote enhanced self-confidence. They foster pride in the organization and boost organization communication.

Mentors and mentees work together to discover and develop the mentee’s talents. The mentor offers perspective, insight, support, and wisdom based on experience. The good news is that mentoring is two directional. Usually the mentor gains as much if not more rewards from working with a mentee, including enhancing their own leadership skills, satisfaction, and personal fulfillment.

**A word of caution:** Not all employees make good mentors. Business should identify individuals to serve as mentors who are outstanding employees and who set positive examples for others. These are employees who like people and who are committed and willing to set aside the time to work with a mentee. They are consistent and confidential; have a superb work ethic; are patient and responsible; positive role models with a genuine interest in developing others; have sensitivity to others’ needs and development; and possess excellent listening skills.

## Cross-training

### How to use cross-training for employee development

In today’s ever-shifting workforce, employee development is crucial to keeping good employees from leaving for greener pastures. Cross-training is one advantage you can give employees that benefits both them and your organization. In the following guidance, we look at these mutual benefits.

The following information comes from BLR's *10-Minute HR Trainer* session, "Cross-Training to Promote Better Productivity."

### **How does cross-training benefit the organization?**

- ◆ Cross-training involves teaching workers job duties other than the ones they normally perform.
- ◆ It develops skills and knowledge so that employees have more to offer the organization.
- ◆ It helps you cope with absences and leaves by distributing an absent employee's work to coworkers who are already trained to perform the work competently.
- ◆ Cross-training allows for greater flexibility in scheduling work, as you are able to assign workers who can perform a variety of tasks where they are needed most at any given time.
- ◆ It ensures that there is always more than one person who knows how to operate equipment, find necessary information, deal with problems, etc., so that production is not affected.
- ◆ Cross-training enriches jobs and creates greater job satisfaction, which reduces turnover.
- ◆ It may lead to innovation and greater efficiency as employees approach new tasks with different perspectives, expertise, and talents.
- ◆ Cross-training prepares workers for promotion and ensures smoother, more successful successions.
- ◆ It can also reduce costs by allowing you to keep a lean workforce and reducing the need for temporary workers.

### **How does cross-training benefit employees?**

- ◆ Cross-training helps employees develop knowledge and skills, preparing them for advancement and promoting career development.
- ◆ It makes employees' jobs more interesting and challenging, thus improving morale and motivating them to learn more and be more productive.
- ◆ Cross-training increases cooperation and communication among employees, enhancing teamwork and positive work relationships.
- ◆ It increases employees' knowledge of the organization and helps them see a bigger picture.
- ◆ Cross-training increases confidence and competence, reducing errors, improving problem solving, and encouraging initiative.

### **How do you decide which tasks to cross-train?**

- ◆ Functions and tasks that are connected in some way are good candidates for cross-training, for example, sequentially, where an employee performs a task that precedes or follows the task for which he or she is being cross-trained.
- ◆ Focus on skills and knowledge that are most in demand in your work group or department.

- ◆ Make a list of potential cross-training tasks and review it with employees to get their input and suggestions, and to find out which tasks each worker would like to learn.
- ◆ Talk to other supervisors and discuss cross-training opportunities for your employees. For example, if your work groups or department are performing complementary or related functions, cross-training employees will give them a better understanding of one another's needs.

### **What are the steps in a cross-training program?**

1. Once you have selected jobs for cross-training, work with the employee(s) who already perform the task to develop a job training outline and written training guides and aids. Experienced employees are the most knowledgeable about their jobs and should have a lot to contribute to your cross-training program.
2. Sit down with those you are planning to cross-train and explain the reason for the training, what they will be learning, required standards of tasks they will be learning, etc. Answer questions about your cross-training program and ask for input from trainees.
3. Schedule cross-training for times that are convenient for employees and production.
4. Plan to cross-train several employees to perform each task so that you will always have someone available when necessary.
5. You can perform cross-training yourself or delegate it to the employee already experienced in performing the task (which is probably the better option, given all your other duties).
6. You will need to evaluate the learning yourself, however, checking that cross-trained employees are competent to perform new duties.
7. Provide refresher training from time to time if cross-training duties are not used frequently.

### **How can you maintain and improve your cross-training program?**

- ◆ Look for cross-training opportunities whenever there are changes in staffing, equipment, procedures, workflow, scheduling, etc.
- ◆ Encourage employees to suggest ideas for cross-training.
- ◆ Cross-train new employees, but only after they've had a chance to master their own job.
- ◆ Make sure you give all employees an opportunity to participate in your cross-training program.

# Diversity

## Don't use the 'let it all hang out' approach to diversity training!

Most organizations these days believe that “diversity” produces better results. But things get tricky when it comes to diversity training. It's easy to do significant legal damage, especially with “let it all hang out” training sessions.

One of the favorite moves of diversity training facilitators is to ask employees to drop all pretenses, and just go ahead and express feelings they have about other types of people. “Get them out on the table and let's learn how to deal with them.” The facilitator will usually say, “Let's agree that what's said here stays here.”

This approach sounds good in theory. But it fails in application. Assume that some participants do make comments about members of protected groups:

- ◆ “I'm uncomfortable around Xs.”
- ◆ In my day, we ...”
- ◆ “Xs just don't seem to have what it takes to succeed here.”
- ◆ “Where I grew up, ...”
- ◆ “Our customers don't want to be served by Xs.”

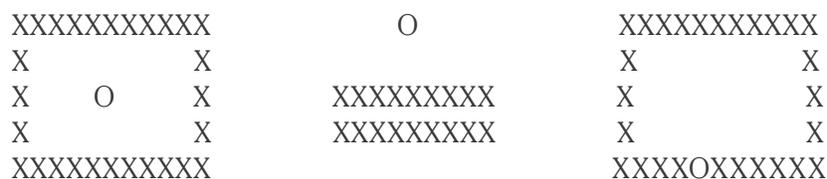
Talk about dangerous legal territory. First of all, forget about “What's said here stays here.” That is no guarantee that what was shared during the training won't also be shared in court. So now you've got your managers on record saying that they have prejudices and discriminatory feelings. It's practically a smoking gun when the lawsuits are filed.

Here are a few exercises that can get worthwhile discussion going, with less risk of fanning the flames.

### Xs and Os exercise

**Instructions:** Divide into teams to answer the questions. Then, get together to compare answers.

Take a look at these three diagrams, in which O represents someone who is different in some way.



1. In what ways might O be different?

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2. What attitudes do the three diagrams represent?

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3. Draw a fourth diagram depicting some other disposition of Xs and Os. Add more Os if you like.

**Possible answers**

Of course, there are no right or wrong answers to these questions. Here are some responses that might be given.

- 1. How is O different? It might be a standard characteristic, such as sex, race, or religion, or it could be any other characteristic, such as level of education, physical stature, or disability. Or O could be the leader.
- 2. Most observers would probably say that the first diagram indicates either interest by the Xs or perhaps Xs ganging up on the lone O. Or maybe they are admiring something about O. Or maybe they're watching a presentation of some kind.

The second diagram appears to many to mean exclusion of the O by the Xs, perhaps because they don't want O to participate; or perhaps O—due to, say, a disability—cannot participate. However, it might also show that O is lecturing to the Xs.

In the third diagram, O seems to have been assimilated into the Xs.

3. Here are a few possibilities if no one comes up with a new diagram:

```

XXXXX OOOOO          XXXXX          O
XXXXX OOOOO          XXXXX
XXXXX OOOOO    OOOOO          OOO
XXXXX OOOOO    OOOOO          XXXXXXXXXXXXXXXX
XXXXX OOOOO    OOOOO          XXXXXXXXXXXXXXXX

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Companies that are characterized by a diverse, respectful, and dignified workplace invariably enjoy the benefits of improved employee morale, higher productivity, larger market share, and a strong bottom line.

And that's good news, because your organization IS going to be characterized by diversity—demographics alone guarantee it. But addressing diversity can be difficult.

Here's another exercise that can start your discussions of diversity.

**Diversity or discrimination? exercise**

Divide into groups to answer, or if you have a small group, answer individually and then compare answers.

Could the supervisors' comments listed below cause legal trouble? If so, how?

1. “Alice is pregnant. She shouldn’t be flying, so I’m taking her off all the out-of-town cases.”
2. “Let’s all get together Saturday—well, except for Al. He tends to put a damper on things.” (Al is of a different ethnic background than the other members of the group.)
3. “Tracy has young kids at home; he won’t be interested in that promotional opportunity—too many late hours.”
4. “So they’re getting on me for my EEO stats? I’ve got the solution—I’m selecting minorities from now on. I just won’t hire any nonminority, even if he or she is more qualified.”
5. “Women aren’t tough enough for this job. It takes a real lumberjack type to last 8 hours at this job.”
6. “I’m not hiring someone who wears that crazy getup. I’ve got to entertain clients here.”
7. “I didn’t hire him. He does have the qualifications, but with that impairment, I don’t see how he can do the job.”
8. “Personally, I’d like to hire with diversity, but my customers just wouldn’t be comfortable with that. It’s a business decision, not discrimination.”
9. “I guess we have to hire him, but that doesn’t mean I have to associate with him or even speak to him.”

Here are some assessments of the statements above:

1. This kind of patronizing comment is a plea for a lawsuit. You must treat pregnant employees the same as all other employees.
2. This comment could cause legal trouble. Exclusion from quasi-corporate activities is likely discrimination.
3. Once again, a patronizing approach such as this is illegal.
4. This kind of thinking is called reverse discrimination. It’s actionable.
5. This statement indicates illegal stereotyping. Rather than reject a class of people, assess an individual’s ability to do the job.
6. If that “crazy getup” is religion-based, this could be trouble.
7. If the impairment is a disability, this approach is clearly discrimination under the Americans with Disabilities Act. The situation requires an interactive discussion.
8. Customer preference is not an acceptable excuse for discrimination.
9. Sounds like discrimination. If the person in question is of a particular ethnic group, avoidance discrimination will be a possible charge.

# Ethics

## How to make ethics training less obvious and more meaningful

Ethics is a no-brainer, right? Its principles are obvious. So ethics training is destined to be an unengaging restating of the obvious to your trainees, right? Not according to the expert advice in the following guidance.

Mark S. Putnam, founder of Character Training International (CTI), understands the dilemma of making ethics training meaningful, since ethics can be boiled down to bad guys are bad and good guys are good. Just do the right thing and you'll stay out of trouble. Most rational adults know this and wasting so much precious time is unnecessary.

But Putnam points out that the problem with this line of thinking is that (1) it's not true, and (2) it glosses over an area of vast importance to our character, way of life, and happiness.

Ethics is anything but a no-brainer. The reason people might believe the contrary is that they limit their perspective to the obvious and fail to see meaningful principles that lie beneath. Let's explore some examples:

### **Obvious: "The company is simply required to conduct ethics training."**

**Past the obvious to meaningful.** True, required ethics training is a given these days, but consider what your work life would be like without it. Consider working day to day alongside a group of people without clear moral behavioral guidance. What would it be like to work for a company with nonexistent core values? What kind of atmosphere would ensue? Ethics training creates an absolutely critical common understanding of what is right and good at work. You may not always agree, but the standard is set. It brings unity in areas of personal behavior that human nature tends to scatter in every direction. In a moral sense, it creates a level playing field so everyone is on the same page.

### **Obvious: "Good ethics is obvious."**

**Past the obvious to meaningful.** Since most people tend to associate with like-minded people, it's no surprise that we think that everyone thinks and behaves the same as we do. Well, they don't. If you put a basic ethical principle such as, "What is lying?" in front of a group of people, you will see argument, debate, and divisiveness. We soon discover that everything is up for interpretation.

Ethics is not as obvious as it seems. Life is full of conflicting moral choices that require us to prefer one set of values over another. Ethics training is needed to clarify ethical boundaries and give people the necessary tools to make choices. It mandates what is right or wrong in the workplace rather than leaving it up to the individual to decide.

### **Obvious: "People are good and don't need ethics training."**

**Past the obvious to meaningful.** For centuries, philosophers have debated the question, "Are human beings innately good?" Although the goodness of humans will continue to be debated for ages to come, in the context of business ethics, the

assumption is made that humans need as much help as they can get. The odds are stacked against people, with history and human nature providing ample evidence. Even the concept of right or wrong evolves on many levels within a culture. It's simply not enough to assume that people are good and that they will make good choices. Ethics training not only speaks to the bad people but also serves as a wake-up call to the rest of us. Just knowing that the odds are stacked against us prepares us for the inevitable when we find ourselves where we shouldn't be. It is good and healthy to consider our moral state and get a tune-up once in a while.

### **Make an effort to look past the obvious.**

The next time you read the corporate values statement hanging in the lobby, think about the meaning of those words. Think about the values by which you live. Appreciate the fact that you live and work in a culture that has them. Don't shortchange yourself with the obvious, but see past it to the meaningful. Walk into that ethics training room ready to think, question, and learn.

Mark S. Putnam is an author, editor, and founder of CTI, which now operates exclusively under the Global Ethics University (GEU) banner ([www.globalethicsuniversity.com](http://www.globalethicsuniversity.com)). For more information, visit their website or call 1-877-77ETHIC (toll-free).

## **Companywide ethics training helps ensure policy effectiveness**

Many organizations train their supervisors and managers on employee ethics. While it is imperative for those individuals to have a thorough understanding of ethics policies and codes of conduct, training for all employees will increase the likelihood that the policy and code are followed companywide.

Here is some information to convey to supervisors and managers regarding ethics training for employees.

Employees need the benefit of ethical training so that they, too, can meet the standards set by the organization's policies and codes of conduct. During training, employees should gain a thorough understanding of company policy as well as the importance of maintaining an ethical workplace.

Here are some additional tips to keep in mind:

- ◆ **Introduce new employees** to the organization's ethics policies and standards during their orientation period.
- ◆ **Give all employees**—old and new—awareness training that introduces them to ethical problems and issues on the job.
- ◆ **Periodically review policies** and codes of conduct with employees. These are the standards to which employees will be held. They need to fully understand them.
- ◆ **Teach employees** how to make ethical decisions on the job.
- ◆ **Include in your training sessions** studies of ethical problems that could occur—or have already occurred—on the job; for example, case studies based on actual or realistic scenarios within your organization or industry can

help drive home the training message. By discussing case studies and/or using role play, employees will gain insight and practice in solving ethical problems and develop a greater awareness of and sensitivity to ethical issues in the workplace.

The above information comes from BLR's presentation, "Workplace Ethics for Supervisors."

## Family and Medical Leave Act (FMLA)

### Case study on why you need to train managers on FMLA details

*The Story.* A newspaper receptionist, who was allegedly fired for violation of her employer's attendance policy, had a triable Family and Medical Leave Act (FMLA) claim because the employer did not effectively trigger the plaintiff's obligation to provide medical certification of her condition, a circuit court decided.

Reversing summary judgment for Gannett Satellite Information Network, owner of the *Dickson Herald* in Tennessee, the circuit court determined that Gannett could not rely on employee Deborah Branham's failure to provide medical certification as a justification for denying her FMLA leave and firing her.

Instead, the court found that Branham satisfied her statutory obligation to notify the employer about her need for medical leave and that Gannett "never properly triggered her additional duty to provide a medical certification supporting her claim."

In the case, a physician, Dr. Pamela Singer, examined Branham on November 13, and the doctor wrote a "negative certification" indicating Branham's condition was "normal," and that she should be able to return work November 14. Nevertheless, Branham remained absent for most of the subsequent 2 weeks, due to migraine headaches, nausea, depression, and insomnia.

On November 24, Gannett fired Branham for violation of the company's attendance policy, as she was absent after the date the doctor released her to work. On that same day, however, Gannett received a faxed certification form from a nurse practitioner in Singer's practice group, stating that Branham's illness began on May 6 and was expected to last until January 1, 2007.

The lower court ruled for Gannett, holding that the employer was entitled to rely on the negative certification—which denied leave to Branham—and Gannett did not have to wait for the completion of FMLA's 15-day certification period when Branham never indicated she was seeking a second opinion.

However, the 6th Circuit reversed. It noted that it didn't have to deal with the question of the negative medical certification and the 15-day waiting period because Gannett did not take the prescribed steps to trigger Branham's obligation to provide medical certification in the first place.

The court determined that "Branham has produced sufficient evidence to create a genuine issue of material fact about her entitlement to FMLA leave, and Gannett was not permitted to deny her leave based on the certification requirement when

it never properly requested certification or informed her of the consequences of failing to provide the same, as required by regulations.”

Even if the company representative had discussed all the appropriate information, an oral request would have been “insufficient to activate Branham’s certification duty,” the court said.

**What can we learn from this case?** Even with the best of intentions, supervisors and managers will say something or do something that gets the company into hot water—unless they are trained.

## Financial wellness

### Financial wellness training from the National Football League

Use the following information to remind your employees about the importance of learning how to manage their own financial fitness.

Not many of us will ever earn a 7-figure salary, and it’s hard to imagine that someone who earns millions of dollars per year would need financial counseling. But the National Football League (NFL) Players Association (NFLPA) says financial education is important for its members because most NFL players earn the majority of their lifetime income in their early 20s and are under immense pressure to live a lavish lifestyle.

The NFLPA ([www.nflplayers.com](http://www.nflplayers.com)) partnered with Financial Finesse ([www.financialfinesse.com](http://www.financialfinesse.com)) in 2009 to design and deliver a customized online financial education platform for current players, former players, and their families, as well as workshops and webcasts aimed at building awareness of the importance of financial responsibility. The financial education program leverages social media and multimedia through video, podcasts, personalized assessments, and contests designed to appeal to the Millennial generation and engage players.

The NFLPA and Financial Finesse describe the results of the program as “groundbreaking,” saying that more than 1,000 players participate and that the majority do so on an ongoing basis. Nearly half of the participants—48 percent—saved at least 20 percent of their annual earnings in preparation for a potential lockout in 2011. “The preparation paid off, enabling players to stand united in negotiations with the NFL, knowing they had the savings to withstand a prolonged lockout,” the organizations explain.

DeMaurice Smith, executive director of the NFLPA, credits the program with being one of the key reasons the NFLPA was able to successfully negotiate a collective bargaining agreement that he says protected players’ best interests. He also praises players for applying what they learned in preparation for a possible lockout to other areas of their finances. “What we’ve realized is that players have competitive personalities and when they set their mind to something, whether it’s winning a game or building their wealth, they become very focused individuals.”

The NFLPA financial education program, which received a Signature Award from the Plan Sponsor Council of America and a Superstars and Innovator Award from The Institute for HealthCare Consumerism, was recently expanded to provide a

helpline service to assist players in making “more informed financial decisions” and providing “a second opinion on investment strategies and recommendations from their financial advisors,” the organization states.

Dana Hammonds, director of Player Affairs and Development, says the NFLPA is dedicated to helping players achieve long-term financial security. “We want players to have the ongoing support they need to make solid financial decisions for themselves and their families,” she says. “The Financial Helpline is our next step in this ongoing mission to reach players by providing them with direct access to an expert they know they can trust in a convenient way to get answers to tough financial questions and make more informed decisions that impact their futures.

“There are still far too many players who fall victim to predatory lending, fraud, and, of course, overspending,” she adds. “It’s easy to dismiss how much players need education, since they do make very high salaries. But that misses the mark.

“Imagine the challenges we’d face as a society if most Americans made the majority of their income from ages 22 to 25, without the proper financial guidance or education to know how to manage that income, and with massive temptations all around to ‘live the dream.’ The challenges are immense and will take significant time and resources to combat. That’s why we are so committed to this issue and why we are actively expanding our efforts in this area.”

## Internet use

### Appropriate use of the Internet

As more and more jobs involve significant time on computers, most of which are connected to the Internet, the temptation to surf the Web inappropriately during work hours rises. In the following guidance, we explore this situation and give training information on the appropriate use of the Internet at work.

The following material is adapted from BLR’s *10-Minute HR Trainer* session, “Appropriate Internet Use.”

#### The situation

The Internet is an essential business tool for most organizations today. It not only provides instant access to vital information but also offers instant communication anywhere in the world at any time of day. Access to the Internet allows employees to carry out important work-related duties.

But the Internet also provides employees access to inappropriate information and opportunities inconsistent with business needs that may be harmful to your organization. Employee abuse of the Internet on the job can:

- ◆ Raise critical security issues (e.g., expose networks to viruses, give hackers an easy way into your computer systems, and allow unauthorized people access to confidential information).
- ◆ Make you vulnerable to lawsuits (employers have been sued by employees for sexual harassment when coworkers use the Internet to access pornography, for example).

- ◆ Reduce productivity (e.g., when employees spend time on pursuits such as online shopping and banking, trading stocks, checking sports scores, reading online newspapers, gambling).

## **The legal issues**

The Electronic Communications Privacy Act allows you to control employees' Internet use on computer systems owned and operated by the organization. Courts generally hold that you have a legitimate business interest in maintaining computer security and preventing inappropriate use of computer systems, and this includes Internet use.

Your right to control Internet use should be backed up by a policy that spells out the rules and has been properly communicated to employees. Have your attorneys review your Internet use policy and enforcement programs.

## **The Internet use policy**

Your Internet use policy should be in writing and be included in your employee handbook. The policy should clearly define and provide examples of appropriate and inappropriate Internet use in the workplace. If you decide to use filtering software to block certain websites, inform employees.

Be sure to state in your policy that computer systems, including all tools and information accessed from the organization's systems, are the organization's property and that employees should have no expectation of privacy when using the organization's computer systems. Your policy statement should also warn employees that if they violate the rules, they will be subject to discipline up to and including termination, as well as possible legal action.

Your policy must be supported by formal employee training in computer system use rules (including during orientation of new employees) and by regular reminders about the rules.

## **The enforcement**

Having a policy is not enough; you must also enforce the policy and discipline offenders. Many organizations use software and other tools to monitor Internet use and enforce rules. Monitoring software can provide lists of websites and even give you the ability to search an employee's Internet file by keywords (e.g., sexually explicit or gambling-related words).

Some organizations monitor all employee computer use, while others monitor randomly. Some only monitor if there is an indication that an employee might be abusing the system.

Whichever approach you choose, let workers know that they are being (or may be) monitored.

## **A reasonable and balanced approach**

Surveys indicate that in most workplaces today, employers and employees agree that some nonbusiness use of the Internet is both inevitable and acceptable.

When allowed, appropriate personal use of the Internet in the workplace should be clearly understood not as a right, but as a privilege—a privilege that can be revoked if abused.

Your policy might, for example, allow employees to access their personal e-mail during the day and use the Internet briefly for personal banking, checking sports scores, etc. Specifically limit the occasions when personal use of the Internet is permitted (for example, on scheduled work breaks only), and place a limit on the amount of time employees can spend this way (for example, a maximum of 15 minutes per workday).

This kind of approach is probably similar to the approach you take with other nonbusiness activities employees engage in, such as personal telephone calls, and reading newspapers. A certain amount of this type of activity is expected and can generally be tolerated as long as the privilege isn't abused and employees' work isn't affected by excessive time wasting.

Most employers prefer to focus on the serious issues involved in employee Internet use (e.g., security, downloading of offensive material, gambling) and allow a certain amount of inoffensive use as long as it doesn't get out of hand.

**Applicable regulations:** Electronic Communications Privacy Act

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**Training tips:**

- ✓ Review your organization's Internet and e-mail use policies.
  - ✓ Explain what, if any, nonbusiness use of the Internet is acceptable for your employees.
  - ✓ Ask participants to discuss any problems they have had with employee use of the Internet.
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## Online security

### Survey says: Train employees in online safety and security

With all the headlines of Internet hacking between international governments as well as alarming reports of national banks and companies having their online databases compromised, are you providing online security training for your employees? In the following guidance, we look at a survey of small businesses and Internet security training.

In a recent survey, 70 percent of owners/operators of small- and medium-sized businesses (SMBs) in the United States indicated that they do not provide online safety training for their employees. At the same time, however, 53 percent said it is important for new hires to be highly proficient in basic computer skills relating to the online safety and security of their business.

The "2012 NCSA/Symantec National Small Business Study" (<https://www.staysafeonline.org/stay-safe-online/resources>) was conducted by the National

Cyber Security Alliance (NCSA) and Symantec. The study found that 87 percent of small businesses have at least one employee who uses the Internet daily.

The NCSA is working with the National Cybersecurity Education Council to formally institute and promote cybersecurity education programs in K–12 schools, higher education, and career and technical education environments across the country. The survey found that many employers are considering applicants' digital literacy skills when making hiring decisions.

“Small businesses are expressing a strong need for employees with basic skills and knowledge about how to use technology safely, securely, ethically, and productively,” said Michael Kaiser, NCSA's executive director. “Given the role of small businesses in our economy, it's so important to integrate cybersecurity training into all education levels. . . . SMBs should also provide ongoing training to employees to be sure skills are reinforced and new skills are developed as the technology changes.”

“Small businesses are a driving force of our economy, and new technologies and online services are becoming an everyday part of how SMBs run their businesses,” said Brian Burch, vice president of Americas Marketing for SMB, Symantec.

“According to Symantec's research, SMBs have become a key target for cybercriminals, and that trend is bound to continue. Small business owners and employees must do a better job, not only becoming better educated on cybersecurity but also better at implementing technologies to protect themselves and the information that fuels their businesses,” Burch continues.

The survey identifies specific areas in which SMBs are looking for strong online safety skills among new hires. For example, 56 percent indicated that new hires should understand privacy protection—with 41 percent saying this is essential and 15 percent indicating that it is important.

In addition, 38 percent said it is essential and 20 percent said it is important for new hires to be familiar with password protection measures, how to identify safe websites, and how to avoid scams.

More than half said it is key for new hires to understand the importance of the ethical use of technology and of protecting intellectual property.

## Performance problems

### Is training the right solution for a performance problem?

Asking many questions before selecting or designing a training program can help determine whether training is the right solution for a performance problem or whether there is an underlying, nontraining issue that needs to be addressed, says Dave Basarab, a training and evaluation expert and author of *Predictive Evaluation* ([www.davebasarab.com](http://www.davebasarab.com)).

“Separate what training can provide from other issues,” he suggests. For example, perhaps work processes or procedures are not clearly defined. If that is the case, training alone probably will not solve the problem; processes need to be defined first, he says.

Or, it may be that employees lack the proper tools, or that the work culture issue is preventing employees from transferring what they learned in previous training, Basarab explains. “Culture trumps training every time.”

Diagnosing the specific issue will help trainers decide whether training can solve the problem and, if so, what the main goal of training should be. Identifying training goals in advance helps ensure success because trainers can hone in on the right training solution, Basarab says.

“The big advantage is that you are going to increase the likelihood that training is the solution that is going to become transferable, impact business results, and result in some value.”

Of course, it may be difficult to tell an executive, “I don’t think you have a training issue here or solely a training issue,” Basarab says, especially because some executives might not want to look at underlying issues, or they might get upset that their judgment is being questioned. Plus, it is more work for the trainer to search for underlying problems. However, training will not solve performance problems if other barriers exist, he emphasizes.

Asking questions is fundamental to Basarab’s predictive evaluation methodology in that questions help trainers identify clear training goals, identify adaptive behaviors that a company hopes to see after training, and determine whether a specific training program is worth pursuing.

## Public/private partnerships

### Public/private training programs can help you achieve your training needs

New and expanding companies in Louisiana may be eligible for free, customized training through Louisiana Economic Development’s (LED) award-winning workforce development program.

#### How it works

LED FastStart® ([www.opportunitylouisiana.com](http://www.opportunitylouisiana.com)) offers training development and delivery, as well as employee recruitment and screening, at no cost to Louisiana companies that are creating at least 15 new manufacturing jobs or 50 new service-related jobs in an economic-driven business. The state-funded program was launched in 2008 as part of Governor Bobby Jindal’s comprehensive workforce development plan.

LED FastStart partners with the Louisiana Community and Technical College System, Louisiana Workforce Commission, selected state universities, and private sector training experts. Training services that have been provided to Louisiana businesses through the program include conducting an up-front business analysis to determine training needs, offering leadership and supervisory training, and writing standard operating procedures for a shop floor, said Jeff Lynn, executive director of LED FastStart.

In addition to using traditional classroom instruction and hands-on training approaches, LED FastStart is touted as the first state workforce training solution to use the Apple® iPad® as a training platform to deliver standard operating procedures, work instructions, and streaming video to employees within a validated quality management system.

### **Rave reviews**

State officials credit LED FastStart with helping secure economic development projects that are creating more than 51,500 new direct and indirect jobs, new capital investment topping \$12.6 million, and hundreds of millions of dollars in new annual sales for small businesses.

“Our number one goal is really creating jobs in the state of Louisiana,” Lynn said. However, he said the success of the program can also be measured by client satisfaction, which, in turn, encourages more businesses to move to or expand in Louisiana.

Companies that have benefitted from LED FastStart’s services praise the program as being “business friendly,” “nonbureaucratic,” “a breath of fresh air,” “a tremendous benefit to us,” and “absolutely everything that was promised and then some.”

For several years, LED FastStart has been named the top state workforce development program in the country by *Business Facilities* magazine. “Louisiana has established the gold standard for workforce training solutions with its innovative LED FastStart program,” said *Business Facilities* Editor-in-Chief Jack Rogers.

“The availability of customized workforce recruitment screening and training is rapidly becoming a requirement for success in the competition for new business and an essential element in successful economic development projects. Louisiana is far ahead of the curve with a fully integrated program that works in partnership with higher education in a coordinated economic development strategy that targets growth sectors,” says Rogers.

### **Advice to consider**

Lynn encourages new and expanding Louisiana businesses to find out more about LED FastStart. “Not every state has a similar program or anything close,” Lynn said, noting that some states offer just workforce development grants. However, he recommends that employers reach out to their chamber of commerce, 2- and 4-year schools, and state department of economic development to see what resources are available.

# Sexual harassment in the workplace

## Scenarios for antiharassment training

Do you recognize harassment when you see it? Sometimes, sure, but often not, because harassment isn't about intent, it's about effect. Employees may appear to be enjoying a situation but be thinking, "I'm being harassed, I'm calling my lawyer."

In the following guidance, we'll propose several scenarios that will help with your antiharassment training. Answers for the discussion of each scenario are provided in bracketed text.

### Jack and Jill

Jack, a manager, asks Jill, one of his supervisors, out on a date. She says "No," he never asks her again, and their business relationship continues as it was. Any problem?

[Not immediately, but what if Jill suffers some negative employment action—a demotion or a failure to get a promotion, say—and claims it's because she turned Jack down? Let's hope Jack has good, business-related, documented reasons for his action against Jill.]

Jack, a manager, asks Jill, one of his supervisors, out on a date and she says, "No thanks, I'm busy." He asks again. And again. She keeps refusing. Any problem?

[No one knows—except the jury—how many times is too many times, but eventually, this is going to be harassment. And, once again, if Jill suffers a negative employment action, she may charge retaliation.]

Jack, a manager, asks Jill, one of his supervisors, out on a date and she says "yes." They develop a relationship, get married, and live happily ever after. Any problem?

[Not for those two, but other employees may charge favoritism. And the employer will probably want to move one of them to a new job, which could cause problems of its own ("You made me move because I'm the woman.")]

Jack, a manager, asks Jill, one of his supervisors, out on a date and she says "yes." They develop a relationship. After a few months, by mutual consent they break it off, and the two of them work easily together from then on. Any problem?

[Again, not for now, but others may see favoritism, and, again, if Jill later suffers a negative job action, she can make a claim.]

Jack, a manager, asks Jill, one of his supervisors, out on a date and she says "yes." They develop a relationship. After a few months, against Jack's wishes, Jill breaks it off. She believes that after breaking the relationship off, she's getting fewer of the important assignments that lead to promotion. Any problem?

[This could be retaliation. "Interesting assignments" may be tricky to define, but plaintiff's lawyers are tricky.]

Jack, a manager, asks Jill, one of his supervisors, out on a date and she says "yes." They develop a relationship. After a few months, Jill breaks it off. Two months later

she doesn't get the promotion she had anticipated, and a month after that she is fired for poor performance. Any problem?

[Yes. Now there are two tangible job actions taken against Jill. She files a lawsuit claiming *quid pro quo* harassment. She says she was forced into the relationship with Jack against her will, because she feared if she did not agree, she would lose her job and be unable to feed her three small children.]

### **Can this situation get worse?**

Sure. Jack's documentation of poor performance started the day after Jill broke up with him, and he's never documented the poor performance of any other employee.

What if we flip the positions of Jack and Jill in the scenarios above? Jill is the manager and Jack, the subordinate. Does that make a difference?

[No. Nor is there a difference if it's Jack and Jack or Jill and Jill, because it's still able to be portrayed as "discrimination on the basis of sex."]

**General tip for harassment training:** Managers and supervisors shouldn't waste time trying to figure out whether a given act is illegal harassment. It's better to concentrate on whether the behavior is appropriate at work.

### **More antiharassment scenarios**

Ask your manager and supervisor trainees, what do you do when ...

A coworker from another department keeps asking one of your people out and brings candies. Your employee is not interested in dating the coworker and you are on a diet.

[You should step in and put a stop to this before it turns into a lawsuit. The organization knows of the behavior and so must act.]

A delivery person keeps asking your receptionist out and brings candies. Your employee is not interested in dating the person.

[Even though the delivery person is not in your employ, you must act. Speak to him or her, and if that doesn't help, ask that another driver be assigned to your route.]

You are very attracted to one of your subordinates. You are determined to at least find out if the feeling is reciprocated.

[Dating between bosses and subordinates is forbidden at most organizations. Follow your organization's policy, or talk to HR.]

Your work area is a back office operation that's pretty hectic, and, you have to admit, a little gross. People swear at each other, call each other names, and make catcalls and comments at one another. One of the workers visits a joke website every morning and shouts out the gross joke of the day. Most of the workers participate, but a few seem uncomfortable.

[This is a hostile environment in the making. You have to tone things down.]

Your boss has suggested, but not in so many words, that if you two were to develop a relationship outside of work, promotions, bonuses, and other benefits would come your way. You are not interested in the relationship but worry that you're not going to get a fair chance at the promotion, etc.

[This sounds like *quid pro quo* harassment. Report it.]

One worker checks personal e-mail at work and occasionally opens mail from friends that contains pornographic pictures. He shuts them down quickly and no one has complained of seeing one.

[Eventually someone will see one of these pictures and be offended. Furthermore, you don't want these images on your network. When a lawsuit is filed, there's the proof that the manager looked at those images at work.]

One of the organization's best workers has approached you with a problem. She is being hit on by her department supervisor, but she doesn't want you to do anything. She just wants it to be on record that she told someone. She's handling the situation, and she asks you to promise not to discuss the matter with anyone.

[Once harassment has been reported, most experts would say, you have to investigate the complaint. Talk to HR. You can promise that you will try to keep the investigation as confidential as possible, but you cannot promise complete confidentiality.]

A group of your workers has decided that another employee is gay, and they are teasing the person mercilessly.

[Sexual orientation is not a protected class in many areas, although a good attorney will be able to make a case out of this situation in any jurisdiction. But beyond that, it's not appropriate behavior for the workplace. You must stop it.]

What can we learn from these scenarios? Even with the best of intentions, supervisors and managers will say something or do something that gets the company into hot water—unless they are trained.

## Stress in the workplace

### Stress management training for employee

Stress is a big problem in the workplace. In the following guidance, we look at the statistics and signs of stress that indicate the need for stress management training. We also provide training content for your stress relief session.

Whatever the cause, and however it manifests, workplace stress continues to be a problem—one that can cause reduced productivity, an increase in accidents, and a spike in costs.

### Stress stats

The American Psychological Association (APA) observes, "While stress levels appear to be balancing out, they remain high and exceed what Americans consider to be healthy."

According to the APA and other sources:

- ◆ 69 percent of employees say work is a significant source of stress, and 41 percent say they typically feel tense or stressed out during the workday.
- ◆ 51 percent of employees report that they have considered or made a decision about their career (such as leaving a job or declining a promotion) based on workplace stress.
- ◆ While more than half of adults say they are doing a good or excellent job of knowing when they feel stressed, half of them aren't doing as well at preventing stress.
- ◆ Although 94 percent of adults believe stress can contribute to the development of major illness, a sizeable majority still thinks that stress has a slight or no impact on their own health.
- ◆ More employees are reporting that their employers provide sufficient opportunities for them to be involved in decision making, problem solving, and goal setting—one hopeful sign, since these are all steps believed to reduce employee stress.

### **Signs of stress**

As if life outside of the workplace isn't stressful enough for most people, when they come to work, they often encounter more stress—lack of control over work, heavy workloads, productivity demands, tight schedules, conflicts with coworkers, and worries about job stability.

When workers are stressed for any combination of reasons, the effects can be insidious. Dr. Albert Ray, physician director of Patient Education and Health Promotion for Kaiser Permanente in southern California, points to common signs and symptoms of stress:

- ◆ Acting angry and having a short temper;
- ◆ Dealing with others in a curt, inhospitable manner;
- ◆ Being present, but not fully productive;
- ◆ Transformation from a friendly team player to an introvert;
- ◆ Mocking the organization's strategies and visions;
- ◆ Physical symptoms, ranging from itchy skin to chest pain, fatigue, abdominal cramping, and ringing of the ears, among many others; *and*
- ◆ Emotional problems like depression, anxiety, compulsive behavior, and substance abuse.

And, of course, another symptom is carelessness. Workers may be too tense or worn out to pay attention and take proper precautions. That's when stress can lead to accidents and injuries.

## 11 stress management training tips

You can't eliminate the stress your employees bring to work, but you can identify and eliminate organizational stressors. And you can provide tools and information to help workers manage their stress on their own.

Stress management expert Susie Mantell ([www.relaxintuit.com](http://www.relaxintuit.com)) is a firm believer in the power of incremental steps when trying to manage stress on the job and at home. Here are some ideas Mantell recommends that you can use for a safety meeting on stress management.

1. **Prioritize, streamline, delegate, and discard.** When facing a task, ask if it's really necessary to do today, if there's an easier way to do it, or who might be able to help.
2. **Break it up.** Take 2- to 3-minute breaks every hour throughout the workday. Mantell also urges employees to "commit to doing one fun thing every single day without exception." Laugh, play a game, or cook a meal, as long as it's enjoyable.
3. **Make time.** Build time into your schedule for creative expression, healthy eating, moderate daily exercise, time with friends, and time in nature.
4. **Be on time.** "Last minute equals high risk," says Mantell. Running late creates stress in us as well as in others. Build in cushion time between appointments to allow for traffic and the unexpected.
5. **Send negativity flying.** If a coworker is on the warpath, visualize an airplane with an advertising banner over that person's head. Imagine each negative word floating up into the banner, flying by and out of view. "Getting out of the line of fire can defuse a tense moment and preclude anxiety and stress," Mantell explains.
6. **Relax and watch what happens.** Do mini-meditations or mindful breathing while you're shifting between tasks or in line at the cafeteria. Getting a message, rocking a baby, rebuilding an engine, or playing an active sport can also produce a meditative state of relaxation.
7. **Get essential nutrients.** Go beyond vitamins and begin to think about daylight and laughter as essential daily nutrients. Get outside and take in some fresh air, even if it's just 10 minutes on a wintry day.
8. **Consider what you're consuming.** Rethink the role played by sugar, caffeine, and alcohol in your life. These can increase stress levels.
9. **Watch your words.** Negative internal chatter and self-recrimination are distracting and demoralizing. Never say anything to yourself that you wouldn't say to your best friend.
10. **Be kind.** Do something kind for a different coworker every day. Mantell points to the "cumulative, positive transformation that takes place when it becomes second nature to create joy and reduce stress for others."
11. **Sleep on it.** Sleep deprivation is threatening to become an epidemic in the United States, and stress is a major culprit. Try to get restful, restorative sleep every day, and watch your stress level decline.

## Train the trainer

### How to get your employees ENGAGED in training

What can you do to engage learners and increase the effectiveness of your training? Applied learning expert and author, Vicki Halsey, PhD, explains how.

Trainers need to spend more time thinking about how they are going to teach than what they are going to teach, says Halsey, ([www.vickihalsey.com](http://www.vickihalsey.com)), author of *Brilliance by Design: Creating Learning Experiences That Connect, Inspire, and ENGAGE* (Berrett-Koehler, 2011), and vice president of applied learning at The Ken Blanchard Companies.

Trainers tend to spend 70 percent of their time focused on what they're going to teach and only 30 percent on how they're going to teach it, but Halsey says that should be the other way around.

In her book, Halsey outlines the ENGAGE Model, a six-step design based on new discoveries in neuroscience that stimulates active learning and increases retention:

**Energize learners.** This involves getting learners focused on and excited about training in advance (e.g., having a podcast on the topic, distributing a related book and study guide). At the start of the session, it also includes thanking learners and getting them involved right away by asking a powerful opening question, conducting an interactive activity, or announcing key training goals.

**Navigate content.** Using a variety of methods (e.g., visual, auditory, kinesthetic) to engage different parts of the brain, the trainer alternates between teaching content and reviewing content through role-plays, games, or team activities.

**Generate meaning.** Many trainers stop after the first two steps, but Halsey says it is important to proceed through all six steps. Trainers should help learners understand “what’s in it for them” by directly asking them to explain the value of the new information they learned and how it will help them, she says.

**Apply to real world.** Learners need opportunities during training to demonstrate their mastery of the new skills (e.g., a learning lab, simulations, or real-world practice).

**Gauge and celebrate.** During this step, learners assess how much they have learned—through a quiz, crossword puzzle, or presentation to others—and celebrate their accomplishment.

**Extend learning to action.** Follow-up activities (e.g., e-mail reminders or buddy systems) help ensure that learners act on their intentions to use their new knowledge or skills.

### 'Lean' into more effective training

Just as “Lean” has helped cut waste in manufacturing and other industries, it can help training departments reduce waste and make training more effective, says Todd Hudson. In the following guidance, Hudson shows how to apply “Lean” principles to your training program.

The basic concept of Lean in the corporate learning context is that “people should get the information they need exactly when they need it,” says Hudson, head maverick at the Maverick Institute ([www.maverickinstitute.com](http://www.maverickinstitute.com)), which—to his knowledge—is the only firm that applies Lean principles to learning.

“The focus on Lean training is knowledge retention. It’s not the amount of training you do,” he says. “It’s what people take away from the training that matters.”

“Classroom training looks really efficient and effective” when you consider that you’re training 20 people simultaneously, but Hudson says that, after 1 month, learners retain only about 20 percent of what they learn in classroom training.

Although skills like public speaking, collaboration, and teamwork are best taught in a group setting, Hudson says that about 80 percent of training should be individualized and customized based on particular needs.

Rather than lumping several related topics into the same training session, for example, Lean training is more effective because it addresses an identified need—in small chunks, without a delay of weeks or months, and often one-on-one, he says. Subject-matter experts providing the training can take into account the individual employee’s previous knowledge and job experience and tailor the training to his or her needs.

Applying Lean principles to training lowers costs and increases training’s efficiency and effectiveness. “People are going to be spending less time in training activities that don’t deliver results,” Hudson says, adding that employees will also retain more, apply what they learned, and improve performance.

Top performers don’t sit through classroom training that covers information they already know, Hudson says, noting that lower-performing workers benefit, too, because their training is designed to address their individual needs.

## Violence in the workplace

### Train to prevent—and/or prepare for—potential violence

Potential violence is easy to ignore, and there’s no law requiring you to have a policy or a program; however, the threats—physical, mental, and financial—are very real.

Consider the following:

- ◆ Ours is a violent society and some of that violence finds its way into the workplace.
- ◆ One-sixth of violent crimes occur in the workplace—nearly 2 million incidents a year.
- ◆ More than 600 people die each year nationwide from violent acts in the workplace.
- ◆ Tens of thousands of people are assaulted at work each week—often by people they know.
- ◆ Violence costs millions in lost productivity, legal fees, and other related expenses every year.

For help in preparing for potential violence, we turned to BLR’s popular *10-Minute HR Trainer*.

## **Some job types are more at risk**

In assessing the risks faced by your employees, remember that certain job types pose a higher risk for violence—for example:

- ◆ Handling cash or valuables
- ◆ Working alone
- ◆ Working late-night or early-morning hours
- ◆ Working in high-crime areas
- ◆ Guarding property, cash, or valuables
- ◆ Working in community settings

## **Be aware of many types of potential perpetrators**

There are many motivations that can contribute to violence in the workplace, and it's often not strangers who commit the violent acts. For example:

- ◆ Current employees may feel they are being unfairly treated or they may have personal problems that drive them to act out violently.
- ◆ Violence may also break out when there is unresolved conflict between employees or between groups of employees.
- ◆ Former employees might return to the workplace filled with rage because they have been fired or laid off and want revenge against their supervisor and the company.
- ◆ Customers, vendors, and delivery people may perpetrate acts of violence against employees.
- ◆ Other outsiders, such as friends and partners of employees, ex-spouses, and former boyfriends and girlfriends, may also enter the workplace to commit acts of violence against employees.
- ◆ Thieves and muggers could resort to violence during commission of crimes in and around your facility, and rapists by definition are violent criminals.
- ◆ Today, terrorists must also be included on this list, even if the risk for your company is slight.

## **Explain and enforce**

Just writing a policy isn't enough. Publicize the organization's Violence Prevention Policy, and train on it as opportunities are available at departmental meetings, for example. Specifically:

- ◆ Make sure you are familiar with the organization's violence prevention policy. (If you don't have such a policy, write one.)
- ◆ Make sure that all employees know that the purpose of the policy is to clarify the issue of workplace violence and put all employees on notice that the organization is committed to providing a safe and respectful environment for everyone who works or visits here.

- ◆ Be sure that the policy establishes a zero tolerance for violence and states that any acts or threats of violence will be taken seriously and may lead to discipline, including termination.
- ◆ The policy should make all employees responsible for maintaining a violence-free workplace.
- ◆ Stress that all incidents must be taken seriously and reported, even if there is no actual violence.
- ◆ Your role is to communicate the policy to employees and enforce it strictly.

### **Take effective action to prevent workplace violence**

First of all, require employees to comply with all established security procedures. In particular:

- ◆ Make sure visitors to your department are met in the lobby and escorted.
- ◆ Inform security personnel about anyone you don't want allowed on the premises.
- ◆ Report strangers, including people loitering outside and in parking areas.
- ◆ Don't open strange or unexpected packages or letters—send them to security.
- ◆ Warn employees to guard all security information, access codes, keys, etc., carefully and to never lend them to anyone—inside or outside the company.
- ◆ Take advantage of security systems, and report if they are not functioning properly.
- ◆ Report other security problems such as burned out lights or broken locks.
- ◆ When employees are working late, make sure that they tell someone when and where they will be, and encourage them to stay near a phone.

In addition, the *10-Minute HR Trainer* suggests:

- ◆ Arrange a danger signal or code phrase with employees to alert coworkers to trouble.
- ◆ Take all threats seriously and deal with them according to company policy.

### **Train employees to take personal security measures**

Take a proactive role in violence prevention. Convince your employees to make personal security a habit when coming and going from the workplace or traveling on business.

Advise them to do the following:

- ◆ Keep vehicle doors locked—both while driving and whenever you leave the vehicle.
- ◆ Check your vehicle before entering it to make sure no one is hiding under or inside.
- ◆ When walking, choose busy, well-lit areas, and check the personal space around you to be alert for muggers or others who might threaten your safety.

- ◆ If you feel uncomfortable or believe you are being stalked, go into a well-lit, busy store.
- ◆ Carry purses, briefcases, or computers close to your body to deter theft.

Workplace violence is a real and present danger that requires you and your employees to take effective preventive action. Here's a sample handout from the *10-Minute HR Trainer*.

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## **Sample Handout—Violence Prevention**

### **Do your part to prevent violence at (ABC) Company:**

- ◆ Follow the company's security procedures and take advantage of security systems.
  - ◆ Report any unauthorized strangers to security, including people loitering in parking areas or outside the building.
  - ◆ Make sure visitors are met in the lobby and escorted.
  - ◆ Don't open strange or unexpected packages or letters—send them to security.
  - ◆ Closely guard all security information, access codes, keys, etc.
  - ◆ Arrange a danger signal or code phrase to alert coworkers to trouble.
  - ◆ Take any threats or harassment seriously, and report them to your supervisor.
  - ◆ Let someone know when you are working late and stay near a phone.
  - ◆ Report any security problems, such as burned out lights, broken locks, and malfunctioning security systems.
  - ◆ Be careful when commuting to and from work or when your job takes you on the road.
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## **Wellness**

### **Provide training in conjunction with a wellness program**

Many organizations have wellness programs to one degree or another. But what about wellness training? Does training play a part in making your wellness programs more effective? In the following guidance, we make the case that yes, it certainly does.

Training is an essential component of any wellness program. "The education part is big," says Peggy Cretella, an instructional design manager with

BLR®—Business & Legal Resources. “If you educate people, you empower them to be in charge of their own health” and to make healthier choices.

Topics typically covered in wellness training include:

- ◆ Back safety,
- ◆ Balancing work and family responsibilities,
- ◆ Financial wellness,
- ◆ Healthy aging,
- ◆ Heart health,
- ◆ Nutrition,
- ◆ Physical fitness,
- ◆ Sleeping habits, *and*
- ◆ Stress management,

explains Cretella, who developed the content for the online *Wellness Library*, available as part of BLR’s *TrainingToday*. “These are topics that are going to apply to most people.”

She says trainers can help ensure the success of wellness training by getting senior management’s buy-in for it. “Get senior management on board,” Cretella says. Once management backs the wellness program —and associated training—the rest “falls into place.”

In addition to training, Cretella recommends providing wellness information to employees via company newsletters and e-mail. Ongoing communication helps reinforce what was covered in training and provides additional opportunities to educate employees about the importance of leading a healthy lifestyle.

Employers that offer an effective wellness program—and related training—enjoy a significant return on investment (ROI). “Employer-sponsored wellness programs can decrease health insurance costs, increase productivity, and boost employee morale and retention,” says BLR founder Robert L. Brady. “Offering wellness training for employees has a tremendous ROI value for employers. An organization sponsoring a wellness program will see an increase in productivity as the result of a decline in employee absenteeism and an improvement in employee morale as they demonstrate that their organization values the well-being of their employees—both on and off the job.”

For every \$1 that employers spend on a wellness program, they will see a \$3 ROI over the long term, Cretella says.

## **Research**

Recent research shows that educating employees about a program is critical to its success. Let’s examine that research and some case studies.

“Well on the Way: Engaging Employees in Workplace Wellness,” a white paper released by Colonial Life & Accident Insurance Company, explains that strong communication drives the effectiveness of wellness programs. The company has

found that more than half of workers do not know enough about their company's wellness programs to participate in them. In fact, 52 percent of workers whose employers offer wellness programs say they are only somewhat or not at all knowledgeable about them, and the lack of knowledge is highest among young workers, less-educated workers, and lower-paid workers.

"Just offering a wellness program and expecting a majority of employees to participate—the 'if you build it, they will come' scenario—is prone to failure," said Steve Bygott, assistant vice president of marketing analysis and programs at Colonial Life.

## **Case studies**

Communication that clearly delineates the benefits of participation to employees is the first step to long-term engagement in wellness programs.

Winners of the National Business Group on Health's ([www.businessgrouphealth.org](http://www.businessgrouphealth.org)) 2012 Best Employers for Healthy Lifestyles awards, for example, have demonstrated their commitment to promoting wellness and educating employees about it.

Cardinal Health ([www.cardinalhealth.com](http://www.cardinalhealth.com)) received an award for its Healthy Lifestyles program, which is part of the company's overarching benefits strategy to support the well-being and development of its employees. Cardinal Health incorporates work/life effectiveness initiatives, programs, and incentives that emphasize wellness and prevention. Among other offerings, the company provides its employees with education and awareness programs, as well as health coaching.

NextEra Energy, Inc., ([www.NextEraEnergy.com](http://www.NextEraEnergy.com)) is another award winner. Its NextEra Health & Well-Being initiative provides a wide variety of health and productivity management programs—with services in five primary categories: health promotion, fitness, nutrition and weight management, health centers, and an employee assistance program.

American Express's ([www.americanexpress.com](http://www.americanexpress.com)) Healthy Living corporate wellness program encourages preventive care and healthy lifestyles. Developed in 2009, the program was introduced in an effort to help employees achieve greater physical, psychological, financial, and social well-being through superior resources, enhanced access to care, and incentives to foster healthy changes, including health coaching, on-site medical clinics, and lifestyle and disease management programs. The company also received a Best Communication Tactics award for its global communication efforts to engage employees and develop a strong culture of wellness.

HP ([www.hp.com](http://www.hp.com)) has created a global culture of wellness with its Winning with Wellness initiative. The program, which was implemented in 33 countries over the course of 1 year, equips employees with user-friendly tools and resources to take charge of—and be accountable for—managing their personal wellness, according to Aon Hewitt ([www.aonhewitt.com](http://www.aonhewitt.com)), which worked with HP to, among other things, articulate its wellness strategy and create a plan to implement and communicate the initiative globally.

# Whistleblowing

## Training is a remedy for whistleblower violations

Supervisory training and employee education are among the remedies that several employers must provide after federal investigators recently cited them for alleged whistleblower violations. Here are the details.

The U.S. Department of Labor (DOL) reached a settlement agreement with True North Hotel Group, Inc., stipulating that the Overland Park, Kansas-based company must pay \$22,225 in back wages and compensatory damages to a former employee who was terminated in Massachusetts after notifying supervisors about safety concerns and filing a whistleblower complaint with DOL's Occupational Safety and Health Administration (OSHA).

Among other things, the settlement specifies that the company will offer annual training to all managers and supervisors on whistleblower rights and employer responsibilities; provide training materials to all newly hired or promoted managers; and post a whistleblower fact sheet and OSHA poster, in both English and Spanish, in conspicuous locations at all of its worksites.

“Employers must understand that every employee has the right to raise workplace safety and health concerns without fear of retaliation or termination,” said Marthe Kent, OSHA's New England regional administrator. “When employees are fearful or reluctant to raise these issues with their employers, hazardous conditions could go undetected until employees are injured or sickened.”

In recent months, several other employers have been told to provide whistleblower rights information to their employees after being cited for violations of whistleblower provisions. Those employers include Coit Services of Bedford Heights, Ohio, which was ordered to reinstate and pay a technician \$161,228 in back wages, compensatory damages, and interest plus attorneys' fees. OSHA said the employer violated the whistleblower provisions of the Clean Air Act and the Toxic Substances Control Act when it wrongfully terminated the technician after he raised safety concerns about breaches of lead abatement protocol during a residential water mitigation project.

OSHA said Brillo Motor Transportation, Inc. (Brillo), a commercial motor carrier in Massachusetts, fired a truck driver in retaliation for his refusal to drive hours in excess of those allowed under federal regulations. Brillo was ordered to reinstate the driver and pay him \$96,864 in back wages and interest, \$9,669 in compensatory damages, and \$25,000 in punitive damages plus attorneys' fees.

The Northeast Illinois Regional Commuter Railroad Corp., known as Metra, was ordered to pay \$38,080 in overtime, as well as interest, compensatory damages, and attorneys' fees, to a signalman whose overtime hours were reduced and whose position was eliminated after he reported that signal routes were not tested properly, and he filed a retaliation claim.

# Workers' compensation

## Inform employees about return-to-work programs

Let's talk about easing an employee's return to work after recovering from a workers' compensation injury or illness.

Rehabilitation programs help employees regain strength or learn to function with a disability. Therapy teaches employees ways to work without reinjury or repeat illness—for example, proper lifting techniques or stress management techniques.

Medical professionals will determine when an employee can return to work. Employers will consult with the employee's doctor to find out whether the employee can return to regular duties or whether a light- or alternate-duty job is necessary for a while before the employee can take up regular job duties again.

One of the most important ways to ease a recovering employee's return to work is by assigning appropriate **alternate- or light-duty work**. This kind of work:

1. Is a transitional phase for a worker recovering from a job-related injury or illness. It is a way to ease the employee back into work routines without causing further harm.
2. Gives the employee the chance to make a meaningful and productive contribution during the transitional phase.
3. Helps bridge the gap for the employee between being out of work and resuming regular job duties.

The employee's physician will monitor performance during this period to prevent overtaxing, reinjury, or repeated illness. The physician will tell employers when the employee can go back to his or her regular job. When there is no appropriate alternate-duty job, the employee may be treated solely at an off-site rehabilitation center.

Alternate-duty work is one of the most important ways to ease a recovering employee's return to work. Alternate-duty work is a transitional phase for a worker recovering from a job-related injury or illness to ease back into work routines without causing further harm.

Alternate-duty work gives the employee the chance to make a meaningful and productive contribution during the transitional phase. This time also provides a chance for the employee to rebuild strength gradually. Alternate-duty work also provides the opportunity for the employee to learn to perform tasks in ways that can prevent future injuries or illness. It is also a morale booster for employees who may be bored at home or fearful about future employment status.

It is a temporary situation that will end once the employee's doctor says he or she can resume regular job duties. The transitional phase is monitored by medical professionals to prevent reinjury or repeat illness.

Now a few words about what alternate duty is NOT:

- ◆ It is not make-work. It must be real work, something that needs to be done. Make-work harms the employee's morale and may make coworkers resentful.

- ◆ It is definitely not an excuse for the employee to goof off. This would be bad for the morale of the whole work group. The employee must understand that the work is important and that you are counting on him or her to work hard and do a good job.
- ◆ It is not work that could reinjure the worker or aggravate an illness. Employers need to consult with medical professionals to design appropriate alternative work.

The above information comes from BLR's presentation, "Workers' Compensation: What Employers Need to Know."



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*I have been doing training and HR for over 15 years and these are by far the best videos I have ever seen. They use real attorneys to explain the dos and don'ts, and the videos are very well done. I think the Ag-Power team is going to feel this is a huge improvement over the safety videos we used for the last two years –and BLR's TrainingToday is a lot less expensive."*

–Stephanie Mistler, PHR,  
Ag-Power, Inc.