

Workplace Lessons in Don Sterling Controversy

By Holly Culhane, Contributing Columnist



Most of us have likely heard about the controversy surrounding Los Angeles Clippers owner Donald Sterling and the tape recorded racist remarks he made, including one that targeted Hall of Famer Magic Johnson. The controversy has been the subject of 24/7 cable news coverage and prompted the NBA commissioner to announce a lifetime suspension of Sterling from involvement with his team and basketball.

It would be hard to ignore the Sterling controversy and its fallout. But are we hearing or ignoring similar problems in our own workplace? Maybe it's not a company owner who is making racist or discriminatory comments. But what about the company's supervisors and workers or even its contractors?

There is a long list of actions, including racist speech, which can create a "hostile work environment" that damages worker morale and productivity, and places an employer in legal hot water.

A hostile environment is created by a boss or coworkers, whose discriminatory actions, or speech can make the workplace an impossible place to work. Federal and state laws identify groups – such as those defined by race, creed, color, sexual orientation, age and religion – that are protected from discriminatory actions and speech.

A busy business owner or manager, whose plate of responsibilities already is overflowing, may be tempted to look the other way when he or she hears a sexist joke, a racist remark, or a hint at biased treatment. But they do so at their own peril and at the risk of the company's liability.

Accusations of discrimination can be leveled by workers, as well as customers and non-employees working on site. They can expose employers to fines and punishment brought by federal and state agencies that monitor workplace laws. They can lead to costly lawsuits. And they can damage a company's reputation.

Employers should take steps to head off and address problems.

- Create a written policy requiring managers and workers treat each other with respect and in a non-discriminating manner. The consequences of violating the policy, such as suspension or termination, should be included.
- Create a formal and responsive complaint process.
- When a complaint is received, investigate. Consider every complaint to be serious. An investigation should include interviewing all people involved, as well as potential witnesses. Also determine how the complaining employee believes the matter can be resolved. Counsel the alleged offender? Transfer the complaining employee? While the complaining employee's

wishes should not determine the outcome, they can provide insight into the depth of the problem.

- Refrain from passing judgment. Provide a fair and complete investigation to protect the accuser, the accused and the company.
- Document the investigation. Keep notes and records of all interviews, discussions and actions taken to resolve the problem. A company may need this documentation to defend itself in a regulatory agency's action, or in a lawsuit.
- Explain and document findings. An investigation should lead to a logical conclusion. Action taken should comply with the company's written "hostile workplace" policy.
- Discipline if necessary. If the investigation finds that an accusation of discrimination or other "hostile" behavior has occurred, an employer should be prepared to take appropriate action. As with all workplace situations, disciplinary action must follow established company policies, and comply with state and federal labor laws.

The Donald Sterling controversy is a reminder that no workplace is immune to discriminatory action and speech. Problems can lurk at the very top of an organization, or in the rank-and-file. At all levels, take this type of behavior seriously.

This article written by Holly Culhane first appeared online and in The Bakersfield Californian on May 6, 2014. Holly Culhane is president of the Bakersfield-based human resources consulting firm P.A.S. Associates. She can be contacted through her website www.pasassociates.com and through the [PAS Facebook](#) page or by phone at 631-2165.

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