

Promoting employees from rank-and-file to boss? Make sure their training includes retaliation

For many employees, it's difficult to make the move into management if they've grown comfortable being part of the front-line workforce. They're often suddenly faced with giving orders and directing the work of their former co-workers. And that can be an awkward situation when it's necessary to discipline someone.

But there's an even darker side to the rank-and-file-to-management switch.

Sometimes a newly minted supervisor takes the opportunity to settle old scores with former co-workers. That can create liability for the employer.

That's why—before the promotion goes into effect—you must train the candidates on sensitive issues such as harassment and retaliation.

Advice: Perhaps one of the most effective things you can do is tell new supervisors they may be personally liable for any harassment or discrimination that they engage in under New York state anti-discrimination laws.

Recent case: Vanessa Patterson, who is black, worked for Xerox. After she lodged a sexual harassment complaint against a co-worker, the man was disciplined. For several years, all was fine.

Then one of the harasser's friends was promoted, becoming Patterson's supervisor. From the moment on, Patterson claimed, he exerted power over her and set about punishing her for the sexual harassment charge she had lodged against his friend.

In addition, Patterson said he made racist comments and disparaged women in general. For example, she said that one of the first things the supervisor told her after his promotion became effective was that she should adopt more of a "slave mentality" and should be seen, but not heard.

He allegedly said he agreed with radio personality Don Imus' comments that black female basketball players were "nappy-headed hos." Finally, Patterson said the supervisor made no secret of his desire to see their employer "fire all black people."

Plus, he told her he was going to "get her" because of her earlier complaint.

Patterson sued both Xerox and the supervisor. He tried to get the personal charges against him dismissed. The court agreed that he could not be personally liable under Title VII for harassment, discrimination or retaliation. But New York state law was another matter. The court refused to dismiss the charges against the supervisor under the New York State Human Rights Law. His personal assets are now at risk. (*Patterson v. Xerox Corp. and Peterson*, No. 10-CV-6097, WD NY, 2010)

3 tips for easing the switch from worker to manager

It's easy to forget that newly promoted supervisors don't have the same background as others who have always worked on the management side of things. Making the change from co-worker to supervisor can be very hard on existing relationships.

- 1. Don't ignore the potential problem.** When you conduct training, address how new managers will work with former co-workers.
- 2. Remember, new supervisors haven't had the training** other supervisors have received on your employment policies. Give them access to the training—and give them time to absorb what they have learned *before* they assume supervisory roles.
- 3. Finally, be on the lookout for biased attitudes** that you may not have recognized when the new boss was just a line worker.