

# Is employee being set up to fail? Beware boss's criticism of 'soft' skills

Discrimination can creep into the workplace, even if on the surface there's nothing blatantly offensive going on. There are still supervisors who treat subordinates poorly because of race or some other protected characteristic. While it may not show up in hard metrics like meeting sales goals, it may show up in "soft" measures such as communication and cooperation.

That's why HR should exercise caution before authorizing discipline against an employee who is meeting concrete goals like sales figures, but is being criticized for more general problems.

**Recent case:** Donald Clark, who is black, was responsible for a territory in which he placed Kraft products on grocery shelves. For several years, he consistently met his sales and other concrete goals and even won company awards.

Things changed when he got a new supervisor. Suddenly, Clark was criticized for his communication style. Unidentified customers allegedly complained about him. Eventually, Clark was terminated.

He sued, alleging race discrimination.

The court said his case could proceed, based in part on the mixed and recent reviews on which his discharge was based. The court expressed skepticism that a good performer suddenly became a poor worker despite good sales numbers. (*Clark v. Kraft Foods*, No. 10-4063, ED PA, 2011)

**Final note:** Always be alert for evidence an employee is being set up to fail. Signs include receiving fewer resources, being excluded from training and being criticized for communication problems without solid, verified examples.