

Can HR professionals be fired for insisting on legal compliance?



Have you ever been frustrated that your CEO doesn't seem to care about the FLSA, FMLA, ADA or any other of those magic compliance acronyms?

What if the boss gets tired of your helpful suggestions to get in compliance ... and decides to send you packing?

There is some hope for HR professionals caught in this no-win situation. As the following court ruling shows, if you are fired for insisting that the company comply with anti-discrimination laws, you can likely sue for retaliation or whistleblower violations.

The case: An Ohio company hired Eugene, a 30-year veteran of the HR field, to help "cure a toxic workplace environment replete with systemic discrimination and other illegal conduct."

Once on board, Eugene agreed that the company was indeed discriminating against just about everyone, including women, older workers and the disabled. He also said the company punished anyone who took FMLA leave.

When Eugene pointed out the problems to management, he claimed that a senior exec told him the company didn't intend on complying with these laws because the company, as the exec put it, "never had to write a big enough check to justify compliance with the rules."

Eugene was then fired, and he sued.

A federal appeals court sided with Eugene, saying he should have his day in court to prove that he experienced retaliation for reporting discrimination and insisting it stop. (*Rhodes v. R&L Carriers*)

Final note: Time will tell if a jury will make the company write a big enough check to clean up its toxic workplace after all.

What is your CEO thinking?

Sue Meisinger, a consultant and former CEO of the Society for Human Resource Management (SHRM), has sat on both sides of the CEO/HR fence. At a recent SHRM conference, she noted several things that CEOs will likely never say to HR, but that HR needs to understand:

- 1. CEOs don't understand what you do and don't care.** Most CEOs wonder if HR people understand the business side. Brush up on your business acumen. Leave the HR speak at the door and "stay focused on what keeps the CEO up at night."
- 2. They think of you as a cost center.** Never lose sight that salaries and benefits are the biggest expense of a business. "Be able to articulate what you do as it relates to the bottom line, not how happy it makes the employees," she says. CEOs care about productivity so look for organizational efficiencies.
- 3. CEOs want concrete info before making decisions.** They don't care that a new computer system will make life easier for you or your staff; they want to know the ROI and the effect on staffing. Plus, remember to circle back and say, "Remember that decision we made. Here's the ROI from it."
- 4. They're desperate for ideas and any competitive information.** "HR needs to bring ideas to the table, and don't just limit yourself to HR stuff," she says. "Know the business. Bring your curiosity to the meeting and share your knowledge." *Tip:* Read the same trade publications as your CEO.
- 5. CEOs want to know what's going on in the business, but they don't have enough time** (or the skills). Help them stay connected. Give them insights into major life changes of employees (marriages, births). Bring them important conflicts that could affect the company—important stuff, not gossip.
- 6. They won't tell you what's going on at home—or when they're planning to leave.** And often new CEOs like to bring in their own HR person. Meisinger says, "Since you probably won't know their plans, be sure you have your own plan. So network!"