

# Supersensitive employees? Don't treat with kid gloves

Don't let fear of litigation allow one or two supersensitive employees to squash reasonable criticism and destroy workplace morale.

Take, for example, an employee who happens to be a member of a protected class (e.g., race, gender or disability) and always seems to believe that supervisors are singling him out. Does fear of another outburst or internal complaint make your managers shy away from reasonable criticism of that employee? If so, you're losing control of your workplace.

Don't let that happen. Of course, you must continue to investigate all complaints. But you also should instruct managers and supervisors to hold the employee to the same standards as everyone else.

**Recent case:** Keith Smith, who is black, complained that his supervisors discriminated against him because of his race. Then one of those supervisors reviewed everyone's long-distance bills, looking for excessive charges. She found that Smith's bill was the highest—totaling \$217—when no one else in the division had dialed up more than \$50.

She asked Smith about the bill. Smith said they were all business-related. She sent an e-mail asking for more specifics, and Smith reiterated that they were business-related. She then demanded a list of who had been called and asked about the substance of each conversation. Smith responded with the information. He then told her that she was harassing him. No one disciplined Smith, and the matter was dropped.

Smith then began hanging around a co-worker's cubicle, discussing what Smith said was a lawsuit he planned to file against the organization. A manager told the co-worker that the discussions were disruptive and said something "bad" was going to happen to Smith.

Nothing bad ever did happen to Smith—no termination, demotion or even discipline. That didn't stop him from suing, alleging retaliation. But the court threw out the case. It reasoned that there was nothing about any of the incidents that would dissuade a reasonable employee from filing a discrimination claim. Therefore, there could be no retaliation. (*Smith v. Harvey*, No. 07-30395, 5th Cir., 2008)