

Lessons on workplace harassment from Ted Lasso



As fans of the hit TV show *Ted Lasso* wait for Season 3 to drop, let's take a moment to review an important employment law lesson from Season 2. One of the storylines tells of Nate, who transforms from a loveable bullied kit man to an abusive, insufferable coach. At one point he's seen cruelly unleashing a tirade of anger on an underling, Will. Nate's mistreatment of Will is uncomfortable to watch and horrendous management. But is it illegal? The answer is no.

Unless a bully is harassing someone because of a protected class (race, sex, age, disability, religion, national origin, etc.), bullying is probably lawful. As the U.S. Supreme Court has famously said, our workplace discrimination laws are not meant to be a "general civility code" for the workplace. In layman's terms, our laws allow people to be jerks to each other at work as long as it's not because of a protected reason.

The question, however, is not whether the law protects the bullied, but instead what you should be doing about it in your workplace. If you want to be sued by every employee who faces harsh words (some of whom will be in a protected class), then continue to tolerate abusive employees. If you want to crush employees' morale and cause emotional distress, then let bullies go unchecked. If you want to lose well-performing workers, then allow them to be pushed out the door by intolerable managers or co-workers.

3 steps to silence bullies

What can you do to protect your workplace from this misconduct and all of the problems that it will cause?

1. Review current policies. Most handbooks already have policies and procedures that deal with workplace bullying. Do you have an open-door policy? A complaint policy? A standards-of-conduct policy? If so, your

employees already know that they can go to management with any concerns—bullying included—and seek intervention.

2. Take complaints seriously. These policies are only as good as how they are enforced. Whether or not illegal, reports of bullying should be treated like any other harassment complaint. You should promptly conduct an investigation and implement appropriate corrective action to remedy the bullying.

3. If you see it, do something about it. Bullies who go uncorrected become empowered to bully more. You cannot let this happen. Let them know, as soon as you notice misbehavior, that such misconduct is contra to company policy and culture, that it will not be tolerated, and that if it continues, the employee will be terminated.

In other words, take seriously bullying in your workplace. Or, in the sage words of Coach Beard, “Do better.”

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