

Crying wolf? 4 steps for handling serial complainers

Some employees have chips on their shoulders—everything is always someone else's fault, not theirs. They constantly pester supervisors and higher-ups with complaints about discrimination, retaliation and general unfairness. How is an employer supposed to deal with such constant whining?

On one hand, you want the nonsense to stop. On the other hand, you don't want to miss a real discrimination complaint.

Your best bet is to follow established procedures for investigating complaints. Then, if they prove unfounded, you can—and should—tell the employee to just, "Move on and get back to work."

Here's what to do when an employee with a history of making unfounded complaints complains again:

1. Never assume the new complaint is automatically false or unfounded. Remember the parable of the boy who cried wolf! You don't want to miss a serious problem just because the source of the complaint is suspect.
2. Follow your internal policies to the letter. If you would investigate the complaint coming from someone else, investigate this one too.
3. Always come to a conclusion. Don't allow the complaint to sit unresolved.
4. Renew your efforts to educate all employees about company policies and what constitutes discrimination and harassment. This can help employees understand when they should report possible harassment and discrimination.

As the following case shows, even if the complaining employee files a retaliation claim, chances are he'll lose. Why? Because he won't be able to show that your thorough and fair response would have dissuaded a reasonable employee from complaining in the first place.

Recent case: Patrick Brinkman, an over-40 male employee of Andersen Windows, worked his way up from the factory floor to a spot on the IT help desk. Then a female supervisor arrived on the scene.

Almost immediately, Brinkman felt the supervisor treated him in a "demeaning way." For example, he took offense when she sent an e-mail to all the IT help desk employees explaining how they could improve customer service. Brinkman hit "reply to all" and told everyone he thought she was wrong.

When the supervisor told him he shouldn't have sent the e-mail to everyone, Brinkman complained to HR.

This continued for months, with management investigating a series of discrimination allegations. Finally, Brinkman was told he should work out his problems with his supervisor and "move on."

Shortly after, the company implemented an outsourcing plan and eliminated the IT help desk jobs. Brinkman sued, alleging Andersen had cut his job in retaliation for his complaints.

The court tossed out the case. It reasoned that it's not retaliation to tell an employee he needs to just get over it if his employer investigates repeated complaints in good faith and dismisses them as unfounded. (*Brinkman v. Andersen Corporation*, No. 06-4530, DC MN, 2008)