

With Stephen's newest book he continues to demonstrate his thorough and introspective knowledge of the dysfunctional personnel dynamics that occur far too frequently in many modern Canadian workplaces. Utilizing appropriate examples from significant past issues as well as newsworthy current events he is able to provide a lucid and thought provoking read on the concerns related to inappropriate workplace behaviors. Within each chapter he will inform you, encourage reflection and finally stimulate appropriate actions by those of us with the responsibilities of supervising and managing personnel in a safe, supportive and respectful manner.

*Richard Craibbe, Chief Training Officer
Oakville Fire Department*

Wow, your book came at a great time for me. Initially I thought I was going to learn about what I could do about other people in my life. Instead, what I found was a tonne of material to challenge myself to look at my own behaviours and interactions. The chapters are short, use contemporary examples, provide lots of food for thought and the suggestions for the New Norm are totally achievable. I plan to incorporate this book into my practice and share with my co-workers. Like your previous work, I expect the messages to resonate even years later.

I read the book while sitting with my husband. The poor man is dying to read it as soon as it's available. I must have gasped a lot.

Deb Stewart, Registered Nurse

Stephen Hammond's book, "The New Norm" is easy to follow and full of common sense. I loved the real case examples, older ones that stand the test of time and new ones that are relevant in the ever-changing landscape of the work environment. He categorizes behaviour as it was and as it should be - what every employer should strive for.

*Jackie Gruber
Human Rights and Conflict Management Officer, University of Manitoba*

SOME NORMS TO CONSIDER

How expensive can work misunderstandings and questionable behaviour be? It's time to update your sense of what's acceptable and what's not – before it costs you or your organization a lot of money.

A MALE SUPERVISOR takes a business trip to a remote location, bringing along a newly hired female employee. When they reach their destination, she learns he has booked only one room in a motel. Even though she ends up having what seems like consensual sex with him, she later files a sexual harassment suit and wins.

A UNION MEMBER tries to bully a fellow employee into refusing overtime (an action not required by the union), calling him a "scab" in front of others, while others fill his boot with urine. The bully ends up suspended for a day and a half without pay.

A FEMALE EMPLOYEE gets harassed with such comments as "waddle waddle" for fourteen years. An adjudicator rules that it qualifies as sexual harassment, and both the harasser and his manager (who did nothing when the woman complained) are held responsible. The company has to fork over \$43,273 to the woman for lost income and expenses, plus \$5,000 for general damages.

CLOSE TO VALENTINE'S DAY, a male employee buys red-lace G-string panties for three female employees, and persuades another male manager to send them via internal mail from the manager's office building. One woman takes offense, and both men are fired. The company ends up having to replace and train two employees, and pay the ex-manager twelve months' salary in lieu of notice, plus legal costs.

ON SOCIAL MEDIA, a firefighter posts a photo of himself in his uniform alongside some insulting opinions of women (some of which he posts during work hours). Even though he does not refer directly to his employer, he's fired.

AN AIRLINE PILOT who posts what the company calls "shocking and appalling" comments on his Facebook page is terminated. Even though he doesn't mention his employer, is not wearing his work uniform and has not posted the comments during work time, he still loses his job.

A MOTHER WHO (along with her husband) works for an organization with highly variable shift work, finds that she cannot arrange for daycare without more predictable work hours. When she asks for a fixed schedule, she's told she can have this only with reduced hours and reduced benefits. The employer ends up on the hook for a lot of money and legal costs spanning ten years.

A MALE SUPERVISOR at a bar asks a female employee if she has any tattoos or piercing in hidden places, comments on the colour of her underwear and says her breasts are shrinking since she started an exercise regime. The supervisor ends up being fired.

A MALE CEO has a "close personal relationship" with a female employee, who flaunts it such that managers find her difficult to manage. When the Board finds out, it not only gives a "good-bye" package to the CEO involved; it ditches the company founder for knowing but not reporting the situation.

WHEN AN INDO-CANADIAN worker hears second-hand that fellow employees are calling him racist names behind his back, he cries racial discrimination. Even though he has been confronted face-to-face

only once, the adjudicator declares he has been "hurt inside" and is therefore a victim of discrimination.

A MAN WITH BIPOLAR 1 disorder starts a new job. Four days into his ninety-day probationary period, he tells his supervisor of his disorder. She looks it up on a Mayo Clinic website, raises a discussion with management and they fire him on his eighth day at work, well within his probationary period. They end up paying the man \$80,000 plus legal costs. The probationary period didn't save them.

A GENERAL MANAGER whose boss subjects him to extreme verbal abuse and insults, ends up with two months' back pay, seven months pay in lieu of notice, and legal costs, almost eight years later.

A PRISON GUARD with First Nations heritage is taunted by his supervisor with derogatory and racist words. When the guard requests an apology, management tells him he is too "thin-skinned." After twenty-three years of litigation, in which the employer (province) loses each and every proceeding, the guard ends up with damages of thousands of dollars, back pay for sick time, and promotions previously denied. The legal costs just to avoid an apology are unimaginable.

WHILE WALKING A FRIEND'S DOG, a CEO is caught on video kicking it and yanking on its leash. When the clip goes viral, the man's company puts him on probation and persuades him to donate \$100,000 to a foundation and volunteer 1,000 hours of his time to community service. When this fails to end the controversy, he is forced to resign and pay a fine of \$5,000; he is also banned from owning an animal for three years. Eight months later, he is still unemployed.

A TRUCK DRIVER who has been with his company for a dozen years uses his cell phone for four seconds while the truck is moving (a

violation of company policy, and confirmed via the dashboard-mounted video camera). He's terminated.

A NURSE WHO OFFENDS fellow nurses with her vulgar language (such as "taking it up the bum" and "wanting a wedgie"), gets a three-day suspension.

THREE EMPLOYEES post derogatory comments about a supervisor on their Facebook pages. One gets a five-day suspension, one is fired and the third's fate is litigated further. However, because one of the company's managers isn't "clean," this third employee gets a "break."

ONE MONTH into her probationary period at a new job, a hotel receptionist informs her manager she's pregnant. The company fires her forty minutes later, supposedly for poor performance and the way she dresses, though she has never received feedback on these issues prior to the firing. An adjudicator orders the employer to pay the woman \$15,206.

AN EMPLOYEE who also happens to be a union representative sends a request to his workplace supervisors. When questioned about the request, he returns a blistering email referring to managers as "puppets," "f---ing liars," "f---ing stupid" and "full of sh--." He claims the "immunity" to which union and management are sometimes entitled during heated bargaining sessions, but since his behaviour did not take place during a bargaining session, ends up with a thirty-day suspension. This, even though the company wasn't "clean" in its procedures.

WHEN A RESTAURANT owner denies entry to a blind woman because she is accompanied by her guide dog, he ends up facing penalties of up to \$5,000. However, once he realizes he was on the wrong side of the law, he apologizes publicly and volunteers with a guide dog foundation.

THE NEW NORM

A MANAGER'S GUIDE TO
IMPROVING WORKPLACE BEHAVIOUR

AND KEEPING OUT OF LEGAL HOT WATER

STEPHEN HAMMOND

HARASSMENT SOLUTIONS INC.

CONTENTS

1. The New Norm doesn't let his libido get in the way of his work.....	16	19. The New Norm knows misuse of social media even outside of work is risky.....	88
2. The New Norm realizes "consent" can be complex when power is involved.....	20	20. The New Norm has the nerve to speak up, even when part of a crowd.....	92
3. The New Norm doesn't let power go to his head.....	24	21. The New Norm is proactive, heading off complaints before they happen.....	96
4. The New Norm stands up to bullies.....	28	22. The New Norm can handle his drinking.....	100
5. The New Norm resolves conflicts amicably.....	32	23. The New Norm knows that language is a great uniter and a great divider.....	104
6. The New Norm accepts that he won't always get his way.....	36	24. The New Norm understands the complexity of workplace mental health issues...	108
7. The New Norm has the guts to say things to a colleague's face.....	40	25. The New Norm doesn't catcall women (honestly?).....	112
8. The New Norm speaks up regardless of hierarchy.....	44	26. The New Norm ensures his house is "clean".....	116
9. The New Norm won't make people fight for simple justice.....	48	27. The New Norm uses emails wisely.....	120
10. The New Norm behaves the same privately as publicly.....	52	28. The New Norm is supportive of transgendered employees.....	124
11. The New Norm moves on.....	56	29. The New Norm listens to different people.....	128
12. The New Norm moves on... especially when he should know better.....	60	30. The New Norm doesn't jump to conclusions.....	132
13. The New Norm doesn't engage in "baffling and bizarre" workplace behaviour.....	64	31. The New Norm doesn't pad a case to favour a complaint.....	136
14. The New Norm celebrates pregnant employees.....	68	32. The New Norm follows his own internal processes to ensure fairness.....	140
15. The New Norm helps employees work with difficult family responsibilities.....	72	33. The New Norm uses common sense.....	144
16. The New Norm isn't crude.....	76	34. The New Norm wants to be reasonable and to remedy a problem.....	148
17. The New Norm knows there's more to sexual harassment than just sex.....	80	35. The New Norm does the right thing...in the end.....	152
18. The New Norm won't misuse social media while working.....	84		

INTRODUCTION

I can't keep up. I've already written this book's introduction, because I have a deadline to get this book to the printers, yet I continue to be inundated with banner headlines highlighting employees who are stuck in the "old norms."

Take for example a very prominent employer, the Canadian Olympic Committee (COC). Just a week before this book went to press, I read about widespread sexual and personal harassment that had been going on for years at the COC. And days before the book went to press, front-page headlines informed me that three of the top employees in the COC were gone, apparently for not doing enough when they should have known better. And this was just months prior to the Summer 2016 Rio Olympics.

Then (again days before press date) colleagues from across Canada sent me information about another national front-page story involving porn being used for training purposes at a volunteer fire department in rural Newfoundland and Labrador. While the case involves many contentious and unproven allegations, the trainer has admitted to showing the porn "just for a laugh" and has been removed from the Fire and Emergency Services list of certified instructors.

This book highlights many such "old norms." It's sad, but perhaps I should take the weekend off and start on *The New Norm*, second edition.

Why does anyone put up with inappropriate workplace behaviours, some of which can be described as harassment, bullying and discrimination? Much of my livelihood involves delivering training sessions and speeches to educate people about inappropriate behaviours, how to avoid them and how to deal with them. I'm not the only person doing this training in Canada. In fact, when you count independent trainers like me and salaried trainers found in-house throughout our country, I'm guessing there are hundreds or thousands of people working at getting this message across. Add specialists who work in the field of education (public and private schools and post-secondary institutions) and that number goes even higher. And this kind of training and education has been going on for decades.

So with all the experts and education, why are some people still allowed to get away with inappropriate behaviours at work? It seems to me that most employees have had some education about bullying and harassment, or what we often call "respectful workplace" training. Yet the questions still need exploring: Why can one person poison an entire workplace? Why can a bully be promoted into a managerial role where she can wreak havoc on even more employees? Why does a bullying boss get a promotion, thereby indicating that the organization rewards bad behaviour? And why can people blow the whistle on bad behaviour and yet *they* end up with discipline, or worse, they get fired?

The reason is that in many workplaces, we haven't created the "new norm." The New Norm should make clear that weird, inappropriate, rude and illegal behaviour is so bizarre, that no one would put up with it. No one. With the New Norm, when someone starts with inappropriate sexual innuendoes, one glaring look will put an end to those comments for good. When a supervisor yells at an employee who makes a mistake, the New Norm will help other employees speak up with comments such

as, “We don’t correct people that way. Please show some respect.” When someone gossips behind the back of a colleague, the New Norm will help every person in the room put up one hand like a stop signal and say, “Not interested, thanks.” When someone comes up with a nickname no one would ever want to hear, the New Norm will assist the rest of the team to say, “Not in this place,” and that name will never cross anyone’s lips again (not even under one’s breath).

To get to the New Norm, we have to move past the Old Norm, where people got away with inappropriate behaviour and others were afraid to speak up, or they just didn’t bother because they knew from past experience that nothing would change.

That will be done one employee, one supervisor, one team and one workplace at a time. And it will be done with simple education that puts everyone at work on the same page. I hope that even a small part of that education can come from this simple book.

When you add up the years I’ve been in a supervisory role in labour and employee relations, law and working with employers and unions across Canada, it’s more than three decades (yikes!). In this book, I’ve put together a number of examples of the Old Norm and then made suggestions for the New Norm (or Norma! It’s not just men). I deliberately play on the word Norm to suggest it’s not just an action (behaviour that is normal) but also a person. It’s us. I hope that after some reading and discussing of some or all of these examples in your workplace, you will become the New Norm and Norma and assist others to do the same.

This book will help anyone in a leadership position, or anyone aspiring to become a workplace leader, whether in management or a union.

But I also believe this book will work for anyone at any level of the workplace because everyone has the chance to work toward the New Norm.

One last thing. Just like my first two books, I use real names involving real people. Virtually all of this information is available to the public. I don’t mean to shame anyone, and in fact it is my hope that those who felt the sting of doing something wrong, learned from their mistakes and have adopted New Norms themselves.

NOTICE TO READER

The information in this book is offered as an aid to developing and maintaining professional competence, with the understanding that the author and publisher are not providing legal or other professional advice. When required, seek the counsel of practicing lawyers and other professionals for independent advice.

Law is constantly evolving and changes occur frequently. You must exercise your professional judgment about the correctness and applicability of the material. Please also refer to the relevant legislation, case law, administrative guidelines, and other primary sources.

The author, publisher and vendor make no representation or warranties regarding the outcome or the use to which the information in this book is put and are not assuming any liability for any claims, losses, or damages arising out of the use of this book.

3. THE NEW NORM DOESN'T LET POWER GO TO HIS HEAD

In October, 2014, a CBC spokesperson explained that Jian Ghomeshi was taking a leave of absence from his job as host of CBC's popular radio program Q "to deal with some personal issues." Many thought it had something to do with the death of his father. What we quickly discovered was that Ghomeshi was being accused of sexual assault (still in litigation as this is being published) and all kinds of inappropriate behaviours at work. Without diminishing the assault allegations outside of work, nor finding guilt before legal proceedings are complete, let's look at what we *know* regarding his workplace behaviours. Whereas most workplaces don't have reports, and if they do, most don't make them public, in this case we get the benefit of knowing all the details of one report that showed him to be quite a tyrant.

The investigation took five months, with ninety-nine people giving some type of information to lawyers Janice Rubin and Parisa Nikfarjam. The report written of their investigation spells out a wide variety of inappropriate behaviours. Two sentences in particular sum this up:

"The evidence suggests that many of those who worked with Mr. Ghomeshi expended a great deal of energy dealing with this behaviour and conduct, and that it was deeply distressing to them, and impactful on them. To be clear, it is our opinion that Mr. Ghomeshi's conduct such as yelling,

belittling and humiliating those with whom he worked fell well below the acceptable standard."

Because he was considered a "star," his bad behaviours were excused. Some employees even thought that as host, you were expected to deal with "big personalities, big egos and big demands." And a senior manager was quoted as saying, "There tends to be a belief that bad behaviour is excused by results."

Chris Boyce, the executive director of radio and audio, and Todd Spencer, the executive director of human resources, were fired. The top brass at CBC felt these two managers should have taken action, long before all the sensationalized news hit the airwaves.

Not long after, in March, 2015 the CRTC (Canadian Radio-television and Telecommunications Commission) announced that cable companies had a year to come up with "pick and pay" options, giving TV subscribers cheaper options. This didn't go over well with Bell Media President Kevin Crull. Bell Media is one of four parts of BCE Inc., Canada's largest telecommunications company with revenues in 2014 of \$21 billion. While this company's goal is to maximize shareholder profits, it also has an obligation to uphold freedoms of the press, since it also owns the largest private sector Canadian TV station, CTV, and with it the largest private sector news programs, CTV news and its affiliated news channels.

Yet in Crull's huff, he called the president of CTV News, Wendy Freeman, ordering her to bar the chair of the CRTC, Jean-Pierre Blais, from appearing on any of the Bell-owned networks. The Globe and Mail newspaper reported that Freeman thought she would be fired if she didn't go along with his order.

Clearly Crull thought he had so much power, he could dictate that a news story about one of the biggest changes to Canadian cable subscribers shouldn't be shared with its viewers. Luckily, Freeman, along with Lisa

LaFlamme, the chief anchor and senior editor of CTV National News, advised him that this was inappropriate. He didn't realize that in this day of instant news (rather ironic, considering his position), people would find out about this. And since his parent company wasn't interested in the ways of the Old Norm, three weeks to the day the debacle had begun, Kevin Crull was fired from his job.

These two examples, one from a public broadcaster and one from a private broadcaster, illustrate what happens when people abuse their power. While Ghomeshi's abuse seemed to be at a more personal level and Crull's abuse at a more corporate level, the fact is, they all had an impact on individual employees. If the Globe and Mail was correct that one of the company's presidents – Wendy Freeman – felt she would be fired, it lets us know that intimidation can happen at any level in any organization.

The OLD NORM	The NEW NORM
Believes that if you're a performer, you can get away with almost anything.	Knows you're not truly a "performer" if you abuse your power and the people with whom you work.
Knows that within some workplaces, people are willing to trade civility for performance.	Is crystal clear that if "performers" continue to abuse their power, they'll be working elsewhere.
Relies on one's power, either as a "star" or as the "top guy," to bully one's way through any situation.	Realizes you can be a firm manager (if that's a desired style), as long as the person's fair.
Is aware that someone's power will prevent people from speaking up or making a complaint because of the impact on their work or career.	Would be devastated to find any of his employees were fearful of speaking their mind.

SUGGESTIONS FOR THE NEW NORM

1. WHEN YOU'VE GOT POWER, DON'T ABUSE IT.

This is different from those who think their workplace "power" is benign. This is a situation where a big boss knows he's a big boss and has the ability to hire, fire and discipline, sometimes on a whim. When you're in authority, you get to decide what kind of boss you'll be. People know you get to make final decisions, but you won't be the kind to abuse that decision-making power.

2. DON'T SURROUND YOURSELF WITH "YES" MEN AND WOMEN.

It's easy to get defensive when someone comes up with better ideas than you, or criticizes your work, especially when you're the boss. But a good boss wants employees to be open, honest, critical and always striving to improve the workplace. Let employees know you're that kind of boss.

3. DON'T LET POWER GO TO YOUR HEAD.

We're human and sometimes we do things that in hindsight we're not proud of. When your workplace power goes to your head and you made a mistake, own up to it and apologize. If you let power go to your head and an employee can tell you openly and honestly about it, you've created a great workplace. Not perfect, but great.

THE NEW NORM DOESN'T JUMP TO CONCLUSIONS

I'm usually a guy who waits to hear all the facts, especially when it involves the law, before passing judgment. However, almost nine years ago, I heard about a complaint filed with the B.C. Human Rights tribunal from a customer of a Vancouver restaurant who was heckled by a comedian during a comedy night. With the slightest of information from the news, I thought, "If you start heckling at a comedy club, you can't complain."

You see, I took the word of the comedian, Guy Earle. He said three lesbians were sitting in front, necking, and when he commented, they started heckling him back. He admits to lashing back and it went downhill from there. From that perspective, no one feels sorry for people who go to a comedy show, bring unwanted attention on themselves and then get called on it. Right?

And then in April, 2011, I was surprised to discover that one of the women referred to, Lorna Pardy, won about \$23,000 for the violation of her rights. When you add in all the costs, the comedian was ordered to pay more than \$15,000 and the owner of the restaurant more than \$7,500. According to the news, Earle referred to the human rights proceedings as a "kangaroo court" and the owner of the restaurant, Salam Ismail, explained how he immigrated to Canada from an oppressive country to flee this kind of persecution.

But as usual, when I read the eighty-four-page decision of this "kangaroo court," which involved witnesses being cross-examined under

oath, this is what I found. Pardy, her girlfriend and another friend were sitting outside the Zesty restaurant when they were called inside by the staff as per the neighbourhood regulations. The women didn't know it was comedy night, but the staff sat them in a booth near the stage.

Some discussion with the wait staff caught Earle's attention and he noticed Pardy kiss her girlfriend, but according to testimony, it was a simple and normal kiss. While the three women didn't say anything to Earle, he said, "Don't mind that inconsiderate (expletive deleted) table over there. You know lesbians are always ruining it for everybody. Do you have a strap-on? You can take your girlfriend home and (expletive deleted). Are you on the rag? Is that why you're being such a (expletive deleted)? Stupid (expletive deleted). Stupid (expletive deleted)."

Then Earle left the stage angrily, walking quickly toward the women at their booth. Pardy threw a glass of water in Earle's face, saying, "Don't come near our table." Earle got back on stage to introduce another comic, with the crowd booing. He said, "Thanks for ruining the evening, (expletive deleted). You're a fat ugly (expletive deleted). No man will (expletive deleted) you; that's why you're a (expletive deleted), you fat (expletive deleted). Do you want to be a man? Is that why you're such a (expletive deleted). Somebody shut her up. Put a (expletive deleted) in her mouth and shut her the (expletive deleted) up."

When the show ended, Earle went back to their table and Pardy threw a second glass of water in his face. Distraught, she went to the washroom, and on the way back, she tried to avoid Earle, but he stood over her and a verbal exchange took place with both pointing fingers at one another. He said: "You had to ruin the show, you (expletive deleted) stupid (expletive deleted), stupid (expletive deleted)." You want to be a man, don't you?" Earle then grabbed her sunglasses, broke them in two and threw them on the floor.

The human rights adjudicator accepted the negative psychological impact this humiliating public rant had on Pardy and it got even worse when a YouTube video showed Earle being interviewed where he tried to put a positive spin on the events in the restaurant. Unfortunately for Earle, on the video he also admitted to some of the vulgar comments he made.

The owner of the restaurant might have been surprised that he was on the hook for part of the financial award, but I doubt he came to Canada to allow women to be verbally abused in his establishment. Two years later, the B.C. Supreme Court upheld the ruling.

It was a lesson for me not to jump to conclusions until I know all the facts.

The OLD NORM	The NEW NORM
Listens to one side of a story and decides based on that one side.	Listens to one side of a story and tries hard not to be swayed.
May hear another side, but has made up his mind already, so it's tough to overturn the initial decision or judgment.	Ensures he listens to all sides of a story (knowing there are always at least two sides to any story).
Lets her stereotypes get in the way of the actual facts of a situation.	Takes into consideration the rights of everyone involved, thereby avoiding complaints or legal action when a decision is one-sided.
Doesn't balance the rights of everyone involved; hence, makes quick and rash decisions that can lead to more problems.	Isn't swayed by sensational talk shows or videos.

SUGGESTIONS FOR THE NEW NORM

1. Get all the facts.

If someone feels very passionately about an injustice they believe has happened to them, it's hard not to get swept up in the story being told. After all, why would a person lie? You can tell an employee that you will take his complaint or problem very seriously, but don't come to any conclusions until you have all the facts.

2. You don't have to be a detective.

Or a lawyer, for that matter. Getting all the facts might just mean asking a few key questions. The term "natural justice" is really about fairness, and most of us don't have to have formal training to know when something feels right or wrong. If it's straightforward and you think you've covered all the bases, then you should feel comfortable making an informed decision.

3. Bring in the pros when needed.

Despite the above suggestions, there are times you don't feel confident enough to conduct a proper "investigation." It could be you're too close to the people involved, you realize it's more complex, or there's a requirement for an outsider. Know when to ask for help internally or even externally.