

CALIFORNIA EMPLOYMENT
LAW CORNER *By Jessica A. Braverman, Esq.*

Dealing With Stress at the Workplace

With a recession economy, large layoffs, and rising consumer prices, the workplace has become ripe for rising conflicts among co-workers, worker compensation claims, and discrimination and harassment allegations. What can employers and employees do to better anticipate and handle escalating stress at work?

Conflict Management Training 101

For employers who have not recently trained Managers on Conflict Management skills, or who might need a refresher, all employers should consider offering basic Conflict Management Training to all Management Staff.

A Simple review of how best to identify brewing conflicts among personalities at work will assist all employers on addressing conflict before it spills over into a claim or clash.

Identify Issues Not People

Whenever possible train your staff to focus on identification of issues of conflict, not on the people. It is more conducive to reaching a resolution if all concerned are all focused on the issues. For example, in a personality clash between a doctor and a nurse at a hospital, focus on the positive patient care that might suffer if clashes occur, as the issue.

Focusing on issues will avoid defensive responses and will quickly assist in the focus and motivation on the resolution of the issue. When a person feels he/she is the target of the conflict, he or she typically will spend energy defending him or herself which can be counter productive to reaching a mutual resolution to the conflict.

Identify The Right Problem or Conflict

Peel back the conflict by asking open ended questions to uncover what is really the issue or conflict. Again, personality clashes might be a symptom of an underlying or more festering problem. For example, ask the doctor, "What do you think might be the source of the tension?"

Often responses such as, "Nurse X states the policy does not allow visitors after 4 PM." Thus, the conflict might actually be a process or a procedure deficiency that has manifested into what appears to be a personality conflict. Now that the problem is the visiting hour procedure or the interpretation of that procedure, all concerned can

focus on that process and see if a remedy can easily be found.

Time constraints often prevent managers from peeling the onion back – way back to find out what is the actual source of the conflict. Often people focus on solving the symptoms of the conflict, but never determine the source. Solving symptoms is similar to placing a band-aid on a hemorrhage; it might be a good temporary fix, but in the long run, is not the solution. Take the time to sift through what is being said to properly identify the underlying cause of the conflict. This will provide a much more satisfying and lasting resolution to the conflict to be had. The questions to ask, are the "who, what, when and why." Avoid jumping to conclusions based on assumptions. Ask and find out.

Once The Right Conflict Has Been Identified, Consider All Kinds of Alternatives

After the correct source of the conflict is determined, focus on all potential remedies. Again, managers deal with time constraints, so remedies may have to be the most logical choice known to them. However, if creative time is allowed, often an array of remedies may become apparent. Here is where real creativity and growth can be rewarded. White Board ALL possibilities before editing them away. Weigh the pros and cons of each remedy suggested before agreeing on the actual resolution. This builds trust, consensus and team work. Also, it enables the best possible remedy to come forward.

Measure and Celebrate your Success

Once you have agreed upon the resolution, set up a 30 or 60 day period to come back and see how the remedy is working to solve the conflict. If successful, toast to the positive. If not as successful, sit down and start the process again to come to another creative possible resolution to the problem. Taking the time to debrief after resolution enables workers, managers and staff to reinforce positive conflict management skills.

Write a Conflict Resolution Process as Part of Your Company Policy

Among the legalities of your employment handbook, consider inserting a full conflict resolution process. Having a conflict management process can assist Human Resource personnel and all managers avoid employees calling every conflict a "hostile work environment" thus necessitating lengthy and costly investigations. Instead, each company should have a sifting process to simplify personality clashes and process issues from other legally protected conflict.



Know When to Bring in an Outside Neutral Third Party to Assist

When the conflict has been festering for some time, and/or the perception is that the management is no longer neutral or unbiased in the conflict, that is when it is appropriate and necessary to bring in an outside neutral party. In Contra Costa County there is an abundance of good neutral mediators who can assist any organization or company in conflict resolution before conflict escalates to the attorney/administrative agency levels. For a full list of such mediators see: <http://neutrals.cc-courts.org>.

As part of the written conflict management process, companies should consider identifying in advance who the neutral third party will be. For smaller companies, that third party could be another business owner in the community who could provide an unbiased opinion or perspective.

Consider Stress Reduction and Balance Activities at Work

For employees juggling stress at home, finances, gas prices and work related stress consider scheduling time at work for stress reduction. For example, employees can seek permission to hire a massage therapist to come into the work place once a month or once a quarter for chair massages during lunch hour or after work time.

Also, employees can get together at lunch or break time to take a brisk walk around the office. Consider a 15 minute break walk around Stoneridge Mall only bringing your identification and keys to avoid over-spending or over indulgent buying.

Employees can form a stress reduction group at work and again during breaks and lunch agree to talk through some of the stressors and challenges. Getting proper nutrition, rest, and balance will assist all in handling stress at the work place.

Have a Stress-Free Holiday Celebration

With costs being an issue this year, companies might consider hosting a Stress Free Holiday Celebration. This could be at a local gym, YMCA, or yoga center. The theme could be stress reduction and the venue conducive to relaxation and rejuvenation. Instead of renting a hotel ballroom with food and cheer, consider bringing in a massage therapist. Ask your employees what would make them feel more relaxed and less stressed within a reasonable budget.

Be prepared to quickly and correctly identify the sources of stress at the workplace. Have a plan, a process and resources to address and resolve conflict. Working together during these economic times will strengthen all relationships.



For more information about Conflict Resolution or to sign up for a Conflict Management Training course, contact Jessica Braverman at 925-827-4198 or Jessica@BravermanSolutions.com or call the California Employment Law Training Center, a San Ramon Chamber member. The California Employment Law Training

Center offers management training classes either at your location or at its training center in Pleasant Hill, and offers an array of on-call or on-site Human Resource assistance. Jessica Braverman is a trained Mediator/Facilitator and has successfully resolved conflict at the work place. Jessica is on the Contra Costa County Superior Court ADR panel. See testimonials at: www.CaliforniaEmploymentLawTrainingCenter.com.

DISCLAIMER: This is a best practice/information column only and all readers should consult their legal counsel before relying on any of the information listed in this column.

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Fri. Dec. 12 Employment Law Manager Bootcamp 2-4 pm (\$100 per attendee)	Tues. Dec. 16 2009 Employment Law Changes 4-6 pm (\$100 per attendee)
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Onsite training sessions available. Training held at 3478 Buskirk Ave, Suite 1000 Pleasant Hill, CA 94523. Mail payment to 3478 Buskirk Ave, Suite 1000 Pleasant Hill, CA 94523, attention Jessica Braverman, Esq., include with check contact information (email/phone) for each attendee and course name. No Refunds.

