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The FrontLine Supervisor

Helping You Manage Your Company's Most Valuable Resource-- Employees

**Resource Management Services, Inc. 1-800-333-2095
Your EAP Provider**

Q. There is much talk in society about lawsuits, and employers seem to be a big target. Is most of this interest in suing just a get-rich-quick scheme or retaliation?

A. Most employees file lawsuits because they feel wronged and they want to bring about justice, according to research. After experiencing what they perceive as abuse or neglect, they may use the legal system to end a hurtful status quo. Or they may be motivated by a desire to take a principled stand against behavior that they detest. Supervisors are on the front line in helping protect their organizations. They can largely prevent workers from filing suits by showing sensitivity to their needs and treating their complaints seriously. When you invest time in listening to employees, responding respectfully to their concerns and following up diligently, you make them feel that they count and that you will be fair and honest with them. EAPs also play a crucial role in helping troubled employees feel heard and valued by the organization—an added reason for using them. By consistently enforcing organizational policies and treating everyone equally, you will reduce the risk of problems of a legal nature.

Q. I attempted to make a supervisor referral to the EAP, but my employee refused because she is very religious and believes the EAP will not see the issue as a spiritual, religious matter. How do I get her to visit the EAP? Things cannot remain as they are with her performance.

A. Assure her that the EAP treats every issue in an unbiased, comprehensive manner. EA professionals are trained to be sensitive to wide-ranging beliefs, and will act to help your employee feel accepted regardless of her religious or spiritual preferences. They will not attempt to convince her to abandon religious beliefs, but will instead view them as important personal assets for her to use in helping resolve personal problems. She thus has nothing to fear by opening up within the safe, supportive EAP environment. Most EAPs have pastoral counseling resources, and these may also be shared with her. Letting her know that the EAP will get her to the resource suitable for her needs will help her accept a referral. No matter what happens, enforce performance standards and act as necessary if those standards remain unmet.

Q. My employee visited the EAP but didn't sign a release for me. Instead, she signed a release so the EAP could speak to my boss. I believe this is her way of being passive-aggressive and trying to show me up. Shouldn't the EAP have made her sign a release for me?

A. It's understandable that you feel slighted, but keep in mind the core issue: to address her behavior and performance. The fact that she went to the EAP is a good first step. It raises the odds that her attitude will improve, making your job easier as supervisor. The fact that your boss is the designated contact is a minor matter. The EAP will not release personal information about the employee; your boss will merely be told of her attendance and other limited information. When supervisors refer employees to the EAP, sometimes the employees feel resentment. They may not trust their supervisors and may frame the conflict as a test of wills. The EAP must honor an employee's decision on a release form and cannot force the issue, so don't let this distract you from focusing on results.

Q. My employee demonstrates a cynical attitude, which adversely affects morale. She is a good worker, but her remarks at staff meetings are always tainted with her opinions regarding the ulterior motives of others. Can the EAP help?

A. Yes. In the EAP, she will have an opportunity to share her opinions about others in a confidential setting where her cynicism cannot hurt morale. The EA professional will gently guide her to examine her comments more closely and help her understand their impact on others. Developing better self-awareness and not minimizing the impact of one's behavior on others are important lessons for everyone. These are often skills that employees acquire from participation in the EAP, regardless of the nature of their personal problems. The EAP can also coach her to make a more positive impact at staff meetings—by speaking up persuasively at the right time and in a more effective manner by phrasing her comments diplomatically—in order to exert greater influence and win allies to her viewpoint.

Q. I didn't ask my employee to sign a release of information when making a supervisor referral but meant to do so. Will the EAP ask the employee to sign a release? Or will the EAP wait for the employee to ask?

A. If you consulted with the EAP prior to your referral, the EA professional will ask that a release be signed. Otherwise, if the employee does not specify how she came to the EAP (self- or supervisor referred), the EAP will ask, and discuss the release. It is rare that an employee does not want the supervisor to know they are attending EAP sessions following a referral, so employees usually choose to sign the release. A release is for the employee's benefit, and the EAP will make that clear. Employees learn that, aside from their attendance, the only other information released relates to needed workplace accommodations or participation in the recommendations (but not the nature of those recommendations). Furthermore, EAPs explain that supervisors are more likely to show patience and support if they know that the employee is engaged in the EAP—and the only way they can determine that is with a release.