



The Exact Expertise to  
Ignite and Sustain Performance™

## LSA Global | White Paper



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## Your Legal "To Do" List

### **L**ooking back over the past year, we've seen a few trends in employment law. What action steps can you take now to prevent costly lawsuits?

#### **Mandate (good) training for all your reports**

The courts are clear: employers who fail to train employees are negligent and can be sued for harassment. But the courts don't uphold just any training—it has to be good and effective training.

In one case, the U.S. government ordered a company to stop computer-based training (CBT) because it didn't give real-life skills. The board found that CBT effectively provided factual information, but did not give employees an understanding of processes or the ability to ask questions about abnormal situations. What was lacking was "training that goes beyond fact memorization and answers the question 'Why?'"

The board told the company to replace computer tutorials with "face-to-face training conducted by personnel with process-specific knowledge and experience who can assess trainee competency."

Of course, when you do live training, make sure it is supported by everyone in the company from the top down. One company lost a case in 2007, in part because the Chairman walked into harassment prevention training and made an inappropriate "joke."

#### **Follow proper procedure in harassment claims**

One good trend for employers—the courts will protect you from suit if you have a proper procedure and follow it. In one 2007 case, a federal Court of Appeals ruled against a victim of harassment who was fired for refusing to work with the accused harasser. The court found the company promptly and fairly investigated her claim, properly warned the accused, and offered the victim reasonable options which she refused.

In contrast, if you don't follow procedure, you lose. In another 2007 case, the harasser properly was given a final written warning, and then after harassing again, given a second written warning instead of being terminated. When he harassed a third time, the victim quit and sued. The court said because he was not terminated the company emboldened him to continue harassing. The victim was allowed to take her case to jury trial.

#### **What you should do**

If you are in a position to require people to attend training, make it one of their objectives for the coming year. All employees need harassment prevention and all managers should take Managing within the Law to learn about following proper procedure. Remember that cheaper and easier training is not better. Not only will it make you look bad when you get sued, it makes you more likely to get sued in the first place, because people don't learn in cheap and easy training.

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### **Big Money**

A claim that Knicks' coach Isaiah Thomas sexually harassed and wrongfully terminated Anuch Sanders has been settled for \$11.5 million. In October, 2007 a federal jury in New York had awarded Ms. Sanders \$11.6 million in punitive damages, plus compensatory damages and legal fees. The settlement avoids an appeal of the jury verdict.

A San Diego Children's Hospital agreed to pay \$2.7 million to 150 former employees denied meal breaks. Lowell (MA) High School settled a gender bias suit for over \$1 million.

3000 home health care workers are to receive \$2.2 million for unpaid time traveling between clients and working more than 40 hours in a week.

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Since 1995, LSA has helped leading organizations create and maintain competitive advantages through people. We work with a select group of clients to help them “move the needle” - from simple awareness of best practices through actual adoption of new skills on-the-job to measurable performance that truly impacts the business.

Over 85% of our business comes from repeat clients and our customer satisfaction rating is 97.5%. Our clients tell us that we are different. Our clients tell us that we save them both time and money. Our clients tell us that they appreciate access to certified best-in-class experts across many areas.

## How Far Do You Want



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- Our **Sales** clients confirm that they have grown sales by 40%, increased units sold by 42%, increased average pricing by 12%, and closed over 50% of their pipeline.
- Our **Customer Loyalty** clients confirm that their customer revenue per household increased by 18%, repeat calls decreased by 48.4%, single contact resolution increased by 6.1% and their overall customer satisfaction increased by 10%.
- Our **Leadership and Management** clients report that we decrease their costs by up to 50%, while helping increase speed-to-productivity by 60% and decrease unwanted attrition by up to 40%.
- Our **Project Management** clients inform us that, by regularly completing projects that meet or exceed expectations, they have become an anomaly in the world where most projects disappoint or fail.

Our clients succeed in the marketplace through increased revenue, decreased costs, and higher productivity. They maintain that our rigorous assessment, implementation, and measurement capabilities bring them tangible results. As an organization, we are fiercely devoted to supporting their success.

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