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Conflict Confrontations

Name

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The scenario discussed in this report involves sexual harassment of Tammie by the manager presented to the HR office by Ellen, a witness who shares the room with the victim and the accused. Ellen called the HR representative on a Sunday evening to show her concern over the injustices subjected to Tammie by the manager. The HR office must take action, and as an official, I will employ my obliging style of conflict management to resolve the matter.

The goal of HRM is to empower the human resource by creating a conducive working environment for the workforce. Therefore, HR practitioners should put the interests of the employees first. They should have a personality that attracts employees to open up to them (Lytle, 2015). I will thus approach the issue with the hope of finding common ground for the rivaling workers, which will minimize negative repercussions which can harm their performance. The goal is to ensure that the approach used in addressing the workplace conflict does not affect the working relationship of the three employees involved; the manager, Ellen, and Tammie.

The HR office will conduct a thorough investigation to determine the credibility of the complaint. The process will start by informing the two complainants, Ellen and Tammie that the company policy condemns false claims, and the management will take action against them if there is no sound proof of sexual harassment by the manager. Further, Ellen and Tammie should inform the HR office the kind of solution they expect after investigations conclude. The HR representative will also require the two employees to provide a written statement giving the facts of the case. However, they should not expect any confidentiality from the HR office since the law allows sharing of information on need-to-know-basis.

The accused has the right to give their side of the story, and the HR office will thus schedule an interview with him. The manager will get all the details given to the HR department

and have the chance to respond to the allegations. A private investigator will interrogate Ellen and Tammie since they are the complainants. After that, the HR office will interview the witnesses involved in the case by first briefing them about the conflict. However, the office should be cautious not to provide any details, but wait for the witnesses to explain the inappropriate behavior observed.

It is, however, important to assure the witnesses that they will not be victims of retaliation. The fear of retaliation makes witnesses afraid of victimization for offering information valid to the case (Sperino, 2015). According to the provisions of Equal Employment Opportunity (EEO), HR practitioners should treat all employees equally such as extending similar training and promotion opportunities to the entire workforce (Rosenthal, 2007). In this scenario, the manager can retaliate against Ellen and Tammie by discharging them illegally, which can result in the company paying for compensatory and punitive damages if the complainants sue for workplace discrimination (Rosenthal, 2007). A guarantee to the witnesses that they will not face any retaliation empowers them to explain everything they know about the alleged sexual harassment.

The HR department will not insist on knowing whether the witnesses have shared the information with another party. However, in case they voluntarily reveal having discussed the issue with someone else, the department will not seek further clarifications such as identifying the person or the time of their conversation with the witnesses. Moreover, the witness will not receive any guarantee of the confidentiality of the interview. Employees have the right under the National Labor Relations Board (NLRB) to discuss ongoing investigations at the workplace among themselves (Sperino, 2015).

There are, however, specific conditions that demand confidentiality during investigations such as the need to keep the witness anonymous or the threat of destroying the evidence if exposed to third parties. Further, it is illegal to deny confidentiality to the witness if there is a danger of fabricating the testimony or when it is important to prevent a cover up. On the other hand, the Equal Employment Opportunity Commission (EEOC) requires the investigators of sexual harassment to observe confidentiality. However, the HR office should not undermine either the provisions of NLRB or the EEOC, but should instead try to comply with both. In this scenario, the HR representative handling the conflict will use the facts of the case to determine whether confidentiality is necessary or not.

Firstly, the harassment occurs inside the office occupied by only three people; the accused and the complainants. Therefore, it is unnecessary to provide the witnesses with protection since it is evident either Ellen or Tammie has launched a complaint to the HR office. Secondly, the evidence given by both Ellen and Tammie is oral, and there is thus no room to destroy it and no need for confidentiality. On the same note, the written statements recorded by the witnesses during an interview with the investigator remain protected documents, so there is no room to leak to third parties. Lastly, the risk of a cover up is nonexistent since both the accused and the witnesses have recorded their written accounts of the conflict. Further actions from both sides aimed at decreasing the weight of the evidence are thus irrelevant, and confidentiality is, therefore, unnecessary.

References

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