

**A relational model for managing employee performance in difficult
situations while preventing harassment**

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INTRODUCTION

This article presents a relational model for facilitating management of employee performance, including the performance of employees who are difficult to manage, so as to minimize the occurrence of workplace harassment.

First, I will briefly describe the context in which managers are required to manage employee performance and then cover some characteristics of harassment management. Finally, I will present a model designed to assist managers in managing their employees while reducing the occurrence of harassment and the risk of official complaints of harassment.

Context

The work world is undergoing constant change. Management issues that were practically unheard of 20 years ago are now routine concerns in organizations. For example, since June 1, 2004, sections 81.18 to 81.20 of Quebec's *Act respecting labour standards* have required companies to prevent and manage workplace harassment. The introduction of these provisions has led to discussion and awareness of this phenomenon.

Federally, pursuant to section 207 of the new article *Public Service Labour Relations Act*, adopted in April 2005, the departments and agencies subject to the Act are required to establish an informal conflict management (ICM) system, in consultation with bargaining agents, aimed at preventing conflicts and/or facilitating their management. The legislator thus assumed that conflict management methods such as facilitation and mediation are, at least in some cases, more effective than rights-based conflict resolution, specifically, grievances or official complaints of harassment.

These two recent pieces of legislation, which took effect almost simultaneously in two different jurisdictions, are probably good indicators of a fundamental change we will have to learn to live and work with. We are now required to prevent and manage conflicts before they become harassment, which in turn is creating new responsibilities for managers, requiring new skills. We need a better understanding of workplace harassment.

THE CHALLENGE: PREVENTING AND MANAGING HARASSMENT

Harassment is a type of conflict that is difficult to manage for several reasons. First, harassment is often surrounded by silence, unspoken words and innuendo. The messages are not clear; they are ambiguous or contradictory. A person who is being harassed may not realize it, may doubt herself, question her worth or have feelings of guilt and not recognize them as such. In some cases, co-workers either do not pick up on what is happening or close their eyes to it for fear of reprisals by the harasser.

Second, harassment is often a question of perception. We all have a certain “comfort zone,” the boundaries of which are dictated by our education, culture, religion and past experiences. A behaviour or gesture that in a given context may be perceived as abusive or offensive by one person if it falls outside their comfort zone may be perceived differently by another person if it falls within their comfort zone. Harassment is thus highly subjective and speaks more to a person’s emotions than their reason, particularly because it poses a threat to their psychological integrity and identity. Given the subjectivity and emotion involved, only the “reasonable person” test used by most courts can be used to define it correctly.

Third, harassment is an issue of power between individuals. In most cases, values, morality or ethics provide a framework for and “civilize” the exercise of power. However, reality and history show that power can be abused, as evidenced by wars, invasions, slavery and genocide. At the individual level, the uncivilized exercise of power results in violence and psychological harassment. Harassment is about power, not authority. Power rests with the individual, whereas authority is vested in the individual’s position.

Fourth, it is sometimes difficult to tell a real victim of harassment from a false victim, or differentiate the abuser from the abused. An individual can use a formal complaint mechanism to harass another person, hence the paradox of the abuser playing the victim to better achieve his or her ends, while continuing to enjoy the esteem and support of those around him. The profile of the “false victim” is described clearly in the writings of Marie-France Hérigoyen.¹

Our challenge is to prevent and manage a subjective phenomenon that is tied to the exercise of power and which is difficult to define, identify and prove, even if it has actually happened and is difficult to refute, and even if nothing has happened. It is within this context of uncertainty that managers have to manage the performance of their employees.

¹ Hérigoyen, Marie-France, *Le harcèlement moral : la violence perverse au quotidien*, Gallimard, 1998, 210 p.
Hérigoyen, Marie-France, *Malaise dans le travail : le harcèlement moral; démêler le vrai du faux*, Paris, La Découverte, 2004.

MANAGING EMPLOYEES IN A CONTEXT OF UNCERTAINTY?

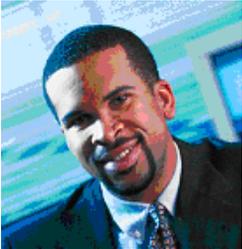
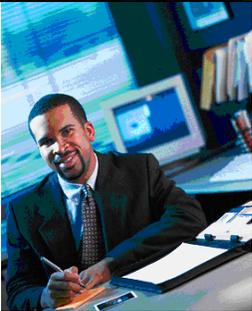
In our work with a number of federal Public Service managers and employees, we have learned that the idea of harassment causes fear. The term is intimidating, imprecise, misunderstood and largely hackneyed. Harassment is the modern-day “big bad wolf.” Managers know that some employees tend to cry wolf every time they are the target of behaviour that makes them uncomfortable, particularly when they are given an unsatisfactory performance evaluation, when they are routinely monitored in an effort to improve their work performance, or when they are the subject of an investigation or disciplinary action. Also, managers are aware that an employee whose performance is “managed” may very well file an official complaint of harassment as a way of putting the brakes on the manager’s behaviour. These situations do exist. The fear is real and palpable and is exacerbated by managers’ knowledge that harassment is subjective, that their organization does not have a great deal of expertise in managing official complaints of harassment, that policies are often vague and that the management of the complaints is often problematic. A harassment complaint, even if unfounded, often leaves deep scars. Managers know all too well that it is better to avoid harassment complaints.

Given this context, a common strategy used by managers is avoidance, meaning refusing to manage performance in “difficult situations.” Under the pretext of using a “values-based” management approach or showing respect, they adopt a more laissez-faire approach. Clearly, this is not the right strategy, because it is an abdication of the manager’s role.

The only right strategy is to manage employee performance while avoiding behaviour that could be perceived by a reasonable person as harassment. It is not what a manager does that may be interpreted as harassment, but rather how he or she does it. There is no magic recipe. It is more a question of managing risk.

For that reason, a four-level relational model was developed to help managers develop a strategy for managing performance.

The Relational Model

	Level	Level Components	Management Activities
4	 Person John "is"	<ul style="list-style-type: none"> • Personal characteristics • Identity • Dignity • Self-esteem • Integrity 	<ul style="list-style-type: none"> • Communicate • Protect • Respect • Improve
3	 Employee "Jean is an analyst"	<ul style="list-style-type: none"> • Position • Competencies • Motivation • Expectations • Attitude 	<ul style="list-style-type: none"> • Communicate • Develop • Support • Mobilize
2	 Work-related activities "Jean writes reports"	<ul style="list-style-type: none"> • Behaviours • Resources (time, tools, information, etc.) • Rules or codes of conduct 	<ul style="list-style-type: none"> • Communicate • Plan • Organize • Develop • Analyze • Support
1	 Work performance The written report	<ul style="list-style-type: none"> • Quality • Quantity • Costs • Meeting deadlines 	<ul style="list-style-type: none"> • Define objectives • Assess • Control • Give feedback



A RELATIONAL MODEL

Relationships between people are fascinating, but complex. While humans have the ability to reason, they have emotions and perceptions. This applies also to relationships between managers and their employees. Another feature of these relationships is the authority/subordinate relationship between one or more individuals in an organization in which, theoretically, human beings are equal in worth and dignity.² The correct question therefore is: how to exercise one's authority correctly with persons who are equal in worth and dignity?

The relational model presents four distinct levels in a manager/employee relationship:

1. The relationship in terms of the product of the work (the output)
2. The relationship in terms of the work to be performed
3. The relationship with the employee who occupies a position
4. The relationship with the person.

To clearly understand how to manage difficult situations, we have to understand the four levels of the relationship with the employee.

Let's take the example of John, an analyst working in your branch, as described on the previous page. Let's look at each of these levels, beginning at the top, i.e., the person.

Level 4: The person behind the employee

John is a black man who is 32 years of age, is married with three children, lives downtown and has no religious affiliation. He skis cross-country in the winter and sails in the summer. These are personal data that have no relationship to his job. This is who John "is."

Level 3: The employee occupying a position

John occupies a position as an analyst. His job responsibilities are preparing studies and reports. He has some competencies in these areas and a certain level of self-motivation. He has specific expectations of his work. He displays a certain attitude towards his work and towards the organization. This is what John "has" in terms of his employment.

Level 2: The work to be performed

In his job, John conducts studies using internal and external documents and data. He analyzes the data, synthesizes the information and writes reports containing recommendations. This is what John "does" in his job to achieve his performance objectives.

² Quebec Charter of Human Rights and Freedoms.

Level 1: The actual work product

John gave you a detailed report containing data, tables and graphs, analysis and recommendations last month, and then a second report last week. This is his work in terms of the deliverable, or the output. This is what John “produces.”

We need to distinguish between these levels in order to deal properly with employees, particularly those who are more difficult to manage, while minimizing situations that could be perceived as harassment. Of course, these levels are not completely separate and the boundaries between them are more theoretical. If John is intelligent (Level 4), this will in all likelihood show up in terms of his competencies (Level 3). Similarly, if he is a good worker (Level 2), the final product will be of a higher quality (Level 1).

How are these levels useful to the manager? Let’s see how the model can be put to use.

USING THE MODEL

The model can be used by following a number of simple and concrete recommendations regarding the type of management activity, the type of action taken, communication and risk management.

Recommendation 1: Adapt management activities to the different levels.

Traditional management activities as described in many management manuals are well known: planning, organization, co-ordination, direction and control. Management today includes more current concepts such as communicate, support, develop, coach and mobilize. This description is obviously highly simplistic but will suffice to illustrate what we are saying. All of these activities, whether traditional or more recent, are relevant, depending on the level at which they are used.

Let’s begin at the bottom of the model, with Level 1, which corresponds to the employee’s output, i.e., the written report. At this level, control is the key activity. The manager certainly has the right to define objectives, assign work, control the volume and quality of the work, and ensure that deadlines are met. The manager cannot be lax in this respect and must be strict. However, be careful: at this level, control and feedback relate to the quality of the report, not the employee’s behaviour, attitude, skills or personality. It is the work that is being controlled, not the person.

At Level 2 (“writes reports”), the manager must plan and organize the resources the employee needs, specifically time, tools, supplies, information and so on. The manager must support the employee in performing his/her assigned work and responsibilities. At this level, the manager also defines what constitutes appropriate behaviour in the workplace. At Level 2, the manager exercises control, but to a lesser degree than at Level 1.

At Level 3, i.e., the employee, appropriate management activities are coaching, development and communication, including listening. The manager supports the employee and exercises little control. The manager's task is developing competencies, mobilizing the employee by giving meaning to the work and discussing the employee's career goals. Of course, the manager may assess the employee's competencies, but from a development perspective.

Finally, at Level 4, there is no subordinate role. Positions have different hierarchical levels, not people. We should not say that Ms. X is a director, but rather that Ms. X occupies a director's position. A position is something we have, not who we are. To prevent harassment, managers must know how to distinguish being from having.

At Level 4, there is a relationship between two equal individuals. The manager has a relationship with a person, a human being over whom he or she has no control. Both are equal in worth and dignity, regardless of their respective positions in the organization, and both deserve unconditional respect.

At Level 4 the rule is clear: a manager cannot and must not act in a way that negatively impacts the identity, dignity, integrity or self-esteem of the employee. For the manager, the only possible actions are positive ones: respect, protect, develop, improve. There are still some managers from the dark ages who believe that humiliating an employee by criticizing them in front of their peers is an effective way to get them to work harder. Not only are they wrong, they are a public threat to their organizations.

Recommendation 2: Take action at all levels.

Good managers are active and skilled at all levels. They are the most strict at Level 1. The objectives are clear, expectations are precise and they expect the work to be done according to requirements, on time and according to the applicable rules. If the report is due Friday, they expect to get it on Friday. They are demanding, but they are also capable of discussing problems encountered during the course of the work.

At Level 2, managers know how to plan to ensure that their employees have the resources they need to do their jobs. Sufficient time has been allocated for the work. The tools are appropriate. The instructions, rules, methods and processes have been spelled out.

At Level 3, they develop skills. They are able to make employees accountable, motivate them and mobilize them, while remaining aware of the employees' career expectations. They know how to communicate and they have learned to listen.

Finally, at Level 4, managers protect. They know that the dignity and self-esteem of their employees deserve their protection.

In short, to manage an employee's performance in a difficult situation, a good manager knows how to distinguish the different levels and adopt actions appropriate to each.

Recommendation 3: In difficult situations, deal with the problems at the lowest possible level.

The manager is relatively safe at Level 1. No one can dispute the manager's right to define goals, assign tasks, define how the work is to be done, set deadlines, clarify expectations, and so on, as long as this is done in good faith and reasonably. Also, it is easier to discuss a written report than an employee's personality. The manager can thus focus on the essentials and use objective criteria without becoming too emotional. This becomes increasingly difficult as we move to the higher levels of the model.

Let's look at an example. You have an employee with an attitude problem at work and you decide to address the problem with him. What level in the model covers attitude at work? The third level, where the risks are high. If you take action at this level, saying, for example, "*you have a bad attitude at work*" there is a high risk that the employee will become defensive. The conversation will be loaded with negative emotions and will probably be as difficult as it will be useless. The employee could easily bring you to Level 4 by taking things personally, for example saying, "*Yes, I know, you've never liked me.*" Suddenly, you're in an uncomfortable situation and at risk of using words that injure the employee's dignity or self-esteem, and the risk of a harassment complaint goes up.

The best way to avoid finding yourself in this situation is to address the issue at the lower levels. This means defining the impact of the employee's negative attitude on his behaviour at work (Level 2), or better still, the impact on the final product (Level 1). You have to address the issue at these levels. If the negative attitude does not impact behaviour or the final product, do you really have a problem?

If the employee's poor attitude affects his output (Level 1), discuss the output. It is easier to say that the report was handed in late rather than say that the employee is negligent or disorganized. If it impacts his behaviour (Level 2), for example, co-operation with co-workers or relationships with clients, discuss the behaviours and their impacts, not the attitude.

Generally, the solution to a problem and the problem itself are on different levels. If you are given a poor-quality report, the solution may be at Level 2, i.e., lack of time or resources, or inappropriate behaviour on the employee's part. This may stem from a lack of skill or motivation (Level 3), but you have to try to find the solution at the lower levels, where the risks are not as great.

In difficult situations, some employees may steer the discussion to Level 4 (personal ground) where the risks are high. Be careful. You have to intervene with these employees on your ground, not theirs. The best way to select and stay at the right level is to learn to communicate according to level. That way you can avoid traps and stay at the lower levels as long as you like.

Recommendation 4: Communicate at the lowest possible level.

Let's start with an example. You receive a written report containing numerous mistakes. You know that you have to address this with John. You can decide at which level you are going to address this. For example, you could say:

1. There are errors in the report and I'd like to discuss them with you (Level 1)
2. You made some mistakes when you wrote your report (Level 2)
3. You're having problems writing error-free reports (Level 3)
4. The report I got deserves to go in the garbage can (Level 4).

In this situation, the manager decides what level to intervene at and what the risks are. Clearly, Level 1 is the most appropriate choice. At this level, it is easier to have a "learning conversation"³ about the report, identify the errors and causes, and find solutions with the employee without the employee getting defensive. Because the conversation deals with the report, not the employee, the risk of ending up at Level 4 and saying things that could be perceived as injuring the employee's dignity or self-esteem is low. By involving the employee in looking for solutions, you are appealing to his intelligence and integrity (levels 3 and 4) in a positive way. The risk of your intervention being perceived as offensive is thus lower.

At levels 2 and 3, there is a risk of finding yourself in an accusations/excuses-type conversation, where the employee, who is feeling blamed for making mistakes or not having the required skills, will move into excuse mode and could throw the blame onto others (or onto you) rather than moving into co-operation mode. There is a high risk that the conversation will move to Level 4. As for intervening directly at Level 4, let's not even go there!

If you find that your employees sometimes have negative attitudes, identify the level at which you are addressing those problems with them.

Recommendation 5: Be positive and pay attention at levels 3 and 4.

Following recommendations 2 and 3 does not mean that as a manager you should limit your actions to the lower levels, but you should do so when addressing difficult issues or when speaking with employees about the quality of their work or their behaviour at work. Obviously, this does not preclude taking action at Level 4 when you are sure you can do so in a positive manner. It is completely appropriate to offer your sympathies in the event of a death of a friend or family member, to enhance employees' self-esteem where possible and to treat all persons with respect and dignity, regardless of their place in their hierarchy.

Here's another example. John has always been a competent employee. He delivers high-quality reports, on time. Lately, he has seemed different. He is making more mistakes,

³ See: Stone, D., B. Patton and S. Heen, *Difficult Conversations: How to discuss what matters most*, Viking Penguin, 1999 for effective communication techniques.

his reports are regularly handed in late and he seems preoccupied. You decide to address the issue with him, but you want to plan your meeting first. You ask yourself what level would be appropriate. You select Level 1, which is the safest level for you, and plan to start the meeting by discussing the quality of his reports. This is possible, but there is a better way. Start at Level 3 or 4, but in a positive manner. Here's an example.

You John, you're a very competent analyst. You're an important member of this team and I am extremely proud to be working with you on a regular basis (levels 3 and 4, in a positive manner). Lately, the quality of your reports has not been what we're used to (Level 1). I'd like to talk about this with you and see what we can do to improve the situation.

John Yes, I know. One of my best friends died two months ago. It really affected me and I have to support his family. His wife is having a lot of trouble in her grieving process and she often telephones me at work.

You Oh, I'm really sorry to hear that, I didn't know. The situation must be very difficult for you (empathy, Level 4, in a positive manner). Is there anything we can do to help you?

John I've already contacted the Employee Assistance Program. I think that's sufficient for now.

You You did the right thing. How could we reorganize the work to make things easier for you during this difficult time? Should we review the deadlines? Do you need a hand? Do you want Ms. X to go over the data with you? (Level 2).

In this scenario, the manager shows empathy and reacts in a positive way at levels 3 and 4. Starting the meeting at the "person" level and focusing on skills in a positive way minimizes the risk that the employee will perceive your comments as injuring his dignity or identity. Once you have done that, you can discuss the report at Level 1. In this situation, the solution is probably at Level 2, i.e., a temporary reorganization of resources to help John function while going through a difficult personal situation.

Most performance evaluation experts advise managers to start meetings with employees on a positive note. This gives the manager the opportunity to define the level for discussions and to direct discussions toward performance, not the employee's personality.

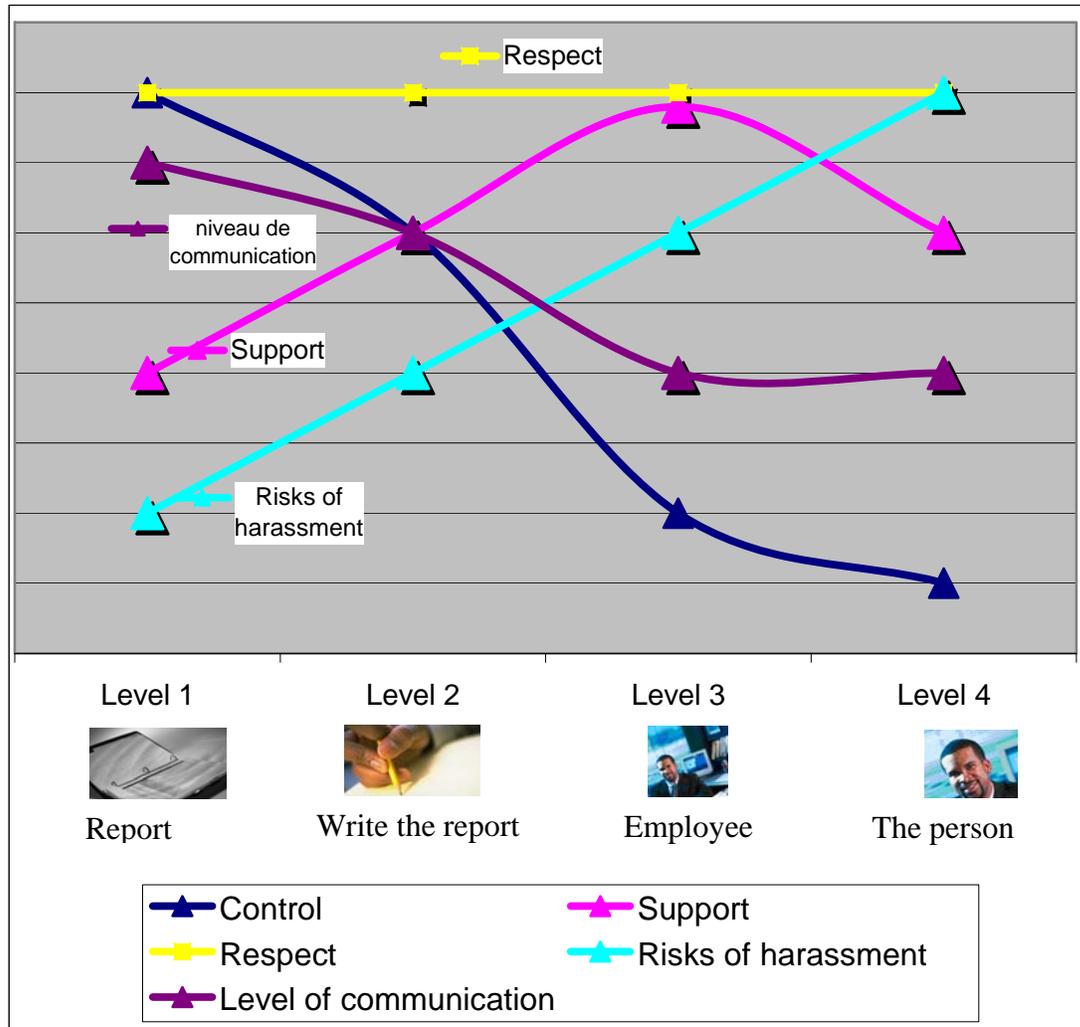
Recommendation 6: Improve your communication skills.

Communication skills are important in keeping conversation at the appropriate level. For example, you need John to deliver his report on Friday. Use messages beginning with "I." Say "I expect the report to be ready on Friday," not "you have to finish the report by Friday." Say "the data needs to be updated," not "I want you to update the data." That way you can a) clarify your expectations about the work to be done (Level 1), b) appeal to the employee's intelligence and sense of responsibility (levels 3 and 4) and c) avoid

giving orders, which could be received as talking down to the employee and as demeaning. Generally, by explaining why the work is needed or the reasons for the requirements or deadlines, you will maximize employee buy-in and motivation.

Communication techniques and informal conflict management (ICM) tools and techniques are very powerful. It is important to develop and use them to prevent harassment and discrimination.

To summarize:



The graph shows that managerial control is very important at Level 1 and non-existent at Level 4, where the relationship is no longer authority-based. Respect is obviously required at all levels. The risk of harassment increases with the levels; it is low when discussing work and very high at Level 4 when focusing on the person. Support is particularly important at levels 2 and 3. Finally, although communication is important at all levels, the prudent manager will limit the conversation to the lower levels in difficult management situations involving one or more employees. At Level 4, it is essential to

ensure that the messages conveyed do not threaten the dignity, integrity or self-esteem of the person in question.

Understanding and preventing harassment and discrimination

While federal and provincial human rights legislation and numerous policies on harassment prevention and resolution are needed, we have to recognize that they are difficult to manage within organizations because of the perceptual nature of harassment and discrimination. The model assists in understanding what is behind these behaviours and how to prevent them more effectively.

Let's look at an example. You have witnessed a manager sexually harassing one of his employees. What is sexual harassment? Sexual harassment is the misuse of the manager's authority to control the work done by an employee for the purposes of controlling the person him/herself for the manager's personal benefit. It is the use of the authority to control (Level 1) to obtain a "favour" from the employee, as a person (Level 4). Simply put, it is an inappropriate mixing of levels.

Another example: A manager has questioned the competency of an employee in front of the employee's co-workers at a meeting. This is using the authority to control (Level 1) to discuss an employee's incompetence (Level 3), thus attacking the employee's dignity and self-esteem (Level 4). Once again, this is an abuse of authority and an inappropriate mixing of levels. If the manager wants to discuss the incompetence of an employee, he or she should do so in private. And the manager should exhaust all possible solutions at levels 1 and 2 before addressing the incompetence problem.

Third example: An employee files a discrimination complaint because she has been denied a position she wanted owing to her disability. According to the model, the employee's position and her competencies are Level 3 issues. If the decision to reject the employee's application for the position is based on competencies (Level 3) or on her ability to perform the duties of the position despite having taken the necessary accommodation measures (levels 2 and 1), everything is fine. However, if the decision is based on the employee's disability, which is a personal characteristic (Level 4), there are grounds for complaint. Please note that this reasoning applies to all instances of rights-based discrimination that involve the personal characteristics of employees (Level 4).

In short, to avoid harassment and discrimination complaints, managers need to know at what level they should take action.

Conclusion

As we have seen, harassment situations are difficult to manage because harassment is subjective and rooted in perceptions. As a result, managers dealing with the performance of a difficult employee expose themselves to complaints of harassment. To minimize the incidence of harassment and reduce the risk of formal complaints being filed, the use of ICM and communication techniques and tools is appropriate.

Harassment is first and foremost a relationship problem between two or more individuals. Preventing harassment means focusing on the relationship between the manager and his/her employee. The purpose of the relational model is to equip managers so that they can better understand their relationships with their employees, plan their interventions more effectively and intervene at the appropriate level to achieve their goals.

By identifying the differences between work output, the work to be done, the position occupied by the employee and the employee herself or himself, the model provides a better understanding of the link between authority and subordinate roles in organizations and helps managers manage the power relationship more effectively.

Some people believe that legislation and policies aimed at preventing harassment are constraints to employee management. Others use them as excuses to abdicate their authority and management responsibilities. However, for many people, these new provisions are opportunities to think about how we do things, to question our management paradigms and to meet new challenges. It is up to each individual to make choices.