

the drama- free workplace

HOW YOU CAN PREVENT
UNCONSCIOUS BIAS,
SEXUAL HARASSMENT,
ETHICS LAPSES,
AND INSPIRE A HEALTHY CULTURE

patti perez

VP OF WORKPLACE STRATEGY, EMTRAIN

WILEY

This book is smart, practical, funny, and revolutionary. Patti has combined decades of expertise, a fresh voice, and cutting-edge academic research to create an indispensable guide.

—Alexandra Bodnar,
Deputy General Counsel, Volt Information Sciences, Inc.

My work involves advising corporate leaders, including directors, on issues related to ethics, compliance, and corporate governance. In *The Drama-Free Workplace*, Patti Perez identifies root causes of lapses in these areas and offers real-life, actionable solutions that will help any company not only achieve compliance, but also achieve corporate health. This book should be on your reading list if your job involves any of these areas.

—Angelica Espinosa,
Vice President, Compliance and
Governance and Corporate Secretary, Sempra Energy

Patti's ability to weave academic research findings with practical experience and real-life examples is the perfect blend for anyone who wants to better understand why issues such as sexual harassment and bias still plague our workplaces. *The Drama-Free Workplace* is an authentic, no-holds-barred collection of Patti's 25+ years of experience providing real-world solutions to these important business challenges.

—Carla Boren,
General Counsel and Head of Human Resources, Otonomy, Inc.

This book could not have come at a better time. HR professionals have continually struggled with the critical question posed in this book: "Can we really eliminate drama at work?" The emergence of the #MeToo movement has elevated the need for real life practical solutions that can be adopted in the workplace. Patti offers many business-savvy solutions throughout the book that are grounded in legal knowledge and experience. Her ability to eliminate legalese, pose solutions in easy-to-understand English, and go beyond compliance will serve as a valuable reference guide for HR practitioners, and ultimately contribute to making the workplace healthier, more productive, and more profitable.

—Debra Burke,
Vice President, Human Resources, General Dynamics NASSCO

The Drama-Free Workplace is packed with keen insights about what causes workplace conflict. More important, it's filled with practical solutions for how to resolve drama, how to increase employee trust and engagement, and how to create and maintain a healthy and productive workplace culture. This is a must-read for any business leader who intuitively understands the link between the lack of drama and business success,

but needs tools to implement a plan to address it. The result will surely be an increase in your business value.

—Pete Leddy, PhD,
Board Member, Chief People Officer

Tension, anxiety, and conflict at work all fuel what is known today as “drama” in the workplace, causing loss of income, productivity, and profit to all involved parties. Finally, help is available.

Highly respected attorney and consultant Patti Perez has written an easy-to-read manual offering step-by-step instructions for addressing the issues, diagnosing the problem, and implementing a resolution.

Ms. Perez offers, in everyday language, a guide to climbing the workplace-culture pyramid to achieve goals for improving and enhancing a satisfying work environment. Her “Roadmap for Creating and Maintaining a Drama-Free Culture” offers simplified checklists for conducting investigations and creating workplace policy.

This real-world guidebook belongs on the shelves of enlightened supervisors, managers and business leaders everywhere.

—Donna M. Dell,
Former Labor Commissioner for the State of California

The Drama-Free Workplace is a much-needed solution to the people challenges that keep executives up at night. Whether you define drama as ethics lapses, harassment, unconscious bias, resistance to change, or lack of accountability, Patti Perez tackles these issues and more head on. Better yet, her roadmap solutions for creating and maintaining a drama-free culture are practical and relevant, no matter what industry, company size, or geography you find yourself in. Make this mandatory reading for your leadership team and in your MBA classes!

—Paul Falcone,
HR executive and bestselling author, *101 Tough
Conversations to Have with Employees* and *101 Sample Write-Ups
for Documenting Employee Performance Problems*

This is a first-of-its-kind book—it leverages Patti’s deep expertise and gives leaders and HR practitioners a robust toolkit to help them build their own authentic, drama-free workplace. When we’re faced with tough workplace situations, it’s great to have a toolkit of sound, proven methodologies to rely on to help us navigate the situations and emerge with a return to harmony in the workplace. This is a must-read for all HR practitioners ... I’ll be issuing this out to my team!

—Tonya Cross,
Senior Vice President, Human Capital, Lytx

The Drama-Free Workplace is a forward-thinking manual on how to foster the workplace of the future. Patti's thought leadership and years of in-depth workplace problem-solving experience are brilliantly woven together in a manner that provides readers with the practical tools to generate a healthy workplace culture. Leaders focused on moving beyond compliance and toward talent growth and workplace success should include Patti's book in their library.

—Mishell Parreno Taylor,
Shareholder, Littler Mendelson

The Drama-Free Workplace is sure to become a text that will be read by HR professionals, employment attorneys, executive coaches, and really anyone in the modern workplace who wants to do their part to reduce unnecessary conflict. As a lawyer who has seen the drama up close, both as in-house advisor and as outside counsel dealing with the aftermath, I welcome this type of direction for my clients. Too often, companies fail to prevent or address drama because their focus is not genuinely rooted in making the workplace better for all but is instead focused on avoiding lawsuits. Patti's methodical explanation of the root causes of drama, combined with her no-nonsense, practical solutions make *The Drama-Free Workplace* an easy read that users can go back to repeatedly for ideas and guidance.

—Nestor Barrero,
Senior Counsel, Costangy, Brooks, Smith & Prophete, LLP,
Formerly Vice President—Employment Law, NBC/Universal

Patti Perez understands the American workplace. She is a seasoned employment lawyer, an investigator of countless workplace harassment claims, and is a woman who can easily slide into the shoes of the lowest-level non-manager or the CEO. In *The Drama-Free Workplace*, Patti taps into her deep understanding of the law and people, and uses plain language and real-life tales of workplace woe to deliver an analysis of where workplaces go wrong. She provides bold yet practical prescriptions for creating a workplace that is goal-focused, fun, productive, and, yes, *drama-free*. Spoiler alert: skittishly striving for mere legal compliance won't cut it; you need to define, create, and maintain an actual culture. I'll be sending copies of *The Drama-Free Workplace* to clients and friends.

—Mike Cramer,
Employment Law Shareholder, Ogletree Deakins, Chicago

For many companies, glossy brochures market a culture of inclusivity, fairness, and respect. However, for many of those same companies, all that fancy marketing masks a drama-filled, toxic culture that is anything but inclusive, fair, and respectful. But toxic workplaces can be fixed, and even better, they can be avoided altogether. Relying on the basic tenants of authenticity and trust, Patti Perez applies commonsense principals, solid research, and years of experience to demonstrate how drama in the workplace can effectively be managed out of existence.

Patti Perez rejects the hyper-legalized and reactionary policies that have been shown to stifle effective workplace communication and increase workplace drama. Instead, the book offers a fresh, holistic approach to creating a vibrant and respectful workplace culture. Patti Perez shows how companies can take a page from the workplace safety playbook and encourage employees to work together to identify, address, and resolve challenging issues related to sexual harassment, micro-aggressions, and implicit bias. Gone, says Patti Perez, are the lengthy policies that police employee conduct; and gone are the disingenuous zero-tolerance policies and selective enforcement. Instead, *The Drama-Free Workplace* offers an alternative approach to conflict prevention and resolution—one that reduces policing and increases engagement and trust.

If your organization is looking for a practical and effective tool to reduce workplace drama and foster a healthy culture, you would do your organization a great service by taking the journey with Patti Perez in her new book, *The Drama-Free Workplace*.

—Dawn T. Collins, Esq.,
Employment Lawyer, Co-founder and Partner, CollinsKim LLP

Patti Perez is a well-known industry expert on the topic of workplace drama—how to identify it, how to prevent it, and how to fix it. This book compiles her decades of experience and is a must-read for anyone who wants to address workplace strife in ways that are proven to be effective.

—Diego Arp,
In-house counsel

the
drama-
free
workplace

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UNCONSCIOUS BIAS,
SEXUAL HARASSMENT,
ETHICS LAPSES,
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patti perez

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*To my mami and papi,
my first and best teachers on living drama free*

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Foreword

Times have changed. The old way of managing (but not solving) employee conflict doesn't work anymore. Social media has increased transparency in every organization and our changing demographics make it more important than ever to be authentic and promote a healthy workplace culture.

The #MeToo movement is the culmination of employers taking the wrong approach to solving conflict, and it was during the unfolding of this movement that Patti joined our team at Emtrain.

This watershed moment created an instant bond between us—two California employment lawyers who understand that intentions drive results, and that the intent should always be to create a healthy culture, not mere legal compliance. Patti and I are both on a mission to educate people on workplace issues and ensure we solve problems in a more authentic, effective way. *The Drama-Free Workplace* is Patti's latest effort in this mission and her practical guidance and strategies are invaluable for any leader who wants a healthy, drama-free workplace.

As you'll read in *The Drama-Free Workplace*, that doesn't mean taking actions that might increase your risk for claims. It means widening your view and treating the workplace in a more integrated, holistic way, rather than narrowly focusing on the symptoms (claims) of an unhealthy workplace culture.

You'll learn about the root causes of workplace drama and, especially relevant for today's climate, you'll learn in detail what is most likely to give rise to sexual harassment at work. Given that we find ourselves in the middle of a cultural transformation about the definition of appropriate and inappropriate conduct at work, the topics covered in this book are a must-read for any business leader, emerging leader, or employee who wants to learn how to keep drama out of the workplace.

Janine Yancey, Founder and CEO
Emtrain

Acknowledgments

While my name appears as the author of this book, *The Drama-Free Workplace* would have never come to fruition had I relied solely on my own abilities. It took more than a village to write this book—it took a family of committed and giving people who were always willing to help.

First, my deepest thanks to my friend and colleague Paul Falcone, who recommended me to the Wiley family. His generosity is indescribable and I'll be forever grateful to him for trusting me enough to recommend me.

Next, my two main points of contact at Wiley have been incredible. Richard Narramore believed in the book concept from the beginning and had a vision for making this book come to life. My editor, Vicki Adang, has been my life raft. From her gentle first message (“That was good, but not quite right”) to the ones that followed (“Yes, you’ve got it!”), I couldn’t have done this without her guidance. Her abundant patience and kindness kept me going when I thought I’d never be able to quite articulate what I was thinking. And her encouraging words helped propel me more than she’ll ever know. Thanks, Vicki!

Writing a book while working full time is no easy feat, so I’d also like to thank my wonderful teammates at Emtrain, especially Janine Yancey, who serves as equal parts mentor and cheerleader. And to the rest of the Emtrain team, thank you for your understanding and unwavering support while I wrote this book!

I need to thank more friends than can be mentioned here, but I’ll start with the guy who has been my brother since freshman year in college. Ray Nieto not only read and edited several versions of the book, but he also helped me with ideas for how to get the word out about the content.

Thanks, Ray, for always being there for me! My other BFFs, especially Joyce Magsarili, were, as always, only a phone call away when I was panicked about a deadline or about whether my content would resonate. Joyce, for 30-plus years you've been my "ride or die" girlfriend, my third sister, and truly my best friend! And to the rest of my friends, those who helped me flesh out concepts, those who encouraged me in real life and in the virtual world, and those who promised to read and share the book—thank you, thank you, thank you.

While this book is dedicated to my parents, humble immigrants from El Salvador who gave up everything to give their kids a better life, it's really a tribute to my entire family. My parents, Maria and Francisco Chavarria, taught my sisters, brother, and me that love and family are what it's all about. They had the most drama-free marriage of any I've known, and raised us in a loving environment where each one of us learned to keep our lives as uncomplicated as possible. Thank you, Annie Chavarria, Margie Esquivel, and Edward Chavarria for being the best siblings anyone could ever ask for! And thanks to my brother-in-law Tomas for putting up with us for almost 40 years and for giving me the best niece and nephew I could ever imagine. Tommy and Karlita, I love you and thank God for making me your *tia*.

I was fortunate enough to have been born into a big, fat Salvadoran family, and became even luckier when I married into an equally crazy and loving Philly Italian family.

My husband, Tom Scutti, has been my rock throughout this process and I thank you, sweetheart, from the bottom of my heart. I know the "I'll get to that as soon as I finish my book" refrain got old, but you never showed that you were tired of hearing it. Your love and commitment to me and to our kids are inspiring. Thank you for supporting me through this process, and through every other crazy idea I've had. My life doesn't work without you in it.

And thanks, too, to the other Scuttis in my life—my two fabulous bonus kids. Nick, I love your beautiful heart and your dedication to your craft. Thanks to you and Katie for always listening to my crazy rants, about my book and other topics. Christina, your passion—for your family, your work, and your sports teams—is infectious. Thanks for being my test audience for many of my theories about how to live a drama-free life.

And finally, to my baby boy (who isn't a baby anymore, but . . .), Tony Perez, you are my love, my rock, my passion. God gave me the greatest

privilege when He gave me you to raise. Looking at you now, a young man starting his journey into adulthood, I see that the legacy of your *abuelito* Paco lives in you and I'm grateful for any part I've played in making you who you are today. Words aren't enough to describe the immense love and pride I feel, but I think you know.

To everyone who has heard me advocate for doing all you can to keep your life (including your work life) drama free, thanks. I'm so grateful for everyone's help along the way. This book couldn't have happened without each of you touching my life in some way.

About the Author

Born in El Salvador, Patti Perez began living as a compassionate sharpshooter early in life. Patti and her family moved to the United States when she was three, and throughout the next several decades, she lived in San Francisco; Los Angeles; Houston; Washington, DC; Mexico City; and San Diego. These experiences taught her to be flexible and open-minded—making diplomacy and communication key skills.

Patti has continued to hone these skills in her professional life. A graduate of UCLA and the UCLA School of Law, Patti began her career as an employment law litigator, but quickly learned that the life of a litigator was not her calling. Her post-litigation career included leading an international judicial education program in Mexico City, working as the head of HR at Skadden Arps in DC, and serving as a shareholder at Ogletree Deakins in San Diego. Patti also founded Puente Consulting and for 14 years she dedicated her career to helping prevent and address workplace drama, including conducting more than 1,000 workplace investigations, training thousands of professionals, and serving as an expert witness. During that time, two California governors appointed Patti to the Fair Employment and Housing Council, where she authored a number of regulations clarifying various aspects of the state's employment laws.

Patti currently serves as Vice President of Workplace Strategy for Emtrain, a culturetech company offering comprehensive online training programs, expert guidance, and insightful data analytics—all with the goal of creating healthy workplace cultures and eliminating workplace drama.

Patti and her husband, Tom, live in San Diego, where they spend their time enjoying the life of empty nesters but still miss their kids: Nick, Christina, and Tony.

Introduction

Companies are hungry to find ways to differentiate themselves, to become employers of choice, to present themselves as organizations that deserve to win the “war for talent.” Cue the calls for a dynamic workplace culture as the secret weapon to make all this come true.

Workplace culture has become a familiar term in corporate America. But despite all the talk about how much culture matters, few companies actually do the work required to build and maintain a healthy and productive environment at work. Research validates the fact that a healthy culture drives business results, but little attention is paid to how to actually improve your culture and keep it healthy.

First, let’s define the term. In short, workplace culture encompasses the beliefs, values, and behaviors that guide your company. There are many components that define and measure the health of a culture at work, including employee engagement, employee satisfaction, happiness at work, compensation, benefits, and other workplace perks. People confuse these individual elements with defining their culture. (“We have a great culture . . . our employee surveys indicate our workforce is engaged.”)

As outlined in Figure I.1, a healthy and productive workplace culture has various components. Like Maslow’s hierarchy of needs, you can’t get to the top rungs without first satisfying basic needs.

A company that provides the basics—fair pay and benefits, and a generally safe workplace—has a mediocre culture. People come to work for their paychecks. There is little innovation and profits are flat. (Note: Companies that don’t provide even these basics are cultures that are usually seen as toxic, and this toxicity eventually destroys the company’s ability to succeed.)

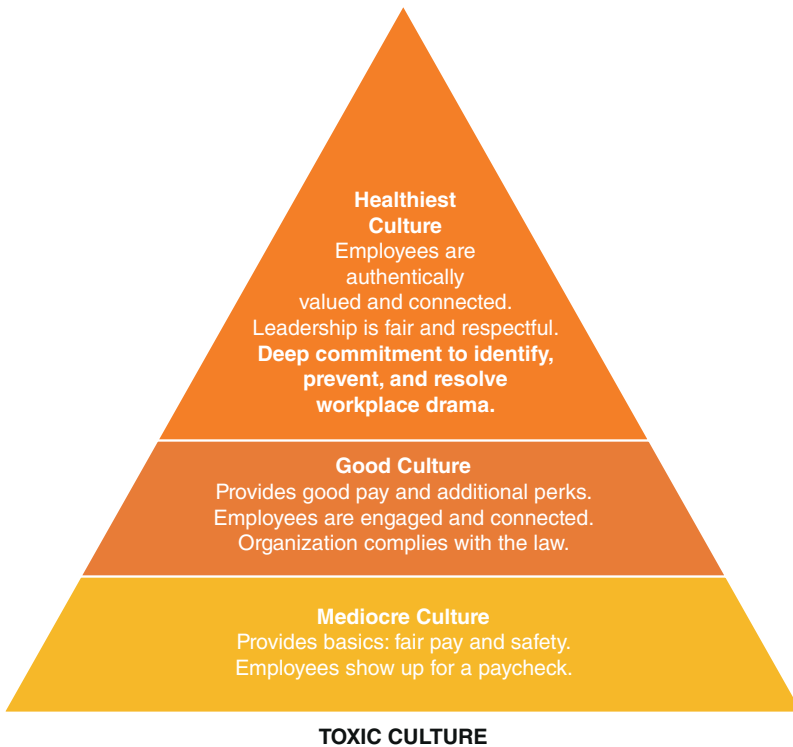


FIGURE I.1 The Healthy Workplace Culture Pyramid

A company that goes a step above and provides additional perks and takes steps to ensure an engaged and connected employee base has a good culture. Their employees understand the company's mission, they feel connected to it and to each other. In terms of employee relations, these companies focus on and follow the law.

Then there are the companies with fantastic workplace cultures. The secret to these companies' success is threefold:

1. They are intentional and relentless about planning and executing a strategy to put culture at the center of everything they do;
2. They have leaders who walk the walk and set the tone; and,
3. Because *culture* refers to the norms that govern how people approach problems and develop solutions, these companies also see preventing, managing, and addressing conflict (drama) as a vital part of their culture.

And the results are undeniable: a cohesive and collaborative workplace that leads to innovation and, as study after study shows, increased revenue and profit.

Think about a company that boasts about its engaged and satisfied employee base. Now think of how well this company fares if information comes to light about an executive who is allowed to remain on the job despite credible allegations of sexual harassment or some other ethical lapse. The weak foundation that holds up the fallacy of a great workplace culture collapses under the weight of the hypocrisy.

In today's post-#MeToo world, it is more important than ever to find groundbreaking solutions to address harassment, bias, and ethical lapses in the workplace. Without addressing these concerns—drama at work—a company's claim of an excellent workplace culture is incomplete.

While much has been written about topics such as employee engagement, climate surveys, and the introduction of Ping-Pong tables as tools to build a healthy culture, little attention has been paid to how critical conflict prevention and resolution are to a company's ability to provide employees with an environment in which to thrive. This book addresses that very topic and introduces an innovative and fresh approach to reducing or even eliminating workplace drama.

This book is for the leader, for the emerging leader, and for anyone who has to manage drama at work. A recurring theme throughout the book is that it will take each and every one of us to achieve the goal of a drama-free workplace.

The book is divided into three parts:

- **Part One: Diagnosis Drama: What You Can Do to Identify, Prevent, and Fix Workplace Drama.** This section gives the reader an overview of the root causes of drama and practical solutions to rid the workplace of it, followed by detailed chapters on the three most common types of drama at work: sexual harassment, bias/diversity, and ethics lapses.
- **Part Two: “Hiking” to the Top of the Healthy Workplace Culture Pyramid.** Using the metaphor of hiking, this section provides some essential and easy-to-implement formulas for making your workplace healthier. It also draws from analogous fields (safety, emotional intelligence, persuasive communication) to provide cutting-edge solutions on how to become drama free.

- Part Three: A DIY Roadmap for Creating and Maintaining a Drama-Free Culture. In this section, I'll share my very practical, step-by-step roadmaps on how to write and enforce policies, how to provide effective training, and how to investigate and resolve workplace drama.

And one last note: Don't forget that a healthy culture is a fun culture. There is a misconception that in order to be drama free you have to erase all things entertaining and amusing. But who wants to work in that type of environment? A culture that is healthy, inclusive, and respectful can and should also be fun.

You can read the book from beginning to end, or you can turn to the chapter that has information about your most pressing need. The goal is to introduce you to a fresh approach to prevent and address drama at work so that yours can be an organization that is proud of its culture.

I'll use case studies and real-life examples throughout the book. I've collected these stories from my work as an employment attorney and HR professional, as well as my experience as a workplace investigator—a specialist in the field of drama prevention and resolution. This work has given me a bird's-eye view of how drama unfolds. More important, it has given me insight into how the need to prevent and fix workplace drama is a key ingredient in the secret sauce of creating and maintaining a healthy workplace culture.

Whether your organization is already on its way to the top of the Healthy Workplace Culture Pyramid or you're starting from scratch, this book will provide you with a roadmap to identify, prevent, and resolve workplace drama. And whether you're a leader, an emerging leader, or an employee who wants to stay drama free, the tips in this book will help you be a part of the solution we're all striving for—a workplace free of useless drama.