

Using the Annual Performance Evaluation to Reduce Harassment in Your Workplace

The annual performance evaluation process is much more than giving an employee a piece of paper rating their performance over the last reporting period. This process, if properly used, gives the employer the opportunity to verify the employee's level of knowledge regarding "core critical tasks" for their position. In particular, verification of the employee's knowledge regarding high-risk, low-frequency tasks is crucial.

One such area is job-based harassment, which can also lead to future allegations of retaliation. The performance evaluation process can be used not only to check the employee's level of knowledge regarding your organization's policy, but also to identify issues that need to be discussed and mitigated.

Following is a template you can incorporate into your performance evaluations. First, the employee and supervisor/HR representative review the harassment policy together. Then, the following series of questions is asked, with the employee's responses documented. Note that this process should be followed with each employee being evaluated.

Pat, we have just read our (City, County, Department) policy regarding job-based harassment in the workplace. I am now required to ask you some questions, and it will be necessary for you to document your response to these questions.

Do you understand this policy? Yes No _____
Initial

Do you have any questions about this policy? Yes No _____
Initial

Do you know how to file a complaint should you ever have a problem with harassment, or if you see inappropriate behaviors at work? Yes No _____
Initial

If you ever have a problem or concern regarding harassment in the workplace, please tell me who you can address your concerns with, both inside and outside our department.

List the resource contacts in HR, City, County or State.

Do not use names here, titles only.

Are you aware of any behaviors going on either in our workplace, or outside the workplace that may impact the workplace, that are inconsistent with this policy?

Yes No _____
Initial

If the answer to this last query is “Yes,” then gather the facts of their concern, notify Human Resources and commence an investigation pursuant to your harassment policy and procedure.

In the closing comments on the evaluation, incorporate the above questions and responses. For example:

Pat, another excellent year. You built 4 million widgets, you do this, this, this and this well. You need to improve here, here and here. You manage your time well, you follow safety rules, etc. etc. etc.

Additionally, we had a conversation regarding our organizational commitment to the elimination of harassment in the workplace. We read our company policy together, and you stated you understood the policy and had no questions. Additionally, you stated you were unaware of any behaviors inconsistent with this policy. Should you ever become aware of behaviors inconsistent with our policy, please do not hesitate to contact me, any other supervisor or manager, or Human Resources immediately and inform us of the inconsistent behavior.

This approach is an excellent way to eliminate harassment for two reasons: 1) It makes every employee aware that someone is watching out for problems, and 2) Should the annual performance questioning reveal a potential harassment issue, appropriate staff can promptly address it in accordance with your policy. Of course, all of that assumes that you have a good, up-to-date harassment policy, and that you are committed to eliminating this issue from your workplace. It is the right thing to do.

Note: Prior to changing any policy or procedure you now have, please consult your competent legal counsel.

If you have questions about using annual performance evaluations to reduce workplace discrimination, or any feedback about this approach, please feel free to contact me.

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