



# INVESTIGATION PREVENTION

CRITICAL PEOPLE  
MANAGEMENT SKILLS

**HR Virginia 2024**

ANNUAL STATE CONFERENCE  
APRIL 21 - APRIL 24 | RICHMOND, VA



**LEADING THROUGH  
WORKPLACE HURDLES**



# ANYA SOTO

- Founder of Culture Crafters
- ICF certified with over 2000 hours
- Designed and delivered 50 + custom talent solutions
- Certified Vistage Speaker
- Consulted over 100 brands on optimizing their workplace culture and talent retention strategies



**CULTURE STRATEGIST**



ROCKPORT



# Workplace investigations often start with two vital mistakes



***1. PLACING INEXPERIENCED  
HIGH-PERFORMERS IN  
LEADERSHIP ROLES***

***2. NOT INCLUDING BEHAVIORAL  
EXPECTATIONS INTO  
PERFORMANCE MANAGEMENT***





# LACK OF TRAINING CAN COST A COMPANY MILLIONS IN LAWSUIT EXPOSURE



Ex: One Manager fails to enforce meal/rest period policies for 30 employees at a location, so one hour of premium pay is owed per violation. The “look back” is four years. Minimum wage in San Diego is \$16.85.

That’s 260 work days x 4 years x 30 employees x \$16.85 penalty = \$525,720.00 in unpaid meal premiums alone!

Now double that for missed rest breaks, add on waiting time penalties, etc...



# Most Common WORKPLACE INVESTIGATIONS



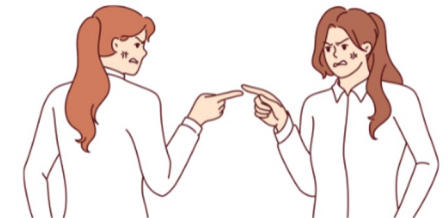
Discrimination  
Harassment



Retaliation



Theft &  
Fraud



Misconduct

**Sexual harassment and discrimination is obvious but bullying behavior is often hard to identify and manage!**



# TOXIC BEHAVIOR QUIZ





# NAME THE OFFENCE!



At a marketing agency, Emily consistently assigns Jack to high profile projects and campaigns citing his unique perspective and creative flair.

- She recommends him for exclusive training programs, mentorship events and leadership opportunities.
- She brushes off concerns raised by other team members, insisting that Jack's talents outweigh any minor flaws.
- Emily frequently socializes with Jack, inviting him to lunch meetings, after-work drinks and company events.



# NAME THE OFFENCE!



At a manufacturing plant, Mark is a high-ranking manager known for delivering results.

- Mark's voice booms across the room as he criticizes employees' performance, often using harsh language and belittling remarks.
- He sends terse, demanding emails with all-caps subject lines and exclamation marks, creating a sense of urgency and pressure among recipients.
- He constantly hounds employees with emails and phone calls, demanding updates and revisions to their projects.



# NAME THE OFFENCE!



Sarah is a senior manager at a construction firm. She's charming and charismatic, but...

- She subtly distorts the truth and denies previous agreements or conversations.
- She keeps key stakeholders in the dark about important developments, giving herself a competitive advantage.
- She rewards loyalty with special privileges and opportunities.
- She throws her team members under the bus to protect her own reputation and deflect accountability.



# NAME THE OFFENCE!



David, a mid-level manager initially appears competent and composed, but over time starts to exhibit troubling signs:

- He highlights failures and inadequacies without offering constructive feedback or support.
- He belittles his team's intelligence and competence with sarcastic remarks and derisive laughter, dismissing their input as insignificant or foolish.
- He ostracizes dissenters, making them feel unwelcome and marginalized within the team.





How many of you have  
experienced/witnessed  
discrimination or harassment  
during your career?

# INEXPERIENCED MANAGERS ARE OFTEN THE CAUSE OF HIGH TURNOVER AND TURNOVER IS EXPENSIVE

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**20-30%**

**30-50%**

**30-150%**

## **COST PER NEW HIRE**

The cost of hiring a new employee can range from 20% to 30% of their first year salary. An executive position can range from 50% to 150% of the executive's annual salary.

## **COST OF ONBOARDING**

On average, the cost of onboarding a new employee can range from 30% to 50% of their annual salary. For example, if an employee's annual salary is \$50,000, the estimated onboarding cost could be between \$15,000 and \$25,000.

## **COST OF TURNOVER**

On average, the cost of turnover for executive talent can range from 100% to 300% of their annual salary or more. It's commonly cited that the cost of turnover ranges from 30% to 150% of an employee's annual salary.

# WHO'S LIABLE?



Employers are **ALWAYS** liable for unlawful harassment by their supervisors and agents



## Personal Liability

The individual harasser is personally liable for the damages caused by his/her unlawful actions.



## Liability of Employer

Employers are **ONLY** liable for harassment by employees if they knew or should've known.

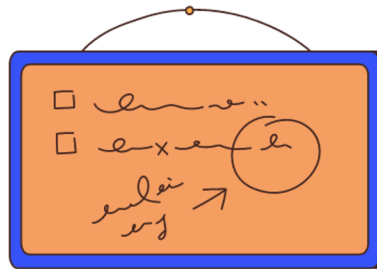
**Supervisors are** employees who hire, transfer, promote, assign, reward, discipline, or discharge other employees, or recommend these actions.



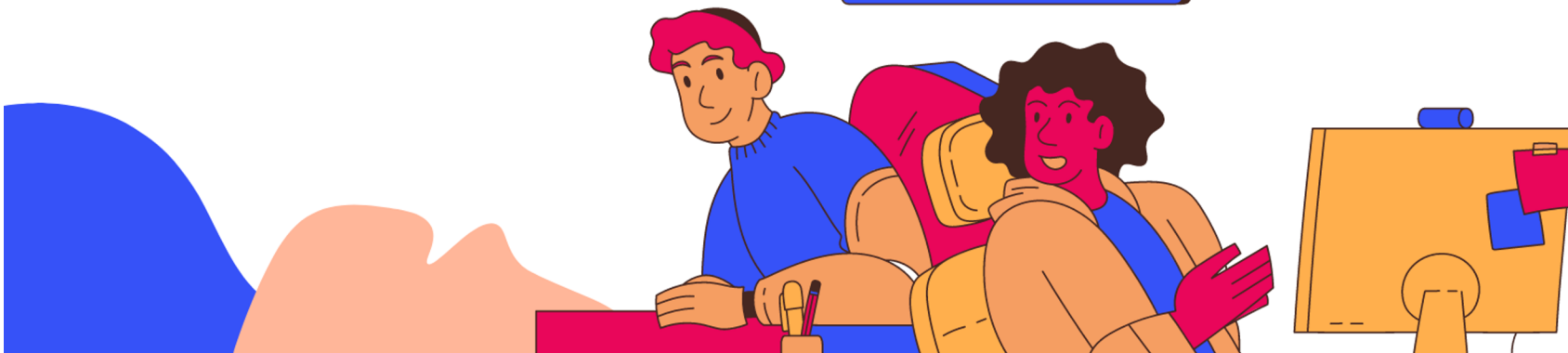


**IN 2023, ONLY 58% OF EMPLOYEES  
REPORTED THE POOR BEHAVIORS  
THEY WITNESSED OR EXPERIENCED**

**MANAGER?**



**HR?**



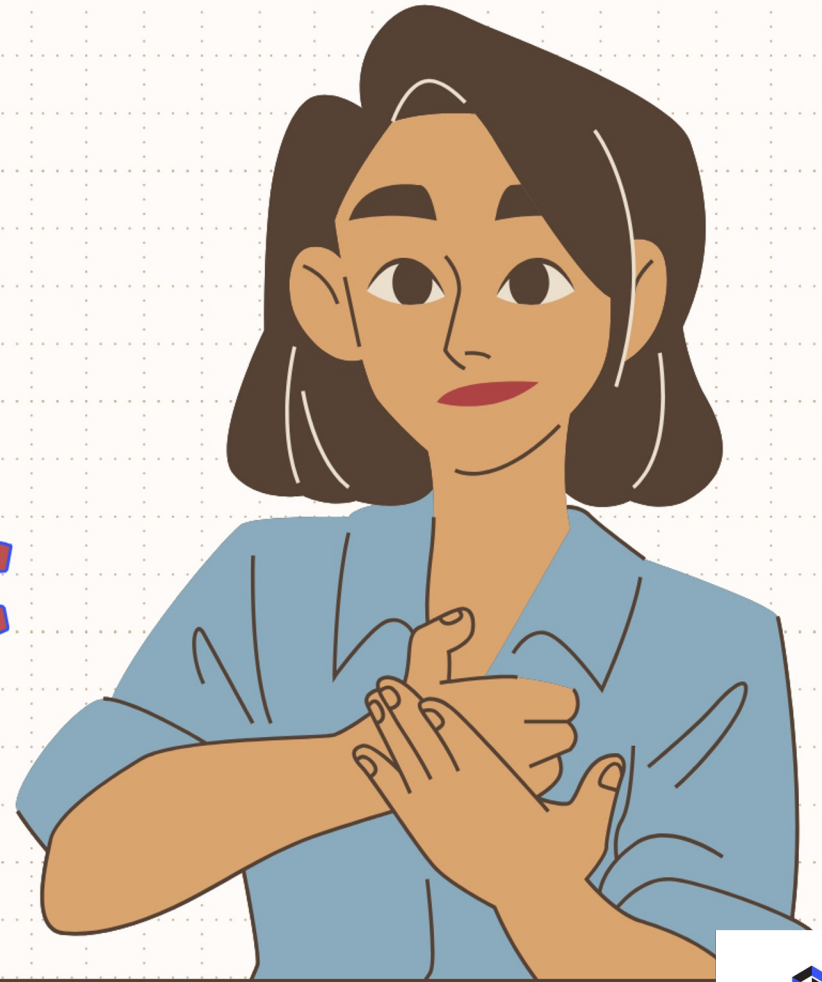
# FAILURE TO ADDRESS TOXIC BEHAVIORS



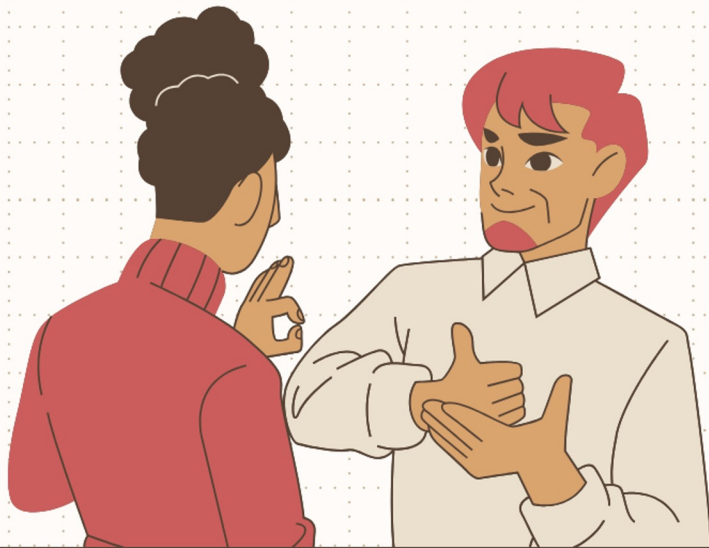
- Makes it OK
- Produces disengagement and disenchantment
- Poisons team dynamics
- Creates divisions increasing stress and anxiety
- Exposes the organization to legal liabilities, including lawsuits, fines, and damage to its reputation



**NOBODY  
TEACHES US  
HOW TO  
ADDRESS TOXIC  
BEHAVIOR**



# DENIAL OF TOXIC BEHAVIOR IS A COMMON DEFENSE MECHANISM



1

**"I WAS JUST TEASING, YOU KNOW I DIDN'T MEAN ANYTHING BY IT."**

2

**"IF YOU HADN'T PROVOKED ME, I WOULDN'T HAVE REACTED THAT WAY."**

3

**"YOU'RE OVERREACTING, IT DIDN'T HAPPEN LIKE THAT."**

4

**"WHY ARE YOU ALWAYS PICKING ON ME?"**

# RESPONDING TO A DENIAL

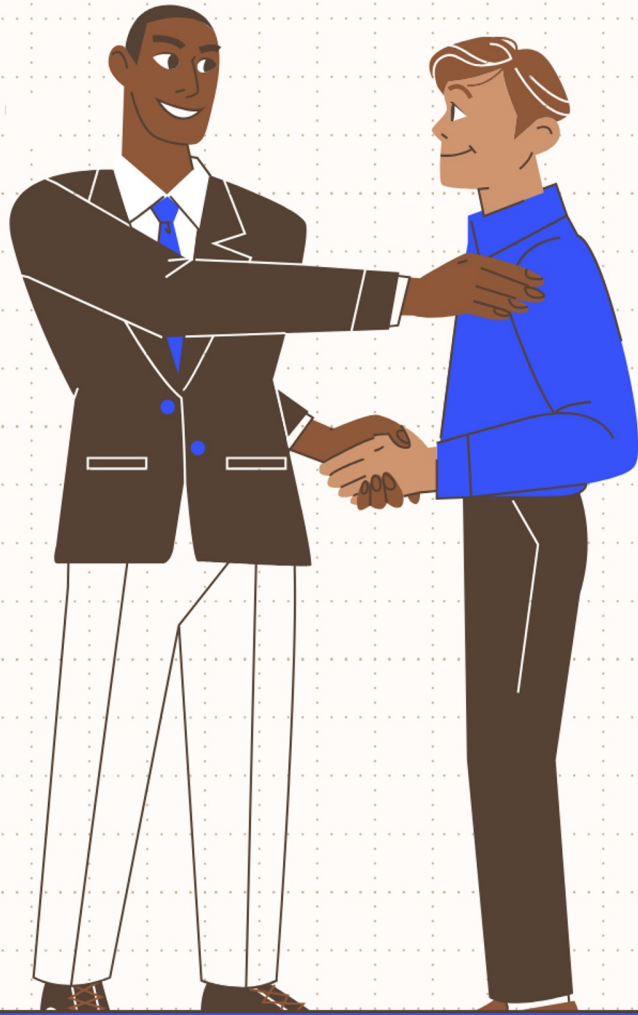
“I AM HERE TO TELL YOU THAT YOUR BEHAVIOR IS BEING INTERPRETED AS AGGRESSIVE BY MULTIPLE INDIVIDUALS, MYSELF INCLUDED.

THIS PERCEPTION NEEDS TO SHIFT, AND WE MUST UNDERSTAND WHY IT'S OCCURRING.

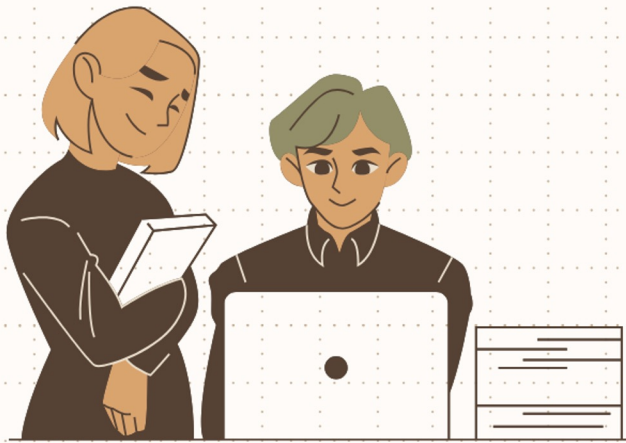
CAN YOU IDENTIFY AT LEAST ONE ACTION THAT MIGHT BE CONTRIBUTING TO THIS PERCEPTION?”







# WAYS TO ADDRESS TOXIC BEHAVIORS



# **FOCUS ON FACTS AND IMPACT**

**YOU MIGHT NOT REALIZE IT BUT BY  
SAYING .....  
YOU REALLY OFFENDED....  
MAYBE NEXT TIME YOU CAN TRY...**



# CREATE CONNECTION

**I NOTICED THAT YOU OFTEN  
SAY/DO ...**

**I USED TO DO IT TOO BUT THEN I  
REALIZED THAT IT WAS HURTFUL, SO  
INSTEAD I STARTED ....**



# ASK TO CLARIFY

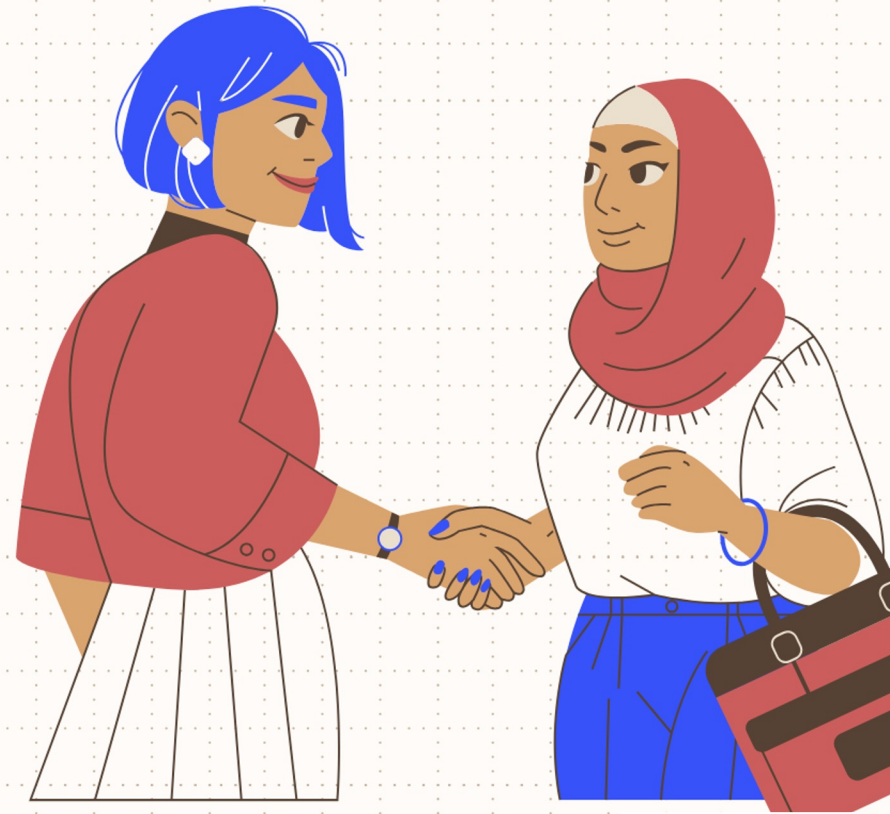
**COULD YOU EXPLAIN WHAT YOU MEANT BY THAT?**

**OFTEN EMPLOYEES WILL SELF-CORRECT WHEN CONFRONTED**



# SHARE HOW IT MAKES OTHERS FEEL

WHEN YOU \_\_\_\_\_  
(DESCRIBE SPECIFIC BEHAVIOR),  
IT MAKES OTHERS FEEL  
\_\_\_\_\_ (FEELING) AND  
I WOULD LIKE YOU TO BE  
MORE MINDFUL OF THAT AS A  
LEADER



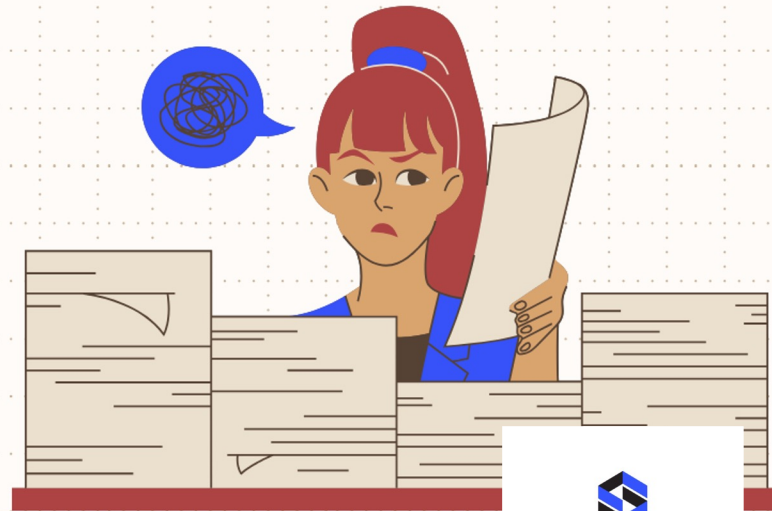


# CONNECT TO COMPANY VALUES

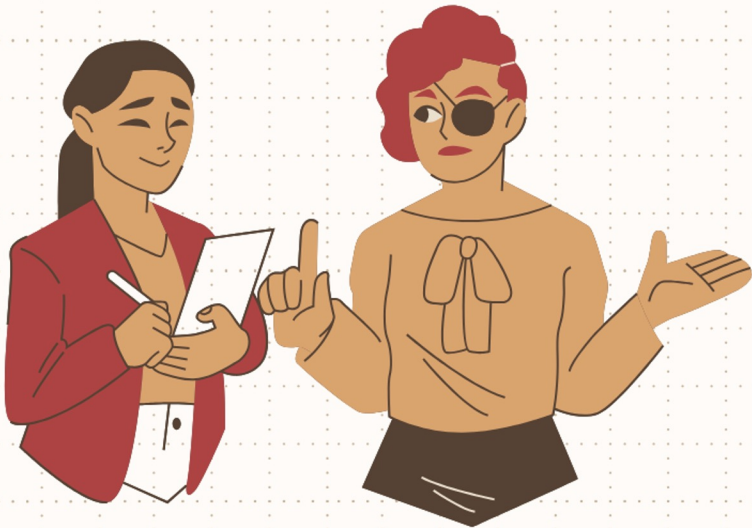
**WHEN YOU SAY/DO THINGS LIKE ....**

**IT REALLY GOES AGAINST OUR CORE  
VALUE OF INCLUSION OF ALL PEOPLE**

**AS A LEADER YOU MUST ROLE-  
MODEL OUR COMPANY VALUES**



# APPEAL TO THEIR INDIVIDUAL VALUES



**I KNOW THAT YOU REALLY CARE  
ABOUT ....  
(STATE SOMETHING IMPORTANT TO  
THEM).**

**WHEN YOU DO \_\_\_\_\_, IT REALLY  
UNDERMINES THOSE INTENTIONS.**

# ENCOURAGE EMPATHY

**I KNOW YOU FEEL STRONGLY WHEN  
PEOPLE STEREOTYPE YOU AS...**

**HOW WOULD YOU FEEL IF SOMEONE  
SAID THAT TO A LOVED ONE?**





# LAST RESOURCE

**THIS BEHAVIOR GOES AGAINST  
OUR CODE OF CONDUCT AND  
WILL NOT BE TOLERATED HERE.**



# EXAMPLES OF FEEDBACK



It appears deliberate when you exclude Sam from your team's happy hour meetings. Exclusion can be interpreted as intentional harm. Was that your intention?

Sam doesn't feel like she's a part of this team and I know for a fact that it discourages her from sharing ideas or proposing solutions.





# EXAMPLES OF FEEDBACK

“I am here to help you be more effective, but I can't assist you if you continue to raise your voice or speak condescendingly.”

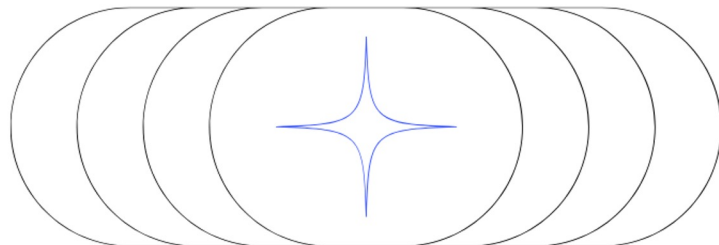
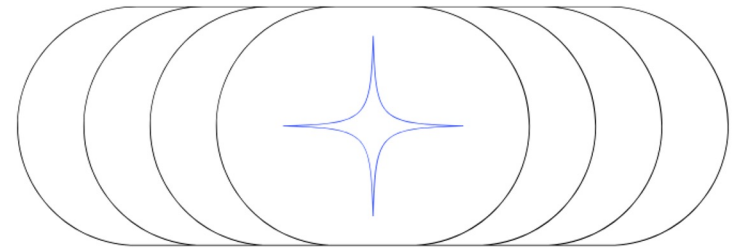
“When you ignore some people in meetings, I have noticed them shutting down. The impact of that behavior is that it hampers our ability to accomplish tasks faster as a team.”



# ***TRY THIS...***



*"IF YOU DISAGREE WITH MY IDEAS,  
PLEASE EXPRESS YOUR CONCERNS  
DIRECTLY TO ME RATHER THAN  
DISRESPECTING ME IN MEETINGS."*

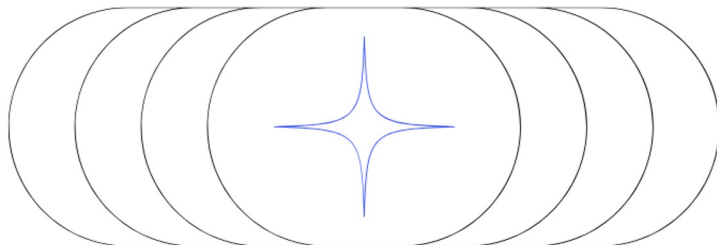
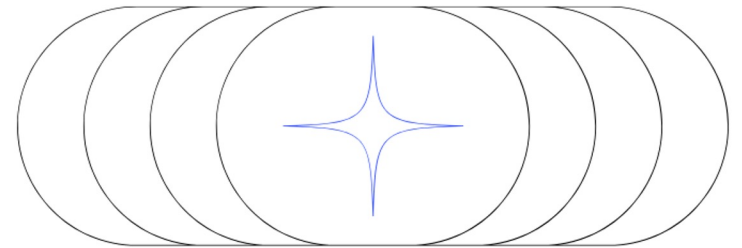


*"LET'S PAUSE FOR 30 MINUTES AND  
INVOLVE ... TO HEAR THEIR  
PERSPECTIVE."*

# ***TRY THIS...***



*WHAT DOES BEING SUPPORTED  
LOOK LIKE IN THIS SITUATION?*



*"I AM A TRANSPARENT LEADER AND I  
TALK TO PEOPLE NOT ABOUT THEM.  
LET'S INVITE X TO JOIN US."*

# TRAIN MANAGERS HOW TO

**BUILD HIGH-TRUST  
RELATIONSHIPS TO  
INCREASE PRODUCTIVITY  
& DECREASE CONFLICTS**

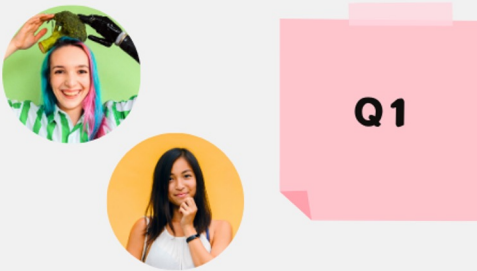
**IDENTIFY BEHAVIORS &  
EXPECTATIONS TO INCREASE  
JOB SATISFACTION AND  
DECREASE TOXICITY**

**CO-CREATE EXPLICIT  
WORKING AGREEMENTS TO  
MINIMIZE FRUSTRATION**



In shaping the desired culture, engaging employees is paramount!

**BUILD TRUST & WORKING AGREEMENTS**



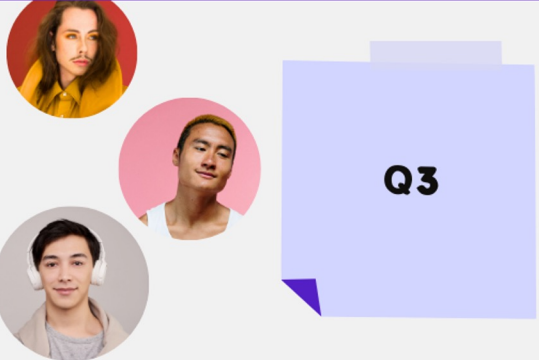
Q1

**PERFORMANCE MANAGEMENT**



Q2

**MANAGER TRAINING**



Q3

**TALENT RETENTION PROGRAMS**




Q4

**BUILD MISSION TEAMS AKA YOUR INTERNAL CULTURE CHAMPIONS**



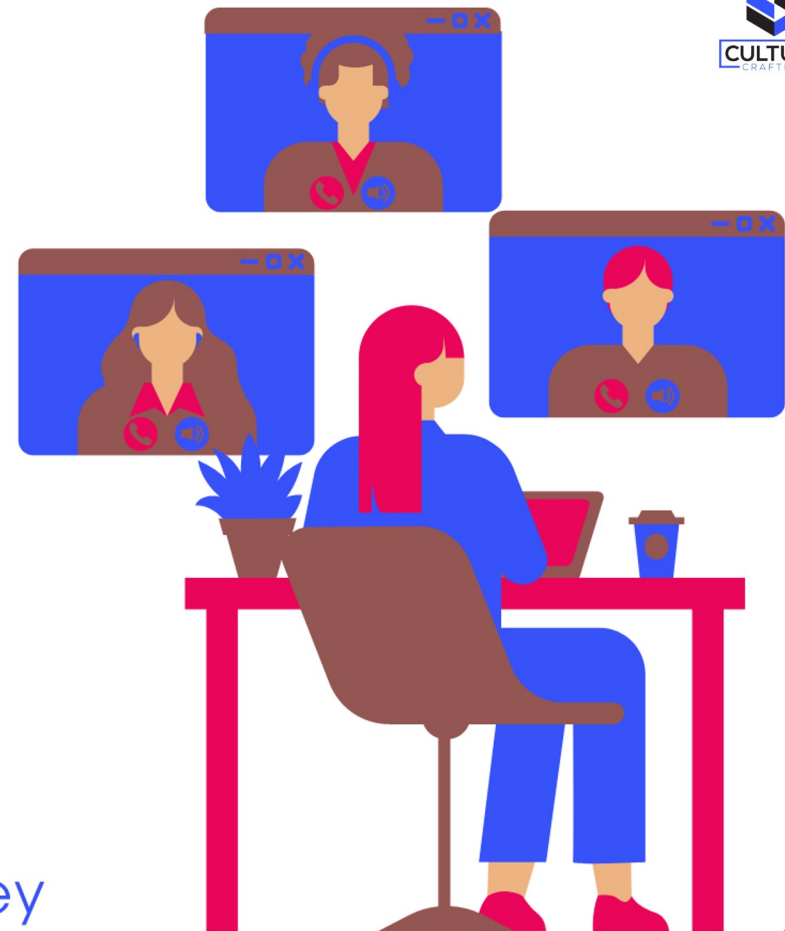




“When you trust people you have confidence in them - in their integrity, and in their abilities.

When you distrust people, you are suspicious of them - of their integrity, their agenda, their capabilities and their track record.”

“The Speed of Trust”  
by Stephen M. R. Covey



# PSYCHOLOGICAL SAFETY AT WORK LOOKS LIKE



- ✓ **MAKES IT POSSIBLE TO GIVE TOUGH FEEDBACK WITHOUT THE NEED TO TIPTOE AROUND THE TRUTH**
- ✓ **PEOPLE BELIEVE THAT IF THEY MAKE A MISTAKE THEY WON'T BE PENALIZED OR HUMILIATED**
- ✓ **I CAN ASK FOR INFORMATION OR SHARE PERSONAL DETAILS WITHOUT JUDGEMENT**
- ✓ **PEOPLE ARE TRUSTED TO DO THEIR BEST WORK AND FEEL SAFE CONTRIBUTING IDEAS**
- ✓ **PEOPLE FEEL SAFE TO SPEAK UP OR DISAGREE IN MEETINGS WITHOUT FEAR OF RETALIATION**

**Negative behaviors  
are a performance  
management  
problem!**

**Team Check-in**

How are you feeling?



# CRITICAL COACHING AND FEEDBACK SKILLS

DURING A TEAM MEETING, YOU DISMISSED A JUNIOR DEVELOPER'S SUGGESTION FOR IMPROVING A CODE STRUCTURE, STATING, "THAT'S NOT HOW WE DO THINGS HERE. STICK TO YOUR ASSIGNED TASKS AND LEAVE THE BIG DECISIONS TO THE EXPERIENCED TEAM MEMBERS LIKE ME."

CAN WE DISCUSS WHAT CAUSES YOU TO MAYBE UNINTENTIONALLY CONVEY A BETTER THAN ATTITUDE?"





# HOW TO IDENTIFY & ADDRESS HIGH & LOW PERFORMERS



## High Performers

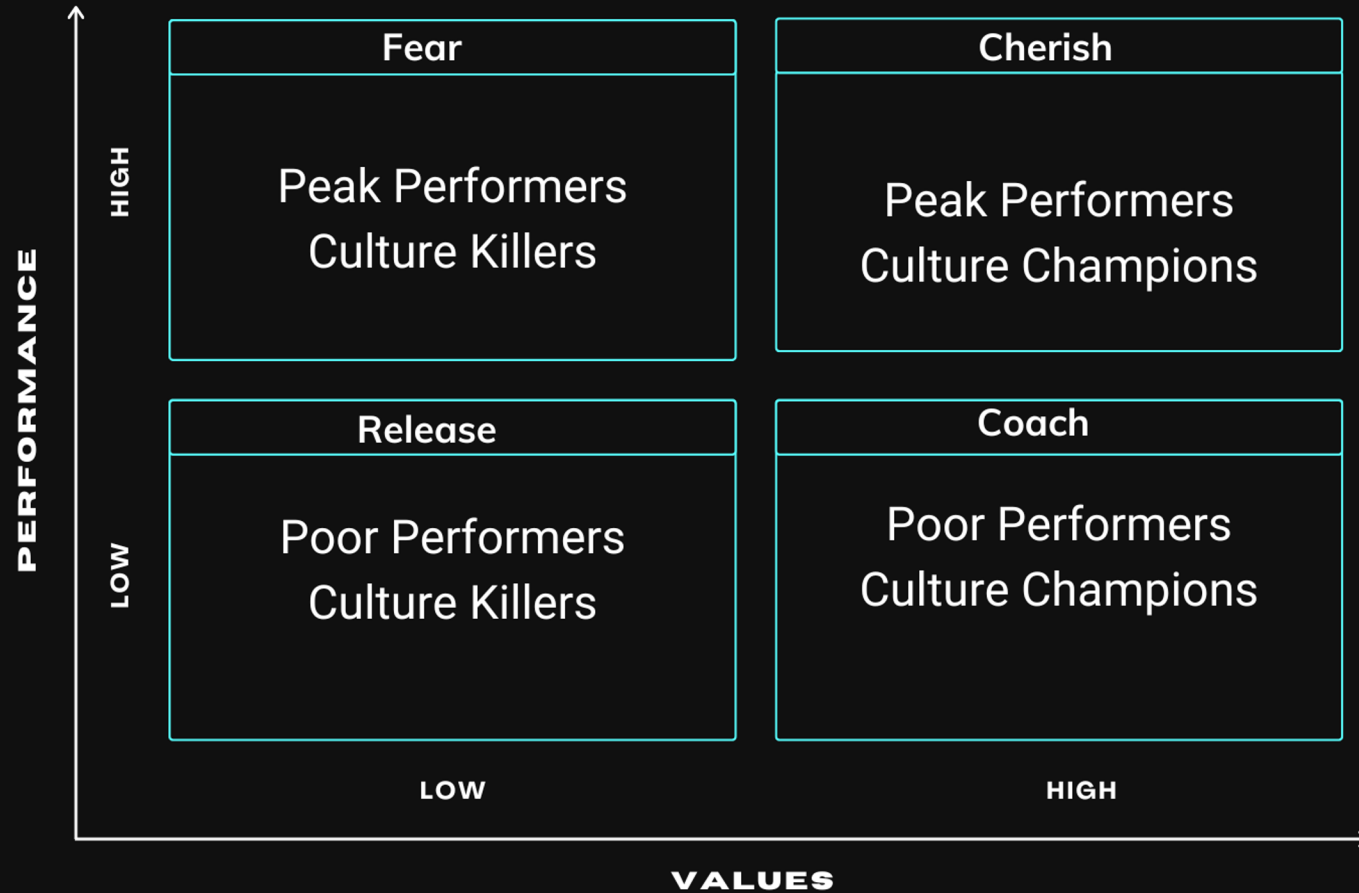
- How to recognize and reward high performers who often go unnoticed
- How to amplify high performers
- How to retain high performers
- How to create internal talent mobility and promotions
- How to motivate high performers

## Low Performers

- Indications of low performance
- How to address low performers
- How to develop an improvement plan
- Ownership and accountability
- How to document feedback to prevent potential false termination accusations



# PERFORMANCE/VALUES MATRIX



# YOU ARE AT RISK IF...

- Internal competition
- Bureaucratic organization
- High IQ/low EQ
- Lack of diversity
- Managers not providing timely factual feedback
- Managers allowing/tolerating toxic behaviors
- Low turnover and many tenured employees
- Brilliant Jerks
- High stress environment



# RED FLAGS

01

HIGH TURNOVER  
SAME LEADER/DEPT

02

SUDDEN SPIKES IN  
ABSENCES/SICK DAYS

03

LOWER THAN USUAL  
MORALE/ENGAGEMENT

04

INCREASE/DECREASE IN  
COMPLAINTS





# Factors contributing to toxic leadership

Lack social and emotional intelligence

Toxic role models during their career

Been previously promoted for same behaviors

Are afraid of imperfection and incompetence

Care deeply about success: their own & Org's





# LAWSUIT PREVENTION TIPS

**01**

**UP-TO-DATE  
WRITTEN  
POLICIES THAT  
ALL EMPLOYEES  
ACKNOWLEDGE  
IN WRITING**

**02**

**DOCUMENT ALL  
FEEDBACK  
CONVERSATIONS  
& CORRECTIVE  
ACTIONS**

**03**

**TRAIN ALL  
SUPERVISORS  
AND PRACTICE  
EFFECTIVE  
MANAGEMENT  
TECHNIQUES**



**SCAN ME**

***LOOKING TO  
ADD MORE  
COACHING  
TOOLS TO YOUR  
TOOLBOX?***