

# Conflict Resolution Training

&  
HR  
UPDATES



# WELCOME!

## Agenda

- 2024 HR Updates
- Causes of workplace conflict.
- Importance of resolving conflict.
- Methods of resolving conflict.
- Do's and don'ts of workplace conflict.
- Steps in the conflict resolution process..

# 2024 HR UPDATES – EFF: 1/1/2024

- ❖ SB 365: Arbitration
- ❖ SB 497: Presumption of Retaliation related to wages and employee claims/complaints/disclosures/discussions
- ❖ SB 553: Workplace Violence Prevention Plan and Restraining Orders
- ❖ SB 616: Paid Sick Leave Increase
- ❖ SB 700: Cannabis Use; Employment Discrimination
- ❖ SB 848: Employment Leave for Reproductive Loss
- ❖ SB 525: Minimum Wage for Healthcare Workers; New Salary Standard.

## **SB 365: Arbitration**

- This bill will make it harder for employers to appeal a denial of a motion to compel arbitration given that the bill eliminates the stay that applied to litigating an action during the pendency of an appeal. This means an employee can continue to pursue a civil case in litigation even if an employer is appealing the denial of a motion to compel arbitration or, in other words, that an employer that is trying to enforce an arbitration agreement will also now have to defend itself in court on a civil lawsuit at the same time.

## **SB 497: Presumption of Retaliation related to wages and employee claims/complaints/disclosures/discussions**

- This bill mandates a presumption of illegal retaliation if an employer takes disciplinary or other adverse action against an employee who has made a wage claim, complaint, disclosure, discussion or inquiry within the prior 90 days. Employers may rebut this presumption by showing a legitimate, non-retaliatory reason for the disciplinary action.
- This bill sets a penalty not exceeding \$10,000 per employee for each violation of the retaliation law, in addition to other remedies available. The bill also prohibits retaliation against an employee because the employee, or the employee's family member, has, or is perceived to have, engaged in any conduct protected under the law
- In short, this law makes it easier for employees to maintain certain whistleblower retaliation claims under the California Labor Code, including retaliation claims for complaining of or opposing an employer's illegal conduct related to wages and equal pay practices.

## **SB 553: Workplace Violence Prevention Plans and Restraining Orders:**

- Effective January 1, 2025, this bill specifies that employers, or a collective bargaining representative, may seek temporary restraining orders (TROs) on behalf of their employees to protect them from harassment, violence or credible threats of violence. The bill defines harassment as “a knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, or harasses the person, and that serves no legitimate purpose. The course of conduct must be that which would cause a reasonable person to suffer substantial emotional distress and must actually cause substantial emotional distress.” This law includes a carve-out that prevents courts from issuing TROs that prohibit speech or activities protected by the National Labor Relations Act.
- Before filing for a TRO, an employer or collective bargaining representative of an employee shall provide the employee who has suffered harassment, unlawful violence, or a credible threat of violence from any individual, an opportunity to decline to be named in the TRO. An employee’s request to not be named in a TRO shall not prohibit an employer or collective bargaining representative from seeking a TRO on behalf of other employees at the workplace, and, if appropriate, other employees at other workplaces of the employer.
- Employers, by July 1, 2024, must also (in addition to any IIPP already in place) establish, implement and maintain an effective workplace violence prevention plan, including providing effective procedures to accept and respond to employees’ workplace violence reports, recording incidents of workplace violence, providing effective training, and retaining records for a certain time period. There are many nuances to the requirements.
- This law is effective on January 1, 2025.

## **SB 616: Paid Sick Leave Increase:**

- This bill mandates that employers must now offer a state minimum of 5 days or 40 hours of paid sick leave (the old minimum was 3 days or 24 hours). For employers that use the front load approach, they must front load the new entire amount as of January 1, 2024 (or if the 12 month period is different than a calendar year, consult legal counsel on implementation). For employers that use an accrual method to offer paid sick leave, the employer must offer no less than 24 hours of accrued sick leave or paid time off by the 120th calendar day of employment or each calendar year, or in each 12-month period, and no less than 40 hours of accrued sick leave or paid time off by the 200th calendar day of employment or each calendar year, or in each 12-month period.
- Employers may cap the accrual of paid sick leave to 10 days or 80 hours. A total of 10 day or 80 hours is also the cap that employers can place on the amount of paid sick leave an employee can carryover from year to year.
- In addition to updating handbooks and workplace posters to comply with the new requirements, employers must further make sure paystubs have been appropriately updated to reflect the new available balance of paid sick leave.
- Employers must also use the new Labor Code 2810.5 wage theft form with the updated sick leave requirements once the updated form is available from the California Labor Commissioner.
- Employers must also make sure to still comply with more generous local ordinances, if any.

## **SB 700: Cannabis Use; Employment Discrimination:**

- Existing law provides that employers may not discriminate against an employee in any term or condition of employment, or otherwise penalize a person because of the person's use of cannabis off the job and away from the workplace.
- This bill also makes it unlawful for an employer to request information from an applicant for employment relating to the applicant's prior use of cannabis. Information about a person's prior cannabis use obtained from the person's criminal history would be exempt from the law if the employer is permitted to consider or inquire about that information under a specified provision of the California Fair Employment and Housing Act or other state or federal law (e.g., where a federal background investigation or security clearance is required).
- Keep in mind that employers also must ensure that drug testing, if any, does not test for any non-psychoactive cannabis metabolites.

In short, beginning next year, employers will essentially only be permitted to take action against an employee for their on-the-job or on-premises use, or being under the influence, of cannabis.

## **SB 848: Employment Leave for Reproductive Loss:**

- This bill requires an employer who employs more than five employees to provide up to five days of unpaid leave to an employee who has worked for at least 30 days for the employer following a reproductive loss event.
- “Reproductive loss event,” is defined as “the day or, for a multiple-day event, the final day of a failed adoption, failed surrogacy, miscarriage, stillbirth, or an unsuccessful assisted reproduction.”
- Leave must be taken within three months of each reproductive loss event.
- Leave can be taken on nonconsecutive days. Although leave may be taken for multiple events, it is only up to a maximum of 20 days within a 12-month period.
- Leave is unpaid although employees may choose to use any accrued and available paid time off.
- The law does not contain any provision permitting employers to request any documentation in connection with reproductive loss leave. Like many other California leave laws, this one also prohibits employers from retaliating against any employee for requesting or taking leave for a reproductive loss.



**SB 525: Minimum Wage for Healthcare Workers; New Salary Standard:** Specifically for our healthcare employers –

- This bill gradually raises the minimum wage for workers in health care facilities to \$25 per hour over the next several years. The rate of the raise varies based on the size of facility, ranging from large health facilities and clinics moving to \$23 per hour in 2024 (\$25 per hour in 2026) to other health facilities moving to \$21 per hour in 2024 (\$25 per hour in 2027 for community clinics and in 2028 for other facilities). Facilities with a large percentage of Medicare and Medicaid patients, rural independent hospitals, and small county facilities will start the increase in minimum wage at \$18 per hour in 2024, and increase 3.5% annually through 2033.
- The definition of health care employee in this bill is broad, and does not only include direct patient care roles like “nurse, physician, caregiver, medical resident, intern or fellow, and patient care technician,” but also includes positions such as “janitor, housekeeping staff person, groundskeeper, guard, clerical worker, non- managerial administrative worker, food service worker, gift shop worker, technical and ancillary services worker, medical coding and medical billing personnel, scheduler, call center and warehouse worker, and laundry worker, regardless of formal job title.” It also includes independent contractors with some minor exceptions; thus employers should also review their independent contractor agreements for compliance.
- This bill preempts city or county (including charter cities and counties) ordinances enacted or taking effect after September 6, 2023, until January 1, 2024, that specifically apply to health care workers (but does not apply to non-industry-specific minimum wage ordinances).
- This bill also establishes minimum standards for salaried employees. Now, rather than use twice the state minimum wage on a monthly basis as the salary standard for exempt employees, covered employers must ensure that salaried employee earn a monthly salary equivalent to no less than 150% of the health care worker minimum wage or 200% of the applicable minimum wage, whichever is greater.
- The Department of Health Care Access and Information will be publishing on or before January 31, 2024, helpful information on this new law including who is considered a large health facility/clinic subject to the highest new minimum wage standard, and what categories other facilities fall into. Employers will want to review the list to make sure they have been accurately classified. Correction requests must be submitted to the Department by January 31, 2025.
- There is a waiver process which will be developed by the California Department of Industrial Relations (“DIR”) no later than March 1, 2024. Employers interested in a waiver should monitor the DIR’s website for further information.

# Introduction

*“Whenever you’re in conflict with someone, there is one factor that can make the difference between damaging your relationship and deepening it. That factor is attitude.”*

—William James

This training focuses on ways that supervisors can work with employees to resolve conflict in the workplace by recognizing the causes of workplace conflict, understanding how to facilitate resolution of conflict and how to manage the work relationships once the conflict has been resolved.



# Causes of Workplace Conflict

Conflict often arises because employees:

- Have different points of view.
- Communicate with one another differently.
- Spend large amounts of time together.
- Depend on one another to “get the job done.”
- Have established expectations of one another that are not communicated and then not met.

# Causes of Workplace Conflict (cont.)

Conflict does not always have to be negative. When employees are able to challenge one another's ideas in a supportive environment, new ideas are generated and fostered.

It is important to remember that conflict will always exist between employees. Effective supervisors have the skills to manage the conflict process and turn disagreements into ideas.

# Causes of Workplace Conflict (cont.)

## Examples of Healthy vs. Damaging Conflict

### **Healthy conflict:**

- Disagreements communicated in a supportive environment that foster the generation of new ideas or ways to problem-solve.
- Tension that increases awareness or sheds light on a growing workplace problem.

### **Damaging conflict:**

- Name calling.
- Personal attacks.
- Employees becoming silent, withdrawn and/or afraid to speak up.
- Cliques, gossip and rumors.
- Lack of mutual respect.

# Importance of Resolving Conflict

As supervisors, you must learn to manage conflicts among your team members so that the business continues to run effectively and objectives are met.

Consequences of letting conflict fester:

- Employees not involved in the conflict either “pile on” or withdraw from the conflict.
- Employees take sides or “check out” from work entirely.
- Morale and productivity are lowered because employees are focused on the conflict.
- Employees who work in teams are now divided because of the conflict.

# Importance of Resolving Conflict (cont.)

In extreme instances, unresolved conflict can lead to violent or aggressive situations.

- Employees may become injured.
- The company may have legal risks associated with violent situations in the workplace.
- Work can slow dramatically or halt altogether.

# Methods of Resolving Conflict

There are five basic ways of handling conflict in the workplace:

- Competing.
- Collaborating.
- Compromising.
- Avoiding.
- Accommodating.

There is no one way to resolve a conflict, and often managers need to use multiple methods to reach a resolution.



# Methods of Resolving Conflict - Competing

## **Competing**

The competing method involves handling the conflict through unilateral decision-making. This approach is most appropriately used by managers and leaders in the workplace.

The competing method is used primarily for:

- Situations that involve quick action.
- Instances in which there is no compromise or debate.
- Situations requiring the need to make hard or unpopular decisions.

# Methods of Resolving Conflict - Collaborating

## **Collaborating**

The collaborating method involves handling the conflict through team input. This technique is particularly useful if all parties in the conflict want to find a resolution but are unable to agree on what the resolution should be.

The collaborating method is used primarily for:

- Gaining support from the team.
- Using the different perspectives as an opportunity to learn.
- Improving relationships through collaboration.

# Methods of Resolving Conflict - Compromising

## **Compromising**

The compromising method involves handling the conflict by reaching a resolution that involves a “win” on both sides of the table.

The compromising method is used primarily for:

- Resolving issues of moderate to high importance.
- Finding a solution that involves equal power and strong commitment on both sides.
- Situations needing a temporary fix.
- Backing up a decision that was made using the competing or collaboration methods.

# Methods of Resolving Conflict - Avoiding

## **Avoiding**

The avoiding method is a way of handling conflict by making an active decision not to handle the conflict. This approach is best used for situations that are not related to work and that should be solved through another means.

The avoiding method is used primarily for:

- Unimportant or nonwork-related issues.
- Buying time until a resolution can be reached.
- Recognizing issues as symptoms.

# Methods of Resolving Conflict - Accommodating

## **Accommodating**

The accommodating method is a way of handling conflict by allowing the other side to “win.”

The accommodating method is used primarily for:

- Maintaining perspective in a conflict situation.
- Making active decisions on what can be “let go” vs. what needs another method.
- Keeping the peace and creating goodwill.

# Do's and Don'ts of Resolving Conflict

## **Do:**

- Understand that conflicts are inevitable.
- Resolve to address conflict quickly.
- Focus on the problem.
- Be open to solutions.
- Acknowledge how employees are feeling.
- Listen actively.

# Do's and Don'ts of Resolving Conflict (cont.)

## **Don't:**

- Focus on personality traits that cannot be changed.
- Interrupt.
- Attack.
- Disregard the feelings of employees.
- Avoid the conflict.
- Allow emotions to take over the conversation.
- Impose personal values or beliefs.

# Steps in the Conflict Resolution Process

There are six steps to the conflict resolution process:

1. Clarify what the disagreement is.
2. Establish a common goal for both parties.
3. Discuss ways to meet the common goal.
4. Determine the barriers to the common goal.
5. Agree on the best way to resolve the conflict.
6. Acknowledge the agreed solution and determine the responsibilities each party has in the resolution.



# Steps in the Conflict Resolution Process

## **Step 1: Clarify what the disagreement is.**

Clarifying involves getting to the heart of the conflict. The goal of this step is to get both sides to agree on what the disagreement is.

Tips:

- Discuss what needs are not being met on both sides of the conflict. Ensure mutual understanding.
- Obtain as much information as possible on each side's point of view.
- Continue to ask questions until you are certain that you, and each side of the conflict, understand the issue.

# Steps in the Conflict Resolution Process

## **Step 2: Establish a common goal for both parties.**

In this step of the process, both sides agree on the desired outcome of the conflict.

### Tips:

- Discuss what each party would like to see happen.
- Find a commonality in both sides as a starting point for a shared outcome. That commonality can be as simple as “both sides want to end the conflict.”

# Steps in the Conflict Resolution Process

## **Step 3: Discuss ways to meet the common goal.**

Both sides work together to discuss ways that they can meet the goal they agreed on in step 2.

### Tips:

- Brainstorm different approaches to meet the goal.
- Discuss until all the options are exhausted.

# Steps in the Conflict Resolution Process

## **Step 4: Determine the barriers to the common goal.**

In this step of the process, the two parties acknowledge what has brought them into the conflict.

### Tips:

- Ask, “If we could have the outcome that we both wanted, how would that look?”
- Define what can and cannot be changed about the situation.
- For the items that cannot be changed, discuss ways of getting around those road blocks.

# Steps in the Conflict Resolution Process

## **Step 5: Agree on the best way to resolve the conflict.**

Both parties come to a conclusion on the best resolution.

### Tips:

- Determine a solution that both sides can live with.
- Discuss the responsibility each party has in maintaining the solution.
- Settle on a means of ensuring that this conflict does not arise again.

# Steps in the Conflict Resolution Process

**Step 6: Acknowledge the agreed solution and determine the responsibilities each party has in the resolution.**

Both sides own their responsibility in the resolution of the conflict and express aloud what they have agreed to.

Tips:

- Get both parties to acknowledge a win-win situation.
- Ask both parties to use phrases such as “I agree to . . .” and “I acknowledge that I have responsibility for . . .”

# Summary

Conflict is inevitable in the workplace. There is healthy and damaging conflict.

Some causes of workplace conflict are:

- Employees with different points of view.
- Employees who communicate differently.
- Employees spending large amounts of time together.

It is important to address conflict because unresolved conflict leads to low morale, productivity and, in extreme cases, workplace violence.

# Summary (cont.)

The five methods of resolving conflict are:

- Competing.
- Collaborating.
- Compromising.
- Avoiding.
- Accommodating.



# Summary (cont.)

The six steps in the conflict resolution process are:

1. Clarify what the disagreement is.
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Questions? Comments?