

Health and Safety

Overview

Legal and Government Regulation of Safety and Health Practices

Safety

Security Concerns

AIDS and the Hospitality Worker

It is a universal human need to want to be healthy, safe, and secure. As a supervisor, one of your top priorities is making sure that the workplace is a healthy, safe, and secure one for both workers to be employed and guests to enjoy. Safety hazards abound in a hospitality operation: There are cleaning chemicals that can make you sick and/or burn your skin, slicers that can cut more than bologna when you're not watching, heavy boxes to lift that can wrench your back, computer keyboards that can cause numbness in your hands, wet floors that you can go sliding across, and poorly lit stairs that you can fly down (with an order of hot soup in your hands).

This chapter will help you to:

- **Discuss the legal and governmental effects of the Occupational Safety and Health Act (OSHA).**
- **Explain the Hazard Communication Standard.**
- **Describe the Americans with Disabilities Act (ADA).**
- **Describe workplace injuries and workers' compensation.**
- **Discuss workplace safety.**
- **Know how to recognize and confront sexual harassment.**
- **Realize the signals to look for with substance abuse and the actions to be taken by leaders.**



Legal and Government Regulation of Safety and Health Practices

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

In 1971, the *Occupational Safety and Health Administration (OSHA)* developed the first guidelines for safety and health protection in American workplaces. It was created as an agency within the U.S. Department of Labor to “assure so far as possible every working man and woman in the nation safe and healthful working conditions and to preserve our human resources.” OSHA sets mandatory job safety and health standards, encourages both employers and employees to decrease hazards in the workplace, conducts compliance inspections, issues citations in cases of noncompliance, and asks for record keeping of injuries. OSHA also requires you, as the manager, to train your employees as to any known hazards in their work area.

OSHA’s main purpose is to ensure employee health and safety by working with employers and employees to establish better and safer work environments. Since OSHA’s establishment, workplace fatalities have been reduced by 62 percent and occupational injury and illness rates have dropped by 40 percent.¹

OSHA stemmed from the signing of the *Occupational Safety and Health Act of 1970*. This was the first act created to assure safe and healthy working conditions for employees. The act authorized enforcement of the standards under the act by assisting and supporting the states in their attempts to assure such conditions by providing research, information, education, and training in the field of occupational safety and health.

According to the act, employers must comply with occupational safety and health standards by providing employees a place of employment that is free from known hazards that cause (or are likely to cause) death or serious physical harm. Employees must also adhere to the occupational safety and health standards and all rules, regulations, and orders stated under the act.

Normally, OSHA conducts inspections without notice; however, employers have the right to request an inspection warrant before conducting the inspection. Obviously the OSHA cannot inspect every operating workplace. The focus is on the following six situational inspections:²

- Impending danger.
- Hospitalization or death of three or more employees.
- Complaints.
- Referrals from federal, state, or local agencies.
- Follow-ups.
- Planned investigations, aimed at high hazard workplaces.

The OSHA conducts lower priority investigations by phone and follows up through a fax. Employers are required to respond in writing within five business days. They must disclose what, if any problems were found and any corrective actions they are taking. If the response is sufficient, an on-site inspection will usually not take place. If an on-site inspection is required, OSHA compliance officers will research the inspection history of the establishment in question through various data sources prior

Occupational Safety and Health Administration (OSHA)

A federal agency created to assure safe and healthful working conditions and to preserve the nation’s human resources.



AREA: Receiving and Dry Storage		INSPECTED BY:		DATE:		
QUESTION	YES	NO	PROBLEM NOTED	CORRECTIONS	WHEN DONE	
1. Are floors and walls in safe condition: dry, clean, no tiles missing or broken, no worn areas?						
2. Are "Wet Floor" signs available and used when needed?						
3. Is all lighting in working order and adequate?						
4. Are any tables, counters, and equipment free from sharp corners or dangerous projections?						
5. Is ventilation sufficient?						
6. Are doors and aisles kept clear of supplies?						
7. Are there sufficient waste receptacles of leakproof nonabsorbent material?						
8. Are waste receptacles covered?						
9. Is the receiving dock in good repair?						
10. Are incoming supplies being inspected for damage?						

FIGURE 11-1: Page from safety inspection form.

to the inspection. A page from a safety inspection form is provided as an example in Figure 11-1.

HAZARD COMMUNICATION STANDARD

In the 1980s OSHA developed the *Hazard Communication Standard* (also known as the Employee Right-to-Know Law). This standard requires manufacturers of chemical substances to evaluate the hazards of their products, label them, and provide data sheets explaining the chemicals hazards. Employers that have these hazardous chemicals in their establishments must label them and provide material safety data sheets for

all workers that might be exposed to the chemicals. In addition, the employers must train their employees to handle the chemicals correctly. Over 30 million workers are exposed to one or more chemical hazards a year.³

Most U.S. businesses must comply with the Hazard Communication Standard. The standard gives employees the right to know what chemicals they are working with, what the risks or hazards are, and what they can do to limit the risks. You probably know of a number of hazardous materials in your workplace, such as all-purpose cleaners, detergents, oven cleaners, degreasers, and pesticides. These products often present physical hazards, such as exploding or burning, and/or health hazards, such as irritating or burning skin. Basic tips on safely handling hazardous chemicals are given in Figure 11-2.

1. *Do* know where the material safety data sheets are posted and read them.
2. *Do* read the labels of all products before you use them.
3. *Do* follow the directions for proper storage, handling, and use for all chemicals you use. Measure chemicals carefully.
4. *Do* ask your supervisor any question or express any concern you may have about a certain product.
5. *Do* know how to call for medical help in case of an emergency.
6. *Do not* ever mix chemicals together.
7. *Do not* store chemicals in unmarked containers. If chemicals are transferred to different containers, each new container must be labeled with the contents and hazards.
8. *Do not* store chemicals in or close to food storage, preparation, or serving areas.
9. *Do not* leave aerosol spray containers near heat or spray close to an open flame or your eyes.
10. *Do not* dispose of any empty chemical container until you have checked the label for the proper procedure.

FIGURE 11-2: Doses and Don'ts of Safe Chemical Handling.

In summary, the Hazard Communication Standard requires employers to do the following:

1. Post a list of hazardous substances found in your operation.
2. Post *material safety data sheets (MSDSs)*. For each hazardous product you have, the manufacturer has an MSDS that explains what the product is, why it is hazardous, and how you can use it safely.
3. Explain to employees how to read and use the MSDS and also the labels on hazardous products.
4. Train employees how to use hazardous chemicals properly and what to do in case of an emergency.

Material safety data sheet (MSDS)

An information sheet put out by the manufacturer of a hazardous product that explains what a product is, why it is hazardous, and how it can be used safely.

AMERICANS WITH DISABILITIES ACT

As mentioned in Chapter 2, the *Americans with Disabilities Act (ADA)* makes it unlawful to discriminate against employees during job application procedures, hiring, firing, promoting, compensation, training, and other terms or conditions of employment. Persons with disabilities include those who have a physical or mental impairment. A qualified employee

is defined as one who has such an impairment that with or without *reasonable accommodation* (see Chapter 2), can perform the essential functions of the job. Under law, employers are required to make accommodations to the disability of an applicant or employee if it will not inflict “*undue hardship*” on the employer’s business. Undue hardship is defined as actions requiring significant difficulty or expense when considered in light of factors such as an employer’s size, financial resources and the structure of its operation.

Check Your Knowledge

1. Why was OSHA developed?
2. What are the main reasons why OSHA would conduct an inspection?
3. What is the Hazard Communications Standard?

Americans with Disabilities Act (ADA)

An act that makes it unlawful to discriminate in employment matters against the estimated 43 million Americans who have a disability.

Reasonable accommodation

Any change or adjustment to a job or work environment that will enable someone with a disability to perform essential job functions.



Workplace injuries can cause pain and hardship to employees. “Slip and fall” is the leading workplace injury.

WORKPLACE INJURIES AND DISEASES/ILLNESSES

Every year, about one in twenty full-time workers in the United States is injured at work. An *occupational illness*, or disease, is defined by OSHA as, “any abnormal condition or disorder, other than one resulting from an occupational injury, caused by exposure to factors associated with employment.”

Occupational diseases are much harder to identify than occupational injuries. For this reason a number of occupational diseases are never identified, resulting in the occurrences of occupational illnesses being underreported in statistical surveys. Occupational diseases have no set timeframe. They can occur the moment an employee is exposed to a toxic chemical, or hibernate for decades. The most commonly reported

occupational diseases are associated with repeated exposure (i.e., noise induced hearing loss) or movements (i.e., carpal tunnel syndrome). These diseases account for over 60 percent of those reported.

It is also hard to separate occupational diseases from diseases resulting from an employee's lifestyle. Employees that smoke or suffer from alcoholism or substance abuse are more likely to be at risk of disease than an employee that does not. If the employee that smokes develops cancer, would you identify this cancer as being caused by the workplace environment or due to smoking?

The National Institute for Occupational Safety and Health (NIOSH) has developed a state adopted program called the *Sentinel Event Notification System for Occupational Risks (SENSOR)*. The SENSOR program aims to improve local and state levels of occupational disease surveillance. Currently, the program has been adopted by 10 state health departments. NIOSH intends to expand the SENSOR program to include additional states as more funding becomes available.⁴

Occupational injury is defined as any injury (i.e., a cut, fracture, sprain, amputation) resulting from a work-related event or a single instantaneous exposure in the workplace. According to the U.S. Department of Labor Bureau of Labor Statistics, the most common occupational injuries include:

- Sprains/strains (most often involving the back)
- Bruises/contusions
- Fractures
- Cuts/lacerations
- Burns

Sprains and strains account for over 42 percent of all reported workplace injuries. Combined sprains and strains, bruises and contusions, cuts and lacerations, and fractures account for almost two-thirds of reported occupational injury cases (with days away from work).⁵

WORKERS' COMPENSATION

The idea of *workers' compensation* was first developed in Germany in 1884. By the middle of the twentieth century most states had developed and adopted some form of workers' compensation. In the U.S., all states had passed a form of workers' compensation by 1949. This compensation is state mandated and provides insurance for employees that are injured on the job, regardless of fault. The tradeoff is that employees who claim workers' compensation cannot sue their employer for negligence or damages for the injuries, therefore eliminating litigation needs; but depending on the circumstances this tradeoff is sometimes bypassed. Disputes related to workers' compensation are common. Many states have developed dispute resolution agencies in an attempt to resolve the dispute more quickly.⁶

Check Your Knowledge

1. Discuss the ADA.
2. What are material data safety sheets?
3. What is the goal of the Sentinel Event Notification System for Occupational Risks?

In most states, employers are required to provide workers' compensation for their employees. Employers purchase the insurance through workers' compensation insurance

Workers' compensation

Insurance paid by the employer that gives medical care, income continuation, and rehabilitation expenses for people who sustain job-related injuries or sickness.

companies. Smaller companies are sometimes exempt from purchasing the insurance as well as large corporations, who act as their own workers' compensation insurance company. In order to claim workers' compensation, the injured employee's claim is filed with their insurance company. The company pays medical and disability benefits according to state-approved laws. Benefits provided include:

- Replacement income
- Medical expenses
- Vocational rehabilitation benefits varies including:
 - On-the-job training
 - Schooling
 - Job placement assistance

Replacement income is usually two-thirds of the employees' average wage up to a fixed amount and is tax free. Dependents of employees who are killed because of a work-related incident (illness or accident) may also receive benefits.

According to the U.S. Department of Labor, employers must keep a log on-site to record work-related injuries and illnesses. Employers should always record work-related injuries and illnesses that result in any of the following:

- Death
- Loss of consciousness
- Days away from work
- Restricted work activity or job transfer
- Medical treatment beyond first aid
- Any work-related injury diagnosed by a physician/healthcare professional
- Any work-related case involving cancer, chronic irreversible disease, a fractured or cracked bone, or a punctured eardrum

The OSHA provides the log in Figure 11-3, which is called the OSHA Form 300: Log of Work Related Injuries and Illnesses. Employers should also post a summary of work-related injuries and illnesses for employees to review (a summary, not the actual log) at the end of the year. OSHA provides employers with a summary form—OSHA's Form 300A, Figure 11-4.



Safety

Safety programs are common in hospitality operations as a way to increase safety awareness and to prevent accidents. Safety programs usually include the following components:

1. Safety policies and procedures
2. Employee training
3. Safety committee
4. Safety inspections
5. Accident reporting and investigation
6. Constant supervision

Safety program

A plan, consisting of elements such as safety rules and employee training, that attempts to keep a workplace safe.

PROFILE Debbie Rios

Courtesy of
Debbie Rios

My career began with The Ritz-Carlton, LLC, in which I was part of the opening team for two hotels. Since then I have worked with Starwood Hotels, Inc., and the Longboat Key Club Resort. Currently, I am the human resources director of the Colony Beach and Tennis Resort.

As a human resources professional, I believe that one of my most important responsibilities is to maintain and develop a motivated workforce. Associates who are motivated to perform are key to the successful operation of any business or company. This is especially true in the hospitality business. After all, true hospitality requires associates to perform in a genuine, caring manner that is perceived by the guest as such. This genuine approach is largely

derived from an associate's desire to want to be hospitable or enjoy what they do. So, how do you get associates to enjoy their work? One important part is the way you motivate or lead them in the workplace. While everyone has different wants and needs to be motivated, there are several things you can do as a leader to motivate your associates to perform to their fullest.

Associates should be "bought in" to what you want the end result to be. They have to see what's in it for the company and them. Understanding the "why" of what is expected of them is important. People rarely perform well for no reason. Being part of the process requires their understanding of the desired end result and why it is important. Because of this, leaders must engage their associates. They have to communicate openly and directly. They have to give information freely and accept it from their associates. This is especially true with today's younger workforce who will not perform with the "because I said so" approach. In order

Supervisors themselves are very involved in the safety program. After all, they oversee the day-to-day monitoring and enforcement of safety rules, report and correct unsafe conditions, train and retrain employees, maintain safety records, check that the first-aid kit is well stocked, and act as a role model. If you are safety-minded, you are more likely to create an environment where safety is practiced and respected.

Safety policies and procedures state: what behaviors are expected from employees in order to prevent accidents, what safety training employees receive, how often safety inspections occur, and what to do when accidents happen. Figure 11-5 is a sample safety policy and procedure regarding safety inspections.

Policies and procedures form the basis for your employee training program. Safety training should start at orientation and this information should be put into the employee handbook. The accident rate for employees is higher during their first month of employment than for any subsequent month. Safety training should be repeated and updated at least once a year for all employees. At the end of training, employees need to be evaluated on what they know, and rewarded or recognized for working safely. Figure 11-6 is a page from a training plan on kitchen safety rules.

Safety committees are often formed within hospitality operations. They meet periodically to discuss safety matters. The safety committee is often involved in reviewing data on the number and types of accidents to date, inspecting the facility, suggesting new and revised policies and procedures, and overseeing safety training. As

(continued)

to motivate associates, leaders must both communicate needed information regularly and listen to feedback on an ongoing basis.

The environment you provide as a leader is also a key part of an associate's motivation. Having someone who enjoys what they do and the surroundings they do it in will help maximize their contributions. I don't mean the physical surroundings, rather the environment they are provided through dignity and respect. Treating associates with respect greatly adds to their emotional or mental well-being, and as a result will help them be more productive for you and the company. You must also insure that this mutual respect is shown from co-worker to co-worker. Get to know your associates and provide them with a comfortable workplace that makes them feel good and want to come to work each day.

Making it rewarding to work hard and perform will also add a lot of value to your motivation techniques. Both formal and informal praise on an ongoing basis are crucial. Associates want to know they are doing

good, and on the other hand, what it takes to be good. There are many long-term or formal types of recognition that will help motivate your associates. While this is important, positive reinforcement and praise that is timelier will motivate continued performance and behavior like no other. This on-the-spot reward will best relate the performance with your desired outcome and motivate for continued good performance. Praise often and be genuine! Say thank you when a job is well done. Provide ongoing coaching when associates don't quite perform as expected. Give them the tools and opportunity to succeed through their own efforts. As I said, associates want to know what it takes to be good.

I like to measure our motivation efforts by seeing how much associates will rally around you and the company when the "going gets tough." How difficult it is to get someone to perform out of their normal routine, or to take on an unusually difficult task. This can be an excellent indicator of how well motivated they really are. In any case, proper motivation will only lead to good things and help maximize your associate's contributions.

a supervisor, you may periodically be in charge of a safety inspection to check for and correct any unsafe conditions, such as a slicer's frayed electric cord. In addition to managers and supervisors, employees can take part in the inspection process to encourage them to take a more active role in preventing accidents.

Policy:

In order to maintain adequate safety to meet or exceed the standards for all regulatory agencies, the General Manager will perform monthly safety audits of the restaurant.

Procedures:

1. At the beginning of each month, the General Manager asks two supervisors and two employees to set a time to do a safety inspection of the entire facility.
2. The Safety Inspection Team uses the "Restaurant Safety Survey" form to inspect the facility, noting problems as appropriate.
3. Copies of the survey are given to the supervisors, who are given two weeks to resolve any problems noted and to document this on the survey form.
4. The General Manager reviews the returned surveys and takes any additional appropriate action. The results of the survey are discussed with the Owner.
5. Reports are saved for three years.

FIGURE 11-5: Policy and procedures for safety inspections.

1. Know how to operate equipment
2. Pay attention when using sharp equipment
3. Use guards when provided on equipment
4. Use tampers to push food into equipment, not your hands!
5. Turn equipment off before adjusting
6. No loose sleeves, ties, or dangling jewelry should be by equipment
7. Use knives carefully
8. Carry dishes and glassware carefully
9. Sweep up broken glass
10. Use a special container to dispose of broken glass, dishes, and other sharp objects
11. Remove nails and staples in shipping cartons and crates, and wear gloves
12. Remove can lids entirely from cans and put back into empty cans for disposal

FIGURE 11-6: Page from a training plan on kitchen safety rules.

Safety committee

A committee that meets periodically to discuss safety matters and to perform other functions related to workplace safety, such as inspecting a facility and overseeing safety training.

When accidents do happen, regardless of how minor the injury appears to be at the time, it is the supervisor's responsibility to report them. Early reporting of all the facts works to the advantage of all concerned. The supervisor can move quickly to correct the unsafe condition that caused an accident, the injured person can receive prompt and effective medical care if needed, and in the case of an employee who can't return to work immediately, he or she can receive workers' compensation benefits without unnecessary delay. Also, the company can make preparations in the event of pending legal action such as a lawsuit.

Figure 11-7 is an example of an accident reporting form that supervisors complete when there has been an accident. The fact that all accidents should be properly reported cannot be overemphasized. In many cases, incidents that appear trivial develop into major hazards at a later time. If accurate and complete facts are not recorded at the time of the accident, it could be difficult to compile information should the incident develop into a claim against the company.

Management should conduct *safety audits* on a regular basis. A safety audit helps to assess and evaluate safety and health conditions in the workplace. They also help management to assess how well prevention plans and activities are working in the establishment. OSHA conducts safety audits in all industries. Audits include the following:

- Worker compensation document analysis
- Work area inspections
- Interviews with on-site staff and employees
- A review of the company's health and safety program
- A review of work procedures
- A review of the operation of the safety committee (if applicable)
- A review of accident investigation reports
- A review of the emergency action plan

It is the responsibility of management to provide employees with the appropriate safety training to perform their duties safely and effectively. New employees experience a higher number of work-related injuries than seasoned employees. This is because all

Accident Reporting Form		
Date of Accident _____	Time of Accident _____	
Today's Date _____		

Location of Accident: _____		
Description of Accident (Include who was involved and what each person was doing at the time):		

List who was involved in the accident:		
<u>Name</u>	<u>Employee or Guest?</u>	<u>Describe Any Injuries & Treatment Given</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
List witnesses to the accident:		
<u>Name</u>	<u>Employee or Guest</u>	<u>Phone Number</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
Supervisor's Signature _____	Date _____	
General Manager's Signature _____	Date _____	
FORWARD ONE COPY TO SAFETY COMMITTEE		

FIGURE 11-7: Accident Reporting Form.

too often they are not familiar with the proper safety procedures. Safety rules provide the guidelines for employees to follow. There should be general safety rules for all employees, as well as safety rules specialized for each individual work role.

Today, *safety incentive programs* are gaining popularity. However, the theory behind these programs is a controversial one. The theory allegedly behind these programs is that most of the accidents in the workplace are actually caused by negligence and unsafe behaviors on the part of the employee. These programs provide employees with rewards (such as prizes or money) for, basically, not reporting injuries that happen in the workplace! Here is an example of a safety incentive program at work:⁷



A manager conducting a safety audit.

In a Washington state workplace, workers were offered three tokens worth \$1.00 each for every month they went without reporting carpal tunnel syndrome, heat stress, or any other work-related injury or illness. More tokens were offered quarterly if the entire workforce did not report an injury or illness.

A study by OSHA on safety incentive programs concluded that there is no basis for employer claims that programs providing incentives to employees who don't report injuries actually make workplaces safer. OSHA also noted that these programs actually result in a "chilling effect" on injury and illness reports. They opened the eyes of every safety director when they fined USA Waste Management \$65,000 for having a safety incentive program. They cited the company under 1904.2(a) of the record keeping standard, the OSHA 200 Log reporting requirement.

The company provided employees with a "bonus pool," which rewarded employees that had excellent safety records. However, in addition to this, the "bonus pool" also included reward for good attendance and work practices.

This fine implies that the company coerced employees to falsify records by under-reporting incidents. OSHA takes the position that "Traditional Incentive Programs" that link reward to injury reduction "can provide an inducement for workers to under-report injuries and illnesses . . ." ⁸

Check Your Knowledge

1. Discuss the workers' compensation trade-off.
2. What is the purpose of a safety audit?
3. Why are safety incentive programs controversial?

EMPLOYEE SAFETY

The National Safety Council has reported that every workday a fatality happens every two hours and a debilitating accident occurs every two seconds! Besides causing pain



and suffering to the injured employee and incurring the cost of lost work time, there are other direct and indirect costs to consider when an accident occurs.

- Lost time and productivity of uninjured workers who stop work to help the injured employee or simply watch and talk about the incident. (Productivity normally decreases for a number of hours, but if morale is negatively affected, it could be much longer.)
- Lost business during the time that the operation is not fully functioning.
- Lost business due to damaged reputation.
- Overtime costs to get the operation fully functioning again.
- The costs to clean, repair, and/or replace any equipment, food, or supplies damaged in the accident.
- Cost to retrain the injured employee upon return to work.
- Increased premiums for workers' compensation.
- In the case of a lawsuit, legal fees and possible award to the injured employee.
- Of course, not only employees become involved in accidents; guests do also.

Accidents will happen but some accidents are more common than others. The most common causes of workplace accidents are*:

- Slips and trips
- Improper handling (lifting, lowering, pulling, etc.)
- Traffic accidents (being hit by a moving vehicle, objects falling from a moving vehicle, etc.)
- Electrical accidents/burns

*Slips and trips account for one-third of all workplace accidents. Improper handling also accounts for one-third of all workplace accidents!

It is the employers' responsibility to minimize the risks associated with workplace accidents, as when push comes to shove most of them can be seen as being due to employer negligence. This means the employer must have workplace prevention strategies in place at all times.

To underline the importance of workplace safety consider the "General Duty Clause" of the Occupational Safety and Health Act (OSHA) of 1970 which states that "each employer shall furnish to each of its employees a place of employment which is free from recognized hazards that are causing or likely to cause death or serious physical harm to its employees." Failure to abide by this and other laws is asking for trouble. Yet, in a workplace survey conducted by the Society for Human Resources Management, over 50 percent of respondents expressed a level of concern that workplace violence might occur at their organizations.⁹

SEXUAL HARASSMENT

As a manager you need to be able to recognize and confront *sexual harassment*. The Equal Employment Opportunity Commission (EEOC) issued guidelines on sexual harassment in 1980, indicating that it is a form of gender discrimination under Title VII of the 1964 Civil Rights Act. The EEOC states that¹⁰ sexual harassment consists of "unwelcome advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when: (1) submission to such conduct is made, either explicitly

Do You Know?

What should a manager do about sexual harassment in the workplace?

Sexual harassment

Unwelcome advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when compliance with any of these acts is a condition of employment, or when comments or physical contact create an intimidating, hostile, or offensive working environment.

Environmental sexual harassment

A type of sexual harassment in which comments or innuendos of a sexual nature, or physical contact, are considered a violation when they interfere with an employee's work performance or create an intimidating, hostile, or offensive working environment.

Third-party sexual harassment

A type of sexual harassment that involves a customer or client and an employee.

or implicitly, a term or condition of an individual's employment, or (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the person." This definition of sexual harassment is known as the quid pro quo definition. *Quid pro quo* means that something is given in exchange for something else. In this type of sexual harassment, submission to or rejection of a sexual favor is used as the basis for employment decisions regarding that employee. The employment decision may be an increase in pay, a promotion, or keeping your job. Only management or supervisors can engage in quid pro quo harassment.

There are about 76,000 EEOC cases a year, of which about 27,000 are based on race, 23,000 based on sex, and 22,500 based on retaliation. Additionally, 12,500 sexual harassment charges and 5,000 pregnancy discrimination charges are made and \$274 million in monetary relief was gained by charging parties.¹¹

An example of sexual harassment occurred at a Caesars Palace property where the EEOC asserted that male supervisors would demand and/or force female workers to perform sex with them under threat of being fired. Women, predominantly Spanish speakers, were forced to have sex and to make matters worse, management failed to address and correct the unlawful conduct, even though women complained about it. Further, the EEOC said, when workers complained about the unlawful conduct, they were retaliated against in the form of demotions, loss of wages, further harassment, discipline, or discharge. Caesars paid \$850,000 to settle the suit.¹²

In another case, a Subway franchise paid \$166,500 for a disability harassment lawsuit. The EEOC charged in the case that the Subway owner and one of his managers subjected Ms. Gitsham to a disability-based hostile work environment, including teasing and name calling, because she is hearing impaired and wears hearing aids. Ms. Gitsham was forced to resign her position after both owner and human resources/training manager repeatedly mocked her privately and in front of employees, creating a hostile workplace, with taunts such as: "Read my lips" and "Can you hear me now?" and "You got your ears on?"¹³

Another type of sexual harassment is *environmental sexual harassment*. In this case, comments or innuendoes of a sexual nature or physical contact are considered a violation when they interfere with an employee's work performance or create an "intimidating, hostile, or offensive working environment." In this situation, the harassment must be persistent and so severe that it affects the employee's well-being.

A final type of sexual harassment is *third-party sexual harassment*. Third-party sexual harassment involves a customer or client and an employee. The customer or client may harass an employee, or the other way around. For example, a male customer may harass a female bartender.

The following examples of sexual harassment include an example of quid pro quo, environmental, and third-party sexual harassment. See if you can determine which is which.

1. Beth is a new employee who works as a cook's assistant in a crowded kitchen. The men in the kitchen are constantly making crude, sexually oriented comments and jokes, and leave their X-rated magazines in full view of anyone walking by. Beth feels very intimidated and ill at ease. Unfortunately, the situation doesn't improve over the first two months, and Beth feels too stressed to continue working.

2. For the past few nights, after the dining room has closed, Susan's boss has asked her to go to his place for a drink. Although Susan has gone out with him and some friends once before, she is not interested in pursuing a relationship with him. When she tells him she is not interested, he tells her that a dining room supervisor job will be opening soon and that he could make sure she gets it if she takes him up on his invitation.
3. Barbara is a regular customer at a popular after-work bar where Bob works as a bartender. Barbara finds Bob to be a very good-looking fellow, so much so that she can't keep her eyes, or hands, off him. Bob doesn't like the attention Barbara gives him, but he feels he can't do much about it since she is the customer.

Such instances of sexual harassment can cost a company lost productive time, low morale, harm to its reputation, court costs, and punitive damages to harassment victims. In each of the situations above, there is an element of sexual harassment. While the second situation represents the typical exchange of sexual favors for employment opportunities, the first situation is an example of environmental sexual harassment in which the working environment was intimidating, hostile, or offensive due to physical, verbal, or visual (such as pornographic pictures) sexual harassment. The third situation represents third-party sexual harassment.

As a manager you are responsible for recognizing, confronting, and preventing the sexual harassment of both female and male employees by other employees or by non-employees such as guests or people making deliveries. "An employer can be liable for customers who harass employees when the employer knew or should have known of the harassment and failed to prevent it."⁷ Both you and your employer will be considered guilty of sexual harassment if you knew about, or should have known about, such misconduct and failed to correct it. If you genuinely did not know that sexual harassment took place, liability can be averted if there is an adequate sexual harassment policy and the situation is corrected immediately.

Following are some specific actions that you can take to deal effectively with the issue of sexual harassment:

- Be familiar with your company's sexual harassment policy. Figure 11-8 is a sample policy. This policy should include disciplinary guidelines for people who are guilty of sexual harassment and guidelines for harassers who retaliate against those who turn them in. This policy may also include a formal complaint procedure for employees to use if they think they have been victims of sexual harassment, with provisions for immediate investigations and prompt disciplinary actions when appropriate.
- Educate your employees on how to recognize sexual harassment, how to report it when it occurs, and the steps that will be taken if an employee is guilty of sexual harassment.
- When an employee informs you of a possible case of sexual harassment, investigate the situation promptly according to your company policy. Your investigation is much the same as that done for any possible case of misconduct as just described. Don't assume that anyone is guilty or innocent.
- When you witness an example of sexual harassment, follow your policy and take appropriate and timely disciplinary action.

I. Policy
 The policy of XYZ Hotels is that all of our employees should be able to enjoy a work environment free from all forms of discrimination, including sexual harassment. Sexual harassment is a form of misconduct that undermines the integrity of the employment relationship, debilitates morale, and therefore interferes with the work effectiveness of its victims and their co-workers. Sexual harassment is a violation of the law and will not be tolerated or condoned.

II. Definition of Sexual Harassment
 Sexual harassment consists of unwelcome advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. submission to such conduct is made either explicitly or implicitly a term or condition of an employee's employment, or
2. submission to or rejection of such conduct by an employee is used as the basis for employment decisions, or
3. the conduct interferes substantially with an employee's work performance or creates an intimidating, hostile, or offensive work environment.

Sexual harassment is not limited to actions of hotel employees. Customers and clients may also be victims, or perpetrators, of sexual harassment.
 Following are examples of sexual harassment.

- Unwelcome intentional touching or other unwelcome physical contact (such as pinching or patting).
- Unwelcome staring or whistling.
- Unwelcome sexually suggestive or flirtatious notes, gifts, electronic or voice mail.
- Offering an employment-related reward in exchange for sexual favors.
- Verbal abuse of a sexual nature.
- Unwelcome display of sexually suggestive objects or pictures such as pinups.
- Conduct or remarks that demean or are hostile to a person's gender.

III. Coverage: XYZ Hotels
 XYZ Hotels prohibits sexual harassment during work hours or while on company property by all employees and by all nonemployees, such as customers and suppliers.

IV. Responsibilities
 XYZ Hotels managers are responsible for preventing sexual harassment and educating employees about this subject. They are also responsible for setting a good example, taking every complaint seriously, investigating complaints fairly, and maintaining confidentiality.
 XYZ Hotels request that any employee with a complaint regarding sexual harassment make every effort to promptly present the complaint to their immediate supervisor or the human resources director. If the complaint involves the employee's immediate supervisor, or if the employee feels uncomfortable discussing the complaint with the immediate supervisor, the employee may speak to another supervisor.

V. Investigation Procedures and Disciplinary Action
 Once a supervisor has received a complaint, he or she is to immediately contact the Human Resources Department. After notification of the employee's complaint, a fair and confidential investigation will be initiated. The results of the investigation will be reviewed by the Human Resources Director for possible disciplinary action.
 If warranted, disciplinary action up to and including termination will be imposed. Retaliation against employees who file complaints or assist in investigating complaints may also result in discipline up to and including termination.

FIGURE 11-8: Sample sexual harassment policy.

- Provide follow-up after instances of sexual harassment. Check with victims and witnesses that harassment has indeed stopped and that no retaliation is taking place.
- Prevent sexual harassment by being visible in your work areas, being a good role model, and taking all reported incidents seriously.

OTHER FORMS OF HARASSMENT

Harassment in the workplace is not limited to sexual harassment. All forms of harassment based on national origin, race, color, religion, gender, disability, or age are illegal. *Harassment* is defined as intimidating, hostile, or offensive behavior toward someone, or the creation of an intimidating, hostile, or offensive environment for someone, based on that person's national origin, race, color, religion, gender, disability, or age.

Check Your Knowledge

1. Describe what sexual harassment consists of.
2. What is a third-party sexual harassment?

Harassment

Intimidating, hostile, or offensive behavior toward someone, or the creation of an intimidating, hostile, or offensive environment for someone based on the person's national origin, race, color, religion, gender, disability, or age.

Intimidating behavior may involve threatening someone with harm of some type. Hostile behavior could include asking an employee to do something that is completely unrealistic, such as asking a pot washer to be in charge of washing all dishes as well. Offensive behavior is generally ridiculing or taunting someone because of his or her color, for example. As a supervisor, you should be constantly on the lookout for intimidating, hostile, or offensive behavior, because it has no place in the workplace.

SUBSTANCE ABUSE

The problem of substance abuse in the workplace is pervasive. Although it is not always apparent, its effects can be devastating. Job performance or safety of employees and/or guests is adversely affected. Substance abuse is usually defined as working under the influence of, using, or being impaired by alcohol or any drug. Drugs include illegal and some legal drugs, prescription or over-the-counter medications, such as painkillers that can alter consciousness. Although drug abuse probably gets more publicity, the extent of alcohol abuse in the workplace is actually greater than that of all the illegal drugs combined.

The U.S. Department of Labor reports that an estimated 6.5 percent of full-time and 8.6 percent of part-time workers in the United States are current illicit drug users. In the hospitality industry, this number is higher.⁸ Aside from the immediate risk to the employee; substance abuse problems present certain concerns to you as the supervisor. Drug abuse may lead to robbery or violence. Although there is no sure way to spot a restaurant employee who is having a substance abuse problem, there are signals to look out for.

Some of these behaviors will be visible in the workplace. These employees tend to be late for work more often, take more days off for sickness, be involved in accidents more often, and be more likely to file for workers' compensation claims. The U.S. Department of Labor estimates that, in one year, employee alcohol and drug abuse has cost American businesses roughly \$81 billion in lost productivity, lost time, accidents, breakage, healthcare, and workers' compensation. Frequently, these employees have difficulties meeting performance standards and getting along with their peers. Employee involvement with alcohol and drugs also affects employee morale and can affect your company's image adversely.

Based on the fact that substance abuse in the workplace has become a tremendous concern and that it can be dealt with effectively, there have been numerous government initiatives to deal with it. Of particular interest is the *Drug Free Workplace Act*

of 1988, which requires that most federal contractors and anyone who receives federal grants provide a drug-free workplace by doing the following:

- Informing employees that they are prohibited from doing any of the following in the workplace: unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance. Inform employees what actions they can expect if they do (this policy must be in writing).
- Give employees a copy of the policy and ask them to abide by it as a condition of continued employment.
- Inform employees of the dangers of drug abuse at work and available counseling, rehabilitation, and employee assistance programs.
- Make a good-faith effort to maintain a drug-free workplace.

These represent some of the major requirements. As a supervisor, you have several responsibilities for dealing with substance abuse in your workplace.

1. *Any disciplinary action that you take should be based on observable, job-related factors*, such as substandard job performance or inappropriate workplace behavior rather than on the existence or suspicion of a substance abuse problem. Substance abuse is generally regarded as a health problem, a disease, and as such, disciplinary action based only on an employee's substance abuse problem is illegal. Discipline is legal only if the focus is on the employee's inability to meet job and conduct requirements.
2. *You need to be familiar with your company's policy on substance abuse.* More and more companies are developing substance abuse policies, such as the one shown in Figure 11-9. In a substance abuse policy, the following topics are usually addressed:
 - Rules regarding alcohol and drug possession and use
 - Penalties for rule violations
 - When employees may be subject to drug testing
 - Programs available for counseling, education, and rehabilitation, such as *employee assistance programs*.

Drug testing is one way to reduce drug abuse in the workplace. More and more employers are doing drug testing of applicants, with applicants being denied employment if the results come back positive. Of companies that do drug testing, *for-cause testing* of employees is common. With for-cause testing, an employee is asked to take a drug test if the person's supervisor has a reasonable suspicion that the employee may be impaired due to substance abuse. Random testing is also used by some companies to monitor their employees for drug use.

3. *You need to be able to identify and confront constructively employees who are substance abusers to urge them to accept professional help.* Obviously, a supervisor cannot intervene unless you identify a problem needing your intervention. Early intervention is important, as the longer a problem exists, the more difficult it will be to resolve it. In addition, confronting the problem is most effective in producing a positive outcome when it occurs before the situation has deteriorated to the point where you have to take disciplinary action.

No one relishes confronting an employee with his job deficiencies, or informing him that his continued employment is in jeopardy. However, for an employee with

SUBJECT: SUBSTANCE ABUSE POLICY EFFECTIVE DATE: 3/1/XX

I. GENERAL POLICY

We are committed to programs that promote safety in the workplace, employee health and well-being, and which promote a positive image of the institution in the community. Consistent with the spirit and intent of this commitment, we developed this policy statement regarding the sale, use, possession or distribution of drugs and alcohol by all employees.

Employee involvement with drugs and alcohol can adversely affect job performance and employee morale, jeopardize employee and patient safety and undermine the public's confidence. Such involvement is particularly unacceptable in an industry like ours in light of the nature of our role in society and the potentially disastrous consequences to patients which may result from an employee's impaired condition. Our goal, and the purpose of this policy, therefore, is to establish and maintain a safe workplace and a healthy and efficient workforce free from the effects of drug and alcohol abuse, and to extend to employees having an addictive disease an opportunity for effective treatment and rehabilitation.

II. EMPLOYEE ASSISTANCE PROGRAM

We encourage any employee with a drug or alcohol problem to contact the EAP, the Occupational Health Department, or any recognized external evaluation, referral, or treatment agency for assistance. We subscribe to the premise that addictive diseases are entitled to the same consideration and offer of treatment which is extended to any other disease. All communications and records will be maintained on a confidential basis. Employees will not be subject to discipline for voluntarily acknowledging their drug/alcohol problems; nor will job security or promotional opportunities be jeopardized as a consequence only of having an addictive disease except to the extent that the manifestations of the disease interfere with the employee's performance of his or her job. However, this will *not* excuse violations of the Substance Abuse Policy for which the employee is subject to discipline. Employees who utilized the Employee Assistance Program or any other treatment resource will be expected to meet existing job performance standards and established work rules within the framework of established administrative practices. A request for assistance does not exempt the employee from routine performance expectations, nor does it confer any immunity, legal or disciplinary, from the consequences of misconduct.

1. There may be limited exceptions to this guarantee in (1) instances where there may be a clear and present danger presented to the welfare of the employee or another person; (2) where records or testimony might be subject to subpoena or other legal process; or (3) where the employee consents to disclosure.

III. RULES REGARDING DRUGS AND ALCOHOL

Whenever the capacity of an employee to function on the job has been diminished to the point where he is unable to perform his job duties and/or is acting in an unsafe manner, supervisory personnel will have the responsibility for taking immediate action to: (a) remove the impaired employee from the work area; (b) initiate procedures; and (c) refer the individual to the Employee Assistance Program. The justification for taking such actions shall be observable unsatisfactory job performance or behavior.

A. Use, Possession, Transportation, Sale, Distribution

The use, possession, sale, or distribution of drugs or alcohol while on Medical Center property or Medical Center business shall be cause for immediate discharge. Illegal substances will be confiscated and the appropriate law enforcement agencies may be notified.

B. Drugs/Alcohol in System

1. Alcohol

An employee found to have a blood-alcohol concentration of .05% or more (or its equivalent as determined by a different diagnostic test such as a Breathalyzer) while on company property shall receive a 5-day suspension on the first offense and shall be required to participate in the Employee Assistance Program. In addition, the employee shall be subject to random drug and alcohol testing. If the employee refuses to participate in the EAP and the terms of a chemical dependency treatment agreement and/or violates any rules set forth in this policy at any time thereafter, he/she shall be subject to immediate discharge.

FIGURE 11.9: Substance abuse policy and procedure.

a substance abuse problem that is causing impaired job performance, this intervention can be not only job-saving, but, in some cases, literally life-saving as well.

When confronting constructively an employee whom you suspect to be a substance abuser, you are basically saying two things to the employee about his or her poor performance. On the one hand, you are asking for accountability and change relative to the issue of job performance; while on the other hand, you are expressing sincere interest and concern coupled with an offer of

2. *Marijuana/Hashish*

An employee found to have detectable concentrations of marijuana (or its metabolites) in his or her system shall receive a 5-day suspension on the first offense and shall be required to participate in the Employee Assistance Program. In addition, the employee shall be subject to random drug and alcohol testing. If the employee refuses to participate in the EAP and the terms of a chemical dependency treatment agreement and/or violates any rules set forth in this policy at any time thereafter, he/she shall be subject to immediate discharge.

3. *Drugs Other Than Marijuana or Alcohol*

An employee found to have detectable concentrations of any drug other than marijuana or alcohol in his or her system, including, but not limited to, heroin, cocaine, morphine, phencyclidine (PCP), amphetamines, barbiturates, or hallucinogens (or metabolites of any such drugs), shall receive a 5-day suspension on the first offense and shall be required to participate in the Employee Assistance Program. In addition, the employee shall be subject to random drug and alcohol testing. If the employee refuses to participate in the EAP and the terms of a chemical dependency treatment agreement and/or violates any rules set forth in this policy at any time thereafter, he/she shall be subject to immediate discharge.

4. *Testing for Drug/Alcohol in System*

An employee may be required to submit to blood, urine, or other diagnostic tests to detect alcohol and/or drugs (or drug metabolites) in his or her system whenever the employee is involved in an on-the-job accident or the employee's observed behavior raises a reasonable suspicion of drug or alcohol use. See Fitness for Duty guidelines for criteria for what constitutes reasonable suspicion. (A bargaining unit employee is entitled to have a union representative present, if immediately available, during the initial collecting of a specimen.) If an initial screening test indicates positive findings, a confirmatory test will be conducted.

Employees with a prior violation of the Drug and Alcohol Policy will be subject to random testing. Any employee who refuses to submit to testing shall be subject to disciplinary action up to and including discharge.

C. *Other Rules and Provisions*

1. *Searches*

The company reserves the right to carry out reasonable searches of employees and their property, including, but not limited to, lockers, lunch boxes and private vehicles, if parked on company property. (A bargaining unit employee whose person or property is to be searched is entitled to have a union representative present, if immediately available, while the search is being conducted.) An employee who refuses to submit immediately to such a search shall be subject to disciplinary action up to and including discharge.

2. *Drug Paraphernalia*

Employees are prohibited from bringing drug paraphernalia onto company property at any time. An employee who possesses or distributes such paraphernalia while on company property shall be subject to disciplinary action, up to and including discharge.

3. *Off-Duty Arrests/Convictions*

An employee who is arrested for, or convicted of, a drug offense which involves the off-duty sale, distribution, or possession of illegal drugs must promptly inform his supervisor of the arrest, the nature of the charges, and the ultimate disposition of the charges. Failure to do so is grounds for discipline, up to and including discharge. Such arrest/conviction may subject the employee to discipline, up to and including discharge, depending upon the circumstances involved.

4. *Over-the-Counter or Prescribed Medications*

Over-the-counter or prescription medications may have pharmacological effects which can impair job functioning and performance. Additionally, many such medications may be abused even if obtained through legal means by exceeding the customary dosage. Employees taking such medications are responsible for using such drugs in an appropriate manner, becoming aware of the potential side effects of any such drug, and informing their supervisor of their use of medications which might potentially impair their

FIGURE 11-9: (continued)

help in the form of a referral to an EAP or other program. You need to strike a balance between these complementary facets of the process: being firm and being empathic. The employee has to experience both of these facets so that the probability of acceptance of the need for help is maximized. The use of confronting messages is most effective in breaking through denial, which is often characteristic of substance abuse, while the constructive messages have the intent of motivating the troubled employee to comply with a referral.

4. *Don't try to diagnose or give employees advice on their substance abuse problems.* To do so complicates the entire situation, often leaves you open to manipulation,

job performance. Employees who intentionally abuse medications such as (but not limited to) tranquilizers, sedative-hypnotics, analgesics, anti-depressants, or diet pills shall be subjected to the same disciplinary sanctions prescribed for illicit drugs in this policy (i.e., a 5-day suspension, random testing and referral to the EAP). Employees whose impairment can be demonstrated to be the result of an inadvertent unpredictable, or a typical reaction to an over-the-counter or prescription medication shall be absolved of any responsibility for such an incident.

5. Reporting Violations of the Drug and Alcohol Policy

It is each employee's responsibility to immediately report unsafe working conditions or hazardous activities that may jeopardize his or her safety or the safety of fellow employees or guests. This responsibility includes the responsibility to immediately report any violation of the Substance Abuse Policy. An employee who fails to report such a violation may be subject to disciplinary action, up to and including discharge.

6. Job Applicants

Applicants for employment may be given blood, urine or other diagnostic tests to detect alcohol and/or drugs (or drug metabolites) in their system. Successful completion of the test is a condition of employment.

7. Re-employment

Any individual who leaves the company through layoff, resignation or termination for a period exceeding 90 days will be required to submit to blood, urine or other diagnostic tests to detect alcohol and/or drugs (or drug metabolites) in their system prior to re-entry into the workforce. Positive test results for alcohol or drugs will be considered in deciding whether the employee shall be permitted to return to work.

8. Progressive Discipline Not Applicable

The disciplinary steps set forth in the Employee Handbook providing for progressive discipline (e.g., 1st written warning, 2nd written warning, probation, discharge) or the 3 step process for Level II Infractions do not apply to violations of the Substance Abuse Policy. The discipline to be imposed for violations of the Substance Abuse Policy shall be governed solely by the provisions set forth herein.

FIGURE 11-9: (continued)

and may anger the employee, who may feel that the intrusion into his or her personal life is not warranted. Instead, focus on observable workplace behavior and leave the issue of possible substance abuse to professionals who are properly trained in this area. Things are not always as they seem, and for the manager, a consistent focus on job-related behaviors is the most secure footing.

GUEST SAFETY

You may think that guests face far fewer hazards than workers do, but even though they are far away from deep-fat fryers and slicers, guests still fracture bones slipping on your stairs, get serious burns from spilled hot coffee, die from allergic reactions to certain foods, and get foodborne illnesses. Not paying attention to guest safety can cost your operation hundreds of thousands and even millions of dollars in lawsuits.

As a supervisor you don't want to see guests get hurt any more than you want employees to get hurt. So what can you do about it? You are already involved in the operation's safety program as just described, so you know your safety policies and procedures, train employees, take part in safety committee meetings and/or safety inspections, report accidents, and supervise with safety uppermost in your mind. Many guest safety concerns revolve around the following:

- *Slips, trips, and falls.* Steps are most often the culprit behind slips, trips, and falls. Stairs and steps, both inside and outside, should be well lit, covered with a nonskid surface, and have handrails. Wet floors cause their share of problems

as well. Try to mop during off-hours and be sure to use “Wet Floor” signs and possibly even rope off the area. Guest parking areas should be clear of trash and free of ice in the winter.

- **Burns.** Hot beverages, such as coffee, can be a danger when not handled carefully. Your operation may have special hot beverage temperatures and rules to prevent burns. Guests should always be warned about hot plates.
- **Food allergies.** Some people experience a severe response when they eat certain foods to which they are allergic. Their throat swells up to the point where air can't get down to the lungs. This type of reaction, called *anaphylactic shock*, can kill. Two things can be done to prevent this problem: Have a policy and procedure that tells servers how to handle a guest's question about a dish containing an allergic ingredient, and stock the first-aid kit with “Epi Pens,” a medication that suppresses anaphylactic shock symptoms (managers must be trained to use it).
- **Foodborne illness.** Foodborne illnesses make millions of Americans sick each year and kill almost 10,000 people. High-quality sanitation standards and well supervised procedures are needed to prevent outbreaks.
- **First aid** is emergency treatment given before regular medical services can be provided. To protect both guests and employees who fall ill and are hurt, it is important to have at least one person per shift trained in first aid and in *cardiopulmonary resuscitation (CPR)*, a procedure used in case of cardiac arrest (the heart stops beating).



Security Concerns

According to the National Restaurant Association Educational Foundation, the purpose of a security program is to protect the belongings or assets of your facility (including the building, grounds, equipment, furnishings, food, beverages, supplies, cash, employees, and guests) from incidents such as employee theft, violent crime, and

burglary. Much of your work as a supervisor involves security, from doing reference checks on applicants to following cash-handling procedures, restricting access to keys, and handling a security emergency such as theft. To protect yourself, your employees and guests, and your company from damage, familiarize yourself with all procedures, and more important, enforce them without hesitation.

Check Your Knowledge

1. What is the most common cause of employee accidents in the workplace?
2. What is the purpose of a security program?



AIDS and the Hospitality Worker

AIDS, or acquired immunodeficiency syndrome, is a serious illness that harms the body's ability to fight infection. A virus called HIV (human immunodeficiency virus) causes AIDS. The HIV virus is spread by sharing body fluids, which can occur via tainted blood transfusions, unprotected sex or sharing needles with someone who is HIV positive, body piercing, and tattoos. There is no evidence that the HIV virus can



be spread through food handling or casual contact. Persons with HIV initially show no signs or symptoms. As time goes on, and it may be years, they display symptoms of HIV infection, such as fatigue, diarrhea, weight loss, and wounds that don't heal. An infected person is diagnosed with AIDS when he or she develops serious infections or cancers.

Employees with HIV/AIDS are now protected by the Americans with Disabilities Act, so it is illegal to fire an HIV-positive employee or otherwise discriminate in employment matters. They can continue to work as long as they are able to perform the essential functions of their position. Reasonable accommodations, such as flexible work assignments and hours, may be necessary.

Now that you know you can't get AIDS from working with an HIV-infected employee, and you can't discriminate against these employees, what do you do when one of your employees tells you that he is HIV-positive? As usual, there is plenty you can do as a supervisor, but first see if your employer has a written AIDS policy that you should follow.

- Show support. Many HIV-infected employees fear for their jobs and their benefits. Explain that he or she will continue to be treated according to existing policies and will continue to receive the same medical benefits. Review the employee's sick time, vacation time, and insurance coverage. Offer other support that may be available in the workplace, such as employee counseling services or employee-financed emergency funds.
- If the employee is starting to show symptoms, discuss any reasonable accommodations that you can make, such as more frequent breaks or fewer work hours.
- Review the basics of the Family and Medical Leave Act.
- Keep the employee's medical information confidential.
- If you haven't done so already, train your employees about AIDS to reduce any fears. This could involve a guest speaker from the local American Red Cross, a videotape about AIDS, and printed materials.

Of course, if you have one or more employees who are HIV-positive, you want to make sure that your employee sanitation and safety training is up to par to make sure that the employee's condition does not present any health concerns.



KEY POINTS

1. In 1971, the Occupational Safety and Health Administration (OSHA) developed the first guidelines for safety and health protection in American workplaces.
2. OSHA stemmed from the signing of the Occupational Safety and Health Act of 1970, on December 29, 1970.
3. In the 1980s OSHA developed the Hazard Communication Standard (also known as the Employee Right-to-Know Law).

4. The SENSOR program aims to improve local and state levels of occupational disease surveillance.
5. Workers' compensation is state mandated and provides insurance for employees that are injured on the job, regardless of fault.
6. Safety programs are common in hospitality operations as a way to increase safety awareness and to prevent accidents.
7. A safety audit helps to assess and evaluate safety and health conditions in the workplace.
8. Besides causing pain and suffering to the injured employee and incurring the cost of lost work time, there are other direct and indirect costs to consider when an accident occurs.
9. As a manager you need to be able to prevent, recognize, and confront the forms of sexual harassment (quid pro quo, environmental, and third-party) in the workplace.
10. Harassment in the workplace is not limited to sexual harassment. All forms of harassment based on national origin, race, color, religion, gender, disability, or age are illegal.
11. Employees with substance abuse problems present certain concerns to you as manager. These employees tend to be late for work more often, to take more days off for sickness, to be involved in accidents more often, and to be more likely to file for workers' compensation claims.
12. As a manager, you have several responsibilities for dealing with substance abuse in your workplace. First, any disciplinary action that you take should be based on observable, job-related factors, such as substandard job performance or inappropriate workplace behavior rather than upon the existence or suspicion of a substance abuse problem. Second, you need to be familiar with your company's policy on substance abuse. Third, you need to be able to identify and confront constructively employees who are substance abusers to urge them to accept professional help.
13. According to the National Restaurant Association Educational Foundation, the purpose of a security program is to protect the belongings or assets of your facility from incidents such as employee theft, violent crime, and burglary.
14. Employees with HIV/AIDS are now protected by the Americans with Disabilities Act, so it is illegal to fire an HIV-positive employee or otherwise discriminate in employment matters.



KEY TERMS

Americans with Disabilities Act (ADA)
Drug Free Workplace Act of 1988
environmental sexual harassment
harassment
Hazard Communication Standard
occupational disease/illness
occupational injury

Occupational Safety and Health Act of 1970
Occupational Safety and Health Administration
(OSHA)
quid pro quo
reasonable accommodation
safety incentive programs



Sentinel Event Notification System for
Occupational Risks (SENSOR)
sexual harassment

third-party sexual harassment
undue hardship
workers' compensation



REVIEW QUESTIONS

Answer each of the questions in complete sentences. Read each question carefully and make sure you answer all parts of the question. Organize your answer using more than one paragraph when appropriate.

1. Discuss the Occupational Safety and Health Act of 1970.
2. What stemmed from the Occupational Safety and Health Act of 1970?
3. How does OSHA view safety incentive programs?
4. What is anaphylactic shock and how does it happen?
5. What is an Epi Pen?
6. Discuss three workplace prevention strategies.
7. Describe the three forms of sexual harassment. What do sexual harassment and harassment have in common?
8. What should a manager do about substance abuse in the workplace?



ACTIVITIES & APPLICATIONS

1. Group Activity: Health and Safety Plan

Draft a health and safety plan to create and maintain a healthy workplace and to reduce accidents.

2. Checklist: OSHA Inspection

Make a checklist of things to always ensure readiness for an OSHA inspection.

3. Have you ever witnessed actions in the workplace that might be considered harassment or sexual harassment? If so, describe them. What action did management take regarding harassment?



WEB ACTIVITY

- Go to the EEOC Web site—Facts About Sexual Harassment:
www.eeoc.gov/types/sexual_harassment.html
 - a. What is the best way to eliminate sexual harassment in the workplace?
 - b. How do you file a charge of employment discrimination?
 - c. When investigating allegations of sexual harassment, what does EEOC look at?
 - d. What law does sexual harassment violate?

- Go to the U.S. Department of Labor, Occupational Safety and Health Administration: www.osha.gov. Pick one topic under the heading “OSHA News” and discuss how it would affect you as a supervisor.



RELATED WEB SITES

American Counseling Association	www.counseling.org
Employee Assistance Professionals Association	www.eap-association.com
Occupational Safety and Health Administration	www.osha.gov



ENDNOTES

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