



2021 Annual Conference  
August 11 - 13, 2021  
Atlanta, GA

## **When Generations Collide: Evolving Ethical and Harassment Issues in the Modern Workplace**

### **I. The Generation Gap**

Changing cultural attitudes have dramatically influenced the governance of business management and practices. Past generations generally accepted the ways in which business operated. However, in recent years employment operations and procedures have come under constant scrutiny in recent years. Part of this scrutiny has been an outgrowth of the Millennial generation entering the workplace and rising into management positions. Different attitudes in perceived “ethical behavior” of the past generations and the millennial generation have reached a point where the workplace culture is under microscope as to what is now considered ethical and proper behavior. Whether your business is a law firm, insurance company, or a fortune 500 company, the way these generations interact with each other in the workplace will determine whether the business can be successful or whether it faces a minefield of potential claims and litigation.

### **II. The Generations and Their Characteristics**

#### **A. The Greatest Generation (Greater than 73 Years Old)**

They are called the Greatest Generation because many lived through the great depression, fought in World War II, and lived with extended families. Members of the Greatest Generation are defined by their sense of “Duty”. Their values include working to survive, thriftiness, sacrifice, loyalty, dedication to a job, and duty. Within the workplace of today the challenges they face is that they are not as good with technology, they avoid challenging the system, and place the sense of duty before personal benefit. They however feel a sense of satisfaction where a job well done is the reward and view changing jobs carries a stigma. About authority, they honor their leaders and respect authority.

#### **B. Baby Boomer (55 – 72 Years Old)**

The Baby Boomer generation is defined by their work. A Baby Boomer’s “career” is often on display, proudly hanging degrees and certificates of recognition in their workplace. This generation grew being promised the “American Dream” and they pursue it. As a result, this

generation is seen as being greedy, materialistic, and ambitious. About the workplace the Baby Boomer generation are workaholics. They believe visibility/facetime is the key to succeeding. This generation was hesitant of taking too much time off for fear of losing their place on the corporate ladder. Within the workplace, money, titles, and recognition is the reward. They also believe that changing jobs puts you behind. Additionally, Baby Boomers do not take criticism well. However, now Baby Boomers are interested in flexible hours and are looking to create balance in their lives.

#### **C. Generation X (40 – 54 Years Old)**

Generation X is defined by one word, “balance”. Generation Xers appreciate work/life balance and mix fun with their work. Growing up, Generation X witnessed lifelong employment end and their parent’s divorce rates increase. Generation X also was the first generation to openly question and distrust authority. This is the first latch-key or day care generation as their mothers entered the workplace at a higher rate than any other generation. As a result, this generation often had to fend for themselves and take care of their siblings. Generation X does not want to work long hours and is result oriented. Simply put, Generation X wants to have a life outside of work. Because their parents are the Baby Boomer generation, they saw the lack of work life balance and don’t mind losing their place on the corporate team if they take time off. They move easily unemployed and are often criticized for having no attachment to a particular job or employer. Get the work done and move onto the next thing.

#### **D. Millennial (23 – 39 Years Old)**

Millennials represent about a quarter of the US population and are considered “Trophy Kids”, i.e., everyone is a winner. Millennials grew up with more, way more, parental supervision. Millennials consider themselves to be “Special”. Millennials often have huge goals but struggle with the execution. Millennials are group-oriented individuals or collaborative leaders. They are also a very diverse group and believe it is normal to interact outside of their ethnic group. Millennials believe that because of technology they can work anytime and anyplace and believe they should be evaluated on work product and not how and where they got the work done. Millennials expect to have “paid their dues” after 1 to 2 years at a company. Millennials thrive in a collaborative work environment and have high expectations of their bosses. Millennials also expect to influence the terms and conditions of the job.

#### **E. Generation Z (Less than 23 Years Old)**

Generation Z is just starting to enter the workplace and the key word for this generation is “integration.” They are the most ethnically diverse and largest generation in American history comprising 27% of the US population. Generation Z wants fast answers, they are used to having “google” at their fingertips and getting information ASAP. Generation Z also wants mentors and not managers. A work/life integration is important to this generation. However, this generation grew up during the recession and housing crisis. They witnessed their parents get laid off, homes get foreclosed upon, and shrunken 401(k)s. As a result, this generation has trouble with commitment. Generation Z also searches for truth and will mobilize themselves for a variety of causes.

The generation to follow Generation Z is Generation Alpha which includes anyone born after 2010 and is on track to be the most transformative generation ever because they have not only grown up with technology – they have been completely immersed in it since birth.

### **III. Managing the Workplace and the Ethical Considerations**

Millennials and Generation Z together make up over half the current US population and will soon be the foundation of the workforce. Millennials have been in the workplace for over a decade now and many are in management or supervisory positions. Working with the younger generation is now more important than ever. This presents ethical considerations for how to operate a business and how to make sure ethical boundaries are not compromised.

Employers can be held liable for unlawful harassment conduct by just about anyone who meets employees in the workplace. Additionally, the workplace has grown and is not just the office anymore. The workplace is anywhere where work is conducted. This includes places where employees eat lunch, off premises at work related or private events – ANYWHERE.

Generational divides can be hard to manage and can potentially lead to harassment or abusive conduct because of the ways different generations view conduct at the office. Harassment or Bullying Behaviors include the following:

- Flaunting Status
- Ignoring an Employee's Contributions
- Preventing an Expression of Opinions
- Manipulating Employee' Job Content
- Excluding an Employee from Meetings
- Shouting
- Silent Treatment
- Foul Language
- Gossip
- Blaming Employees for Others' Errors
- Mean Pranks

Competent employees are often targeted because they are a threat. Good natured employees are targeted because they are weak and subject to control. Certain employees are also often targeted because they are non-confrontational, intelligent, and popular co-workers. Additionally, Employees that are different for any reason, perceived or real are often targeted. The result of these actions by employees can lead to a reduction in productivity and morale. There can also be Psychological and Emotional Injuries.

There is a difference between abusive conduct and appropriate supervision. Reasonable supervision includes providing performance appraisals, coaching, or providing constructive feedback, scheduling ongoing meetings to address performance issues, counseling or disciplining an employee for misconduct, and investigating alleged misconduct. Differences of opinion, interpersonal conflicts, and occasional problems in working relations are an inevitable part of working life and do not necessarily constitute abusive conduct.

Millennials values are substantively different from the older generation and this presents challenges in how to maintain a cohesive workplace environment. For example, Millennials consider the following behaviors in the workplace to be ethical:

- Using social networking to find out about the company's competitors.
- "Friending" a client or customer on a social network.
- Uploading personal photos onto a company network
- Keeping copies of confidential documents
- Working less to compensate for cuts in benefits or pay.
- Buying personal items using a company credit card
- Blogging or tweeting negatively about a company
- Taking a copy of work software home for personal use

Additionally, the younger generations are more likely to ignore the presence of misconduct if they think that behavior will help save jobs. A means versus ends reasoning can lead to covering up ethical behavior in the workplace, covering up one's personal wrongdoing, and rationalizing unethical behavior as somehow justified by the circumstances.

This leads to the question of how a company manages to keep employees happy and motivated while not crossing ethical boundaries or providing a disservice to their clients and/or customers.

#### **IV. Ethical Situations in the Workplace**

##### **A. Retention of Younger Employees**

The younger generations do not have issues with changing jobs routinely. This creates a conundrum of how much should companies give in to the demands of the younger generation when they are likely to leave before becoming profitable to the company. When young adults realize they are not in their dream job and don't see a path there, it can create frustration and depression. This also means the employee is also not likely to put their best foot forward in their job performance. Millennials expect to have paid their dues after one to two years in each company. Most Generation X and Baby Boomers expect to have put in over 7-10 years at a company before their respective dues are paid.

In a law firm setting most young attorneys are not profitable until their third year, at which point they are an extremely asset. However, to promote a young attorney over an older attorney can cause a discourse in the firm and may result in losing both attorneys because the younger attorney is already looking for the next job and the older attorney feels slighted. Are there other compromises to provide to the younger attorney such as the ability to work from home or to allow them to do pro bono work, they are interested in? These can lead to ethical considerations for how the firm's clients are being serviced.

##### **B. Client Considerations**

Playing off the retention of younger employees is how to ethically provide necessary services to the clients. When do you allow client contact for the younger attorneys? Knowing that younger attorneys are more likely to leave, allowing client contact at an early stage may result in the

younger attorney taking a client with them when they ultimately leave your employ. However, denying client contact to the younger attorney may be a disservice to the client in providing legal services to them.

The ability to merge these considerations is a delicate operation. Companies need to be upfront about the timeline for advancement and the meeting of clients and interactions. The older generation and the younger generation each need to be willing to accept compromises to truly flourish. The older generations need to be willing to accept what they may deem “lazy” work ethic from the younger generations and the younger generations need to be willing to be mentored and groomed by the older generations as experience is necessary to advance. However, all generations need to feel comfortable in the workplace to succeed. No workplace will ever be perfect, but it should be one where people are comfortable and working toward a common goal.