



Workplace Solutions: Fall 2023 Newsletter

Bilingual investigation skills are critical when thoroughly investigating claims raised by mono-Spanish speaking employees. Carrera Workplace Solutions is here to help.

Certified in DEI by Cornell University' School of Industrial and Labor Relations and by the Association of Workplace Investigators (AWI). Dedicated and responsive client relations.

Employment issues in the news. Karen Carrera was interviewed regarding workplace discrimination involving pregnant workers:



<https://www.telemundoareadelabahia.com/noticias/local/california-mujeres-embarazadas-condiciones-laborales/2322711/>

Bullying is not okay. Unfortunately, it is common treatment experienced by immigrant workers in the workplace.

As a workplace investigator, it is common to investigate situations that involve Latino supervisors accused of mistreating lower-level Latino immigrant workers, relative to other employees. While it is important to avoid generalizations and recognize there can be several facts that influence workplace dynamics, it is still worth exploring the reasons why a Latino supervisor might mistreat their immigrant workers even though they may share similar ethnic and/or cultural backgrounds.

One factor to explain the tension between first generation immigrant workers and second or third generation Latino supervisors is the supervisors' experience with assimilation. Having, in their view, successfully assimilated, they might react negatively toward their subordinates who they believe are still struggling to do so. For some supervisors, the perceived failure of immigrants to fully integrate into the dominant culture reflects negatively on their group.

In addition to the expectations around assimilation, power dynamics often play a significant role in how supervisors treat their workers. Beyond their positions in the organizational hierarchy, supervisors and workers may be separated by language, culture, or immigration status. Supervisors may believe they are superior to their subordinates based on any one of these factors, leading them to exert power over workers in ways that are often arbitrary or unfair.

While the mistreatment of Latino immigrant workers by Latino supervisors can sometimes be the result of conscious prejudice, it may also stem from unconscious/internalized bias or cultural clashes. Some supervisors make decisions regarding pay, hours, and/or scheduling based on their preconceived judgments about immigrants and their value to the organization. This can often prevent supervisors from making rational or fair judgments in the workplace.

Beyond human bias, differences in communication styles, work expectations, or cultural norms can lead to misunderstandings. If a supervisor is unfamiliar with a particular group's norms regarding work ethic, then they may view certain behaviors in a negative light. Instead of trying to educate themselves about the group, the supervisors may rationalize unfair treatment of workers based on their preexisting notions about the group.

When an organization's culture does not prioritize diversity and inclusion, or lacks adequate training and support for supervisors, it can create an environment where mistreatment of workers occurs. A work environment can improve cultural diversity and inclusion with training programs that specifically focus on cultural competence and leadership skills to improve relationships and foster better treatment of immigrant workers. As such, creating a culture of inclusivity and cultural understanding is one of the most critical components of establishing an environment where supervisors understand how to help employees feel respected and supported. In turn, this should lead to less friction and increased productivity, which will benefit the organization as a whole.

Here are several reasons that explain why bullying within the same demographic of worker may occur. These factors include:

1. Power and control: Some supervisors may bully their employees to assert their authority and maintain a sense of control over their subordinates. A variety of tactics may be used to intimidate and dominate others. This ultimately creates a toxic and fear-based work environment where employees may be afraid to voice concerns in fear of retaliation.

2. Insecurity and low self-esteem: In some cases, supervisors who engage in bullying may have their own personal insecurities and low self-esteem which is taken out on to their workers. Supervisors may target

their employees to compensate for their own perceived weaknesses and inadequacies by belittling and demeaning others.

3. Pressure and stress: Pressure to meet targets, deadlines, and other performance expectations can cause many supervisors to become anxious or irritable. Instead of approaching these stressors in a healthy manner they may lash out at their employees as a misguided coping mechanism. This method may create a hostile work environment where any worker may be the target of undeserved rage or mistreatment.

4. Lack of emotional intelligence: Emotional intelligence skills are an important asset for a supervisor to have in order to settle conflicts and have constructive conversations with workers. Some supervisors may lack the necessary emotional intelligence skills to handle conflicts and interpersonal relationships in a professional manner. As a result, they may resort to bullying as their default approach when faced with challenges or disagreements.

5. Organizational culture: In certain work environments, a culture of bullying or tolerance for aggressive behavior may be present or even encouraged. A tolerance for bullying may lead supervisors to mistreat their staff because they believe it is an accepted or even expected way of managing their teams. If a supervisor believes that their workplace relies on bullying workers to get desired results, then it may be difficult to change that perspective.

6. Personal issues or biases: There are several types of personal biases that can be held by supervisors. Supervisors may have certain prejudices, display favoritism towards their friends, family members, or favorite employees, or make influenced decisions based on personal conflicts. All these factors can manifest as bullying behavior towards specific employees.

Organizations should have policies in place to address workplace bullying and provide support to both employees and supervisors to prevent and address these issues effectively. Carrera Workplace Solutions can help your organization draft policies and procedures in English and Spanish, and train/coach supervisors how to prevent mistreatment.



The Importance of Workplace Investigations

Workplace investigations are an important tool in creating and maintaining a positive and inclusive workplace. Here are the benefits to employers:

Ensuring compliance with laws and regulations: Workplace investigations help companies ensure that they are complying with the relevant laws and regulations related to workplace conduct, including the prevention of harassment and discrimination, and avoidance of unsafe working conditions.

Identify and address issues before they escalate: This can help companies avoid costly lawsuits and settlements or damage to their reputation.

Maintaining employee morale and trust: Conducting thorough workplace investigations is a way for company management to demonstrate their commitment to taking employee complaints and concerns seriously.

Improving organizational effectiveness: Workplace investigations are an extremely useful tool for identifying areas where companies may need to improve policies, procedures, or training to prevent future issues from arising.

Identifying efficiencies: An investigation may highlight ways a company is lacking in initiative, or it may assure a company that its policies are creating a more productive workplace. This can lead to a more effective and efficient organization overall.

Why Carrera Workplace Solutions?

- **Bilingual investigation services in spanish, counseling, and training.**
 - **Certified in DEI by Cornell University School of Industrial and Labor Relations.**
 - **Certified by the Association of Workplace Investigators (AWI).**
 - **Over 22 years of actual employment litigation experience in matters involving workplace harassment.**
 - **Dedicated and responsive client relations.**
-

Immigrant Workers in California

In California, there are many monolingual Spanish-speakers in the workforce. These employees have specific needs regarding communication and inclusivity. To best address the needs of Spanish-speaking employees, companies should consider taking some or all the following steps:

1. **Provide language training:** In order to improve communication and collaboration among employees and customers, companies can offer language training programs to help Spanish speakers improve their English proficiency.
2. **Offer translation services:** Employers can provide translation services to Spanish-speaking employees, such as translation software, bilingual staff, or access to a translator. This can help to ensure that all employees have access to the same information and are able to participate in meetings and discussions.
3. **Celebrate cultural diversity:** Employers should recognize and celebrate the diversity of their workforce, including the different cultures and languages spoken. This can be done through cultural events, celebrating holidays, or highlighting the contributions of Spanish-speaking employees. Companies can offer benefits and support that meet the unique needs of Spanish-speaking employees, such as healthcare resources that cater to Spanish speakers and flexible schedules that allow for time off for cultural celebrations.

These recommendations can help create an inclusive and supportive environment that addresses the needs of Spanish-speaking employees, promotes diversity, and improves communication and collaboration within the workplace.

Carrera Workplace Solutions provides management, staff, and line employee training in Spanish. Bilingual training delivers the message clearly, without room for misunderstanding, thereby decreasing potential conflict.

California law requires that employers provide training on sexual harassment prevention to all employees. Failure to provide training can result in legal liability for the company as well as conflicts in the workplace. A significant portion of the workforce in California is comprised of individuals who are either mono-lingual Spanish-speakers or have Spanish as their first language. In order to accommodate the needs of Spanish speakers and effectively comply with sexual harassment training laws, employers should offer sexual harassment training in Spanish.

Conducting sexual harassment and bullying prevention training in Spanish ensures that Spanish-speaking employees have the same access to information and knowledge as English-speaking employees. In addition, by providing training in Spanish it helps ensure that all employees are aware of and trained in how to handle instances of sexual harassment and bullying. If training is conducted only in English, there is a good chance that many Spanish-speaking employees will not fully understand what is expected of them.

Providing training in their native language also gives Spanish-speakers the opportunity to ask questions and seek clarifications in Spanish, which can improve their overall comprehension of the material. Providing training in Spanish demonstrates that the company values diversity and inclusion. By providing training in the language that some workers are most comfortable with, the company shows that it is committed to creating a workplace where all employees feel valued and respected, regardless of their language or cultural background.

On September 13, 2023, employment law attorneys and workplace investigators, Karen Carrera, Shivani Sutaria, and Caroline Schuyler, presented a unique webinar to the Association of Workplace Investigators entitled: Crossing Borders: Unique Aspects of Investigations Involving Immigrants.

The panelists discussed the unique considerations to workplace investigations involving immigrants, including **(1)** investigating a workplace conflict based on circumstances arising in the country of origin (i.e. caste-based discrimination, language dialect discrimination), **(2)** examining investigators' conscious or unconscious biases and/or lack of familiarity with immigrant communities' cultures or customs, **(3)** effectively communicating with witnesses who only speak and read or prefer to speak and read in their native language (i.e. conducting bilingual interviews, acknowledging that witnesses from certain countries and cultures may convey information in varying modes), **(4)** facing and overcoming resistance or distrust of the investigator and/or the investigation process due to experiences in the country of origin or in the U.S., and **(5)** understanding the potential immigration consequences, including deportation risks, that could arise from the investigation (i.e. investigations involving the undocumented, when U.S. residency is tied to a job).

The participants learned about:

- The current landscape of immigrants in the US labor force.
- Ways investigators can conduct culturally competent investigations.
- Tools for managing conscious and unconscious biases regarding immigrant cultures or customs.
- Verbal and written communication considerations and challenges that

- arise in investigations involving immigrant populations.
- Tools for dealing with witnesses who resist and distrust the process.
- Immigration law consequences for immigrant witnesses.

The webinar is available on the AWI website or by clicking below.

Watch the Webinar

Karen's Delicious Latin Kitchen

Mexican Pasta Salad

This is a delicious recipe from our family in El Paso, Texas. This is Mexican comfort food and very easy to make. Please, enjoy!

Ingredients:

- 1 package fusilli pasta
- 1 cup chopped red onion
- 2 cloves finely chopped garlic
- 2 sweet yellow corn cobs
- 3-4 ounces cotija or feta cheese
- 2 poblano peppers
- ½ cup fresh chopped cilantro leaves
- 2 tablespoons fresh chopped oregano
- 1 ½ tablespoons smoked paprika
- 2 limes
- 3 tablespoons olive oil
- Salt to taste



Instructions:

Cook pasta al dente and set aside. Place corn cobs on the grill until they are cooked and charred on the outside. If you do not have a grill, you can broil them in the oven. Slice the kernels off and set aside. Cut the poblano peppers and take out the stems and seeds. Cut into small pieces. In a large pan, heat the olive oil and cook the onion, peppers, and garlic until softened. Add the corn and sprinkle in the paprika. Add the pasta and place all in a large serving bowl. Chill the pasta for 20 minutes. When ready to serve, add the cheese, oregano, lime juice, salt, and cilantro.

Carrera Workplace Solutions specializes in Spanish language and bilingual trainings and investigations with Spanish-speaking employees. Topics of trainings include discussions on diversity and inclusion, harassment prevention, discrimination, retaliation, and abusive conduct (bullying).

Contact us at www.carreraworkplace.com or by emailing karen@carreraworkplace.com. Karen Carrera, Esq. is a member of the Association of Workplace Investigators (AWI).

DISCLAIMER: The information you obtain in this newsletter is not, nor is it intended to be, a substitute for personal legal advice. You should consult with an attorney regarding personal legal advice specific to your own situation. Further, reading, interacting with, or reposting this email or website in any way does not form an attorney-client relationship with Karen Carrera,

Esq., or Carrera Workplace Solutions.

Carrera Workplace Solutions | 1110 Mar West Street, Suite K, Tiburon, CA 94920



Share This Email



Share This Email



Share This Email

Carrera Workplace Solutions | 1110 Mar West Street, Suite K, Tiburon, CA 94920

[Unsubscribe karen@carreraworkplace.com](mailto:karen@carreraworkplace.com)

[Update Profile](#) | [Constant Contact Data Notice](#)

Sent by karen@carreraworkplace.com powered by



Try email marketing for free today!