



# Work Culture Assessments:

Assessing and enhancing your work culture consistent with business goals and legal compliance considerations

May 2022

**Seyfarth Shaw LLP**

"Seyfarth" refers to Seyfarth Shaw LLP (an Illinois limited liability partnership).  
©2022 Seyfarth Shaw LLP. All rights reserved. Private and Confidential



# Legal Disclaimer

This presentation has been prepared by Seyfarth Shaw LLP for informational purposes only. The material discussed during this webinar should not be construed as legal advice or a legal opinion on any specific facts or circumstances. The content is intended for general information purposes only, and you are urged to consult a lawyer concerning your own situation and any specific legal questions you may have.

## **Seyfarth Shaw LLP**

“Seyfarth” refers to Seyfarth Shaw LLP (an Illinois limited liability partnership).

©2022 Seyfarth Shaw LLP. All rights reserved. Private and Confidential

# Speakers



**Tracy Billows**  
Partner  
Chicago



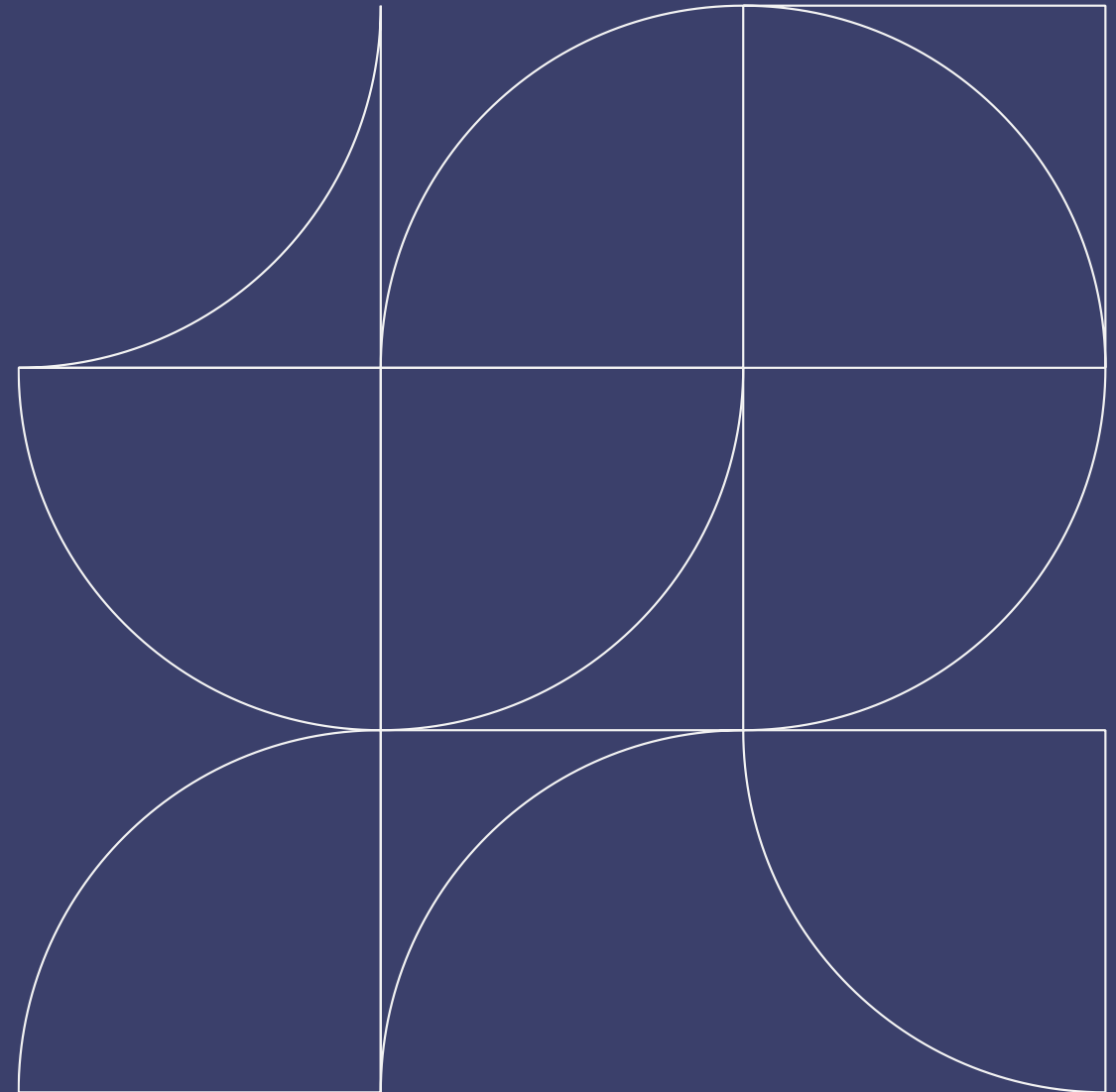
**Ann Marie Zaletel**  
Partner  
LA– Century City



# Agenda

- 1 | Introduction
- 2 | What Is A Work Culture Assessment?
- 3 | How Are Work Culture Assessments Performed and Used?
- 4 | What Are the Legal Considerations?
- 5 | Sample Applications
- 6 | Conclusion

# Introduction

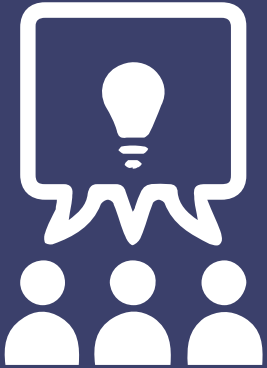




FOR HIRE

## Introduction

- **Timing.** Why Should Employers Assess Their Work Culture Now?
- We are in one of the most transformative periods in the world of work in history:
  - COVID-19 – Remote and hybrid workforces; distributed workforces; employees' shifting priorities
  - The Great Resignation/Tight Labor Market
  - Technological Advancements/AI
  - Generation Differences
- Work culture is more important than ever for employers to attract, retain, and motivate top talent.
- Employers can envision and help create a work culture that attracts the most sought after applicants and retains the most valuable employees.



## ***Overall Goals.*** What Are the Overall Goals of a Work Culture Assessment?

- Attract the most highly sought after applicants;
- Retain the most valuable employees;
- Lower turnover;
- Reduce/effectively manage legal risk; and
- Help envision, create, and nurture the work culture the employer seeks to create, consistent with values, goals and the law.



## **More Specific Goals.** What Are the More Specific Goals of a Work Culture Assessment?

- Ensure that the employer's **mission, vision, and values** are well defined such that they help **attract the top talent** that will sustain and **strengthen their desired work culture, policies, and practices.**
- Ensure that new hires are **well integrated into the workforce and culture** – whether they work at an office or are part of a remote or hybrid workforce.
- Ensure that employees **feel valued and invested** in their work and success;
- Cultivate a **sense of belonging and connection**, even in a remote work environment;

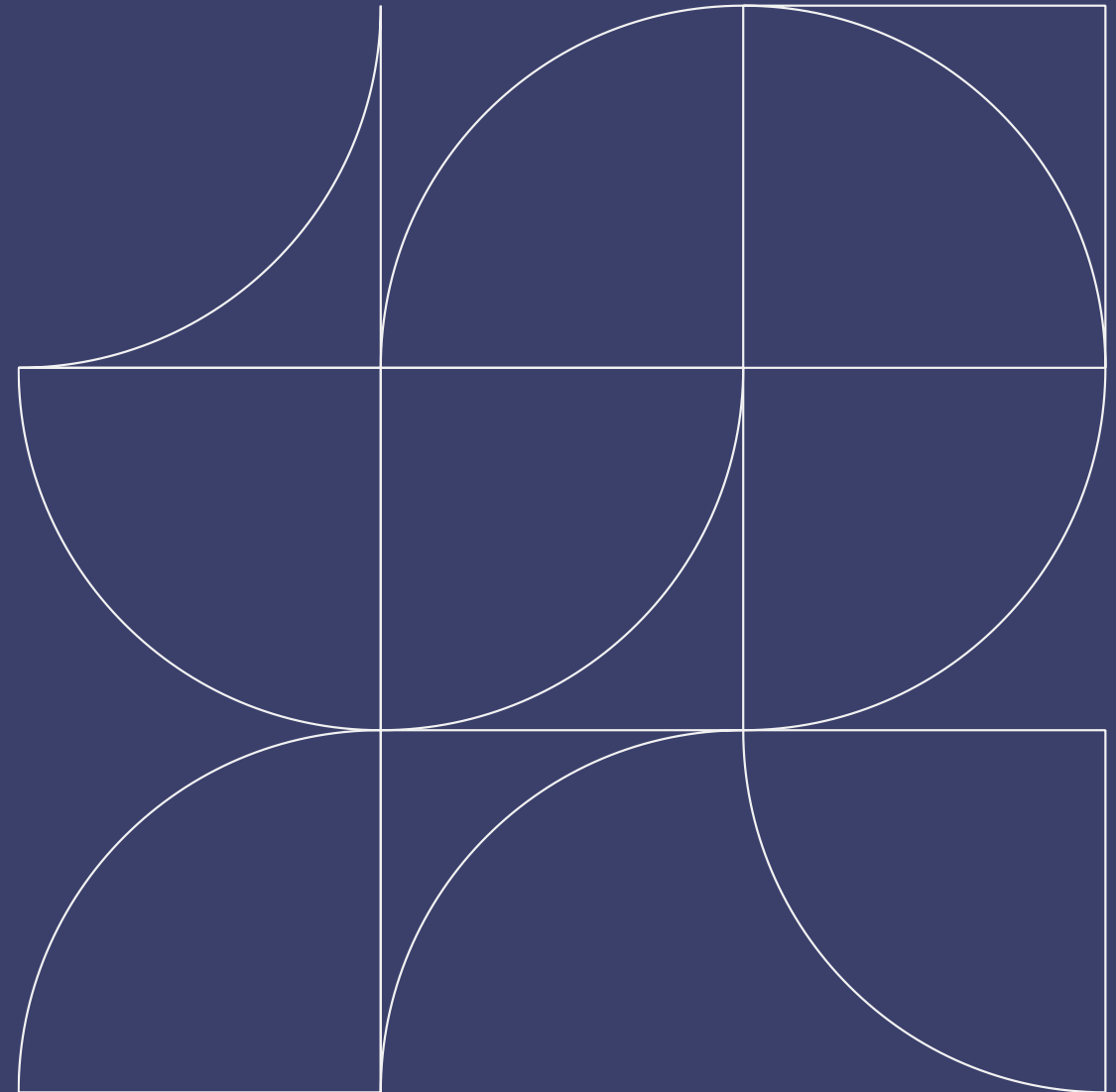




## ***More Specific Goals.*** What Are the More Specific Goals of a Work Culture Assessment?

- Ensure that employees are receiving ***appropriate mentorship, supervision, and training*** despite a remote work environment/distributed workforce;
- Develop and implement ***policies and practices that promote the culture*** the employer seeks to create;
- Identify legal compliance gaps and areas of legal exposure; and
- Identify any areas of common employee concern and sources of employee dissatisfaction

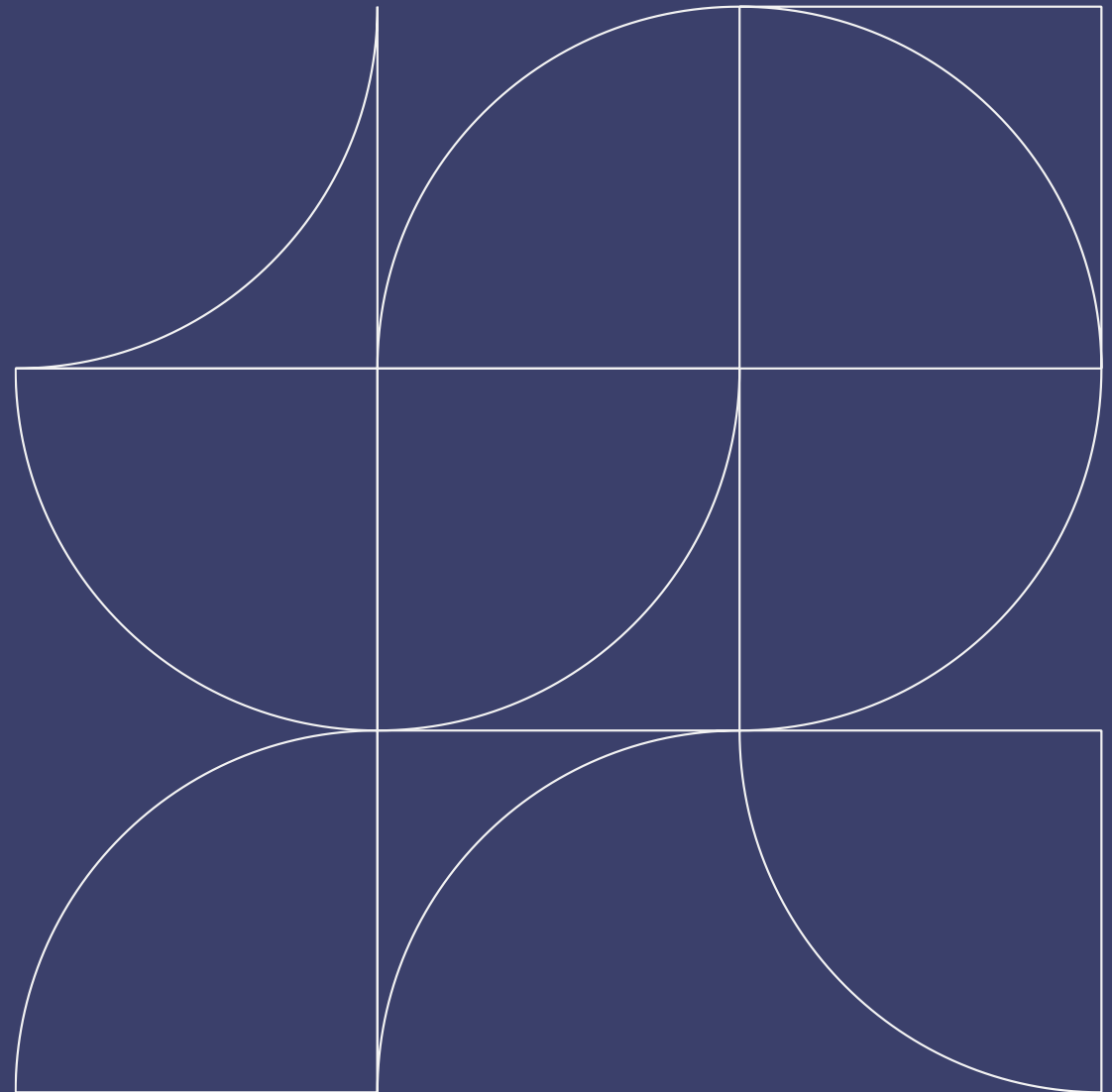
# What are Culture Assessments?





- Analysis of expectations, values, behaviors, policies, engagement, experiences, and vision for consistency with business goals and legal compliance considerations.
- Short-term considerations and performance
- Long-term development

# How Are Work Culture Assessments Performed and Used?

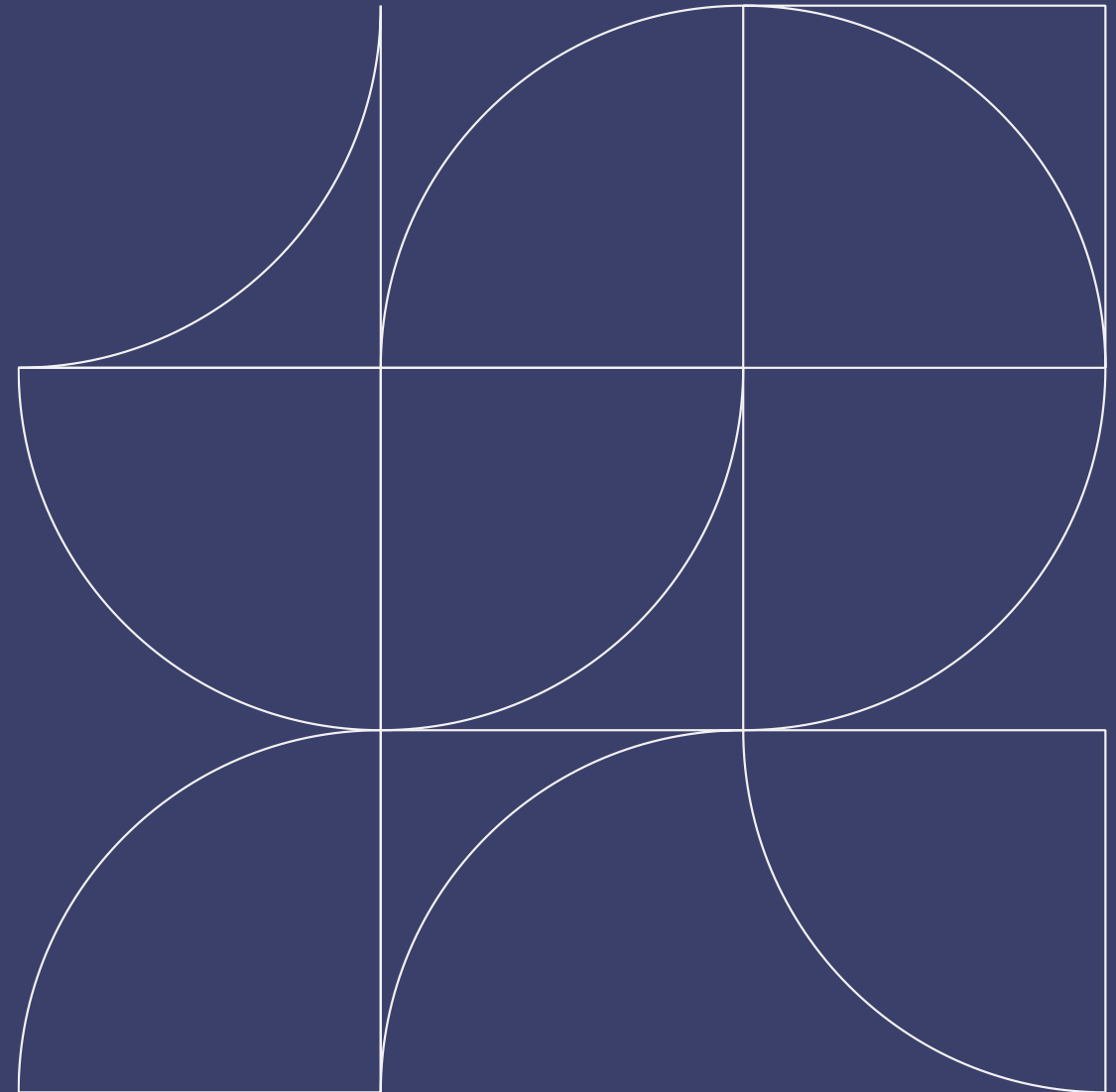




## Elements of Doing a Cultural Assessment

- Policy review
- Surveys
- Focus groups
- EEO-1/Inclusion and diversity data review
- Audit of internal complaints and investigations
- Audit of employment litigation
- Leadership interviews
- Key stakeholder interviews
- Audit of training, performance management, mentoring and coaching programs
- Open Door processes
- Hotline usage and metrics
- Other

# What Are the Legal Considerations?

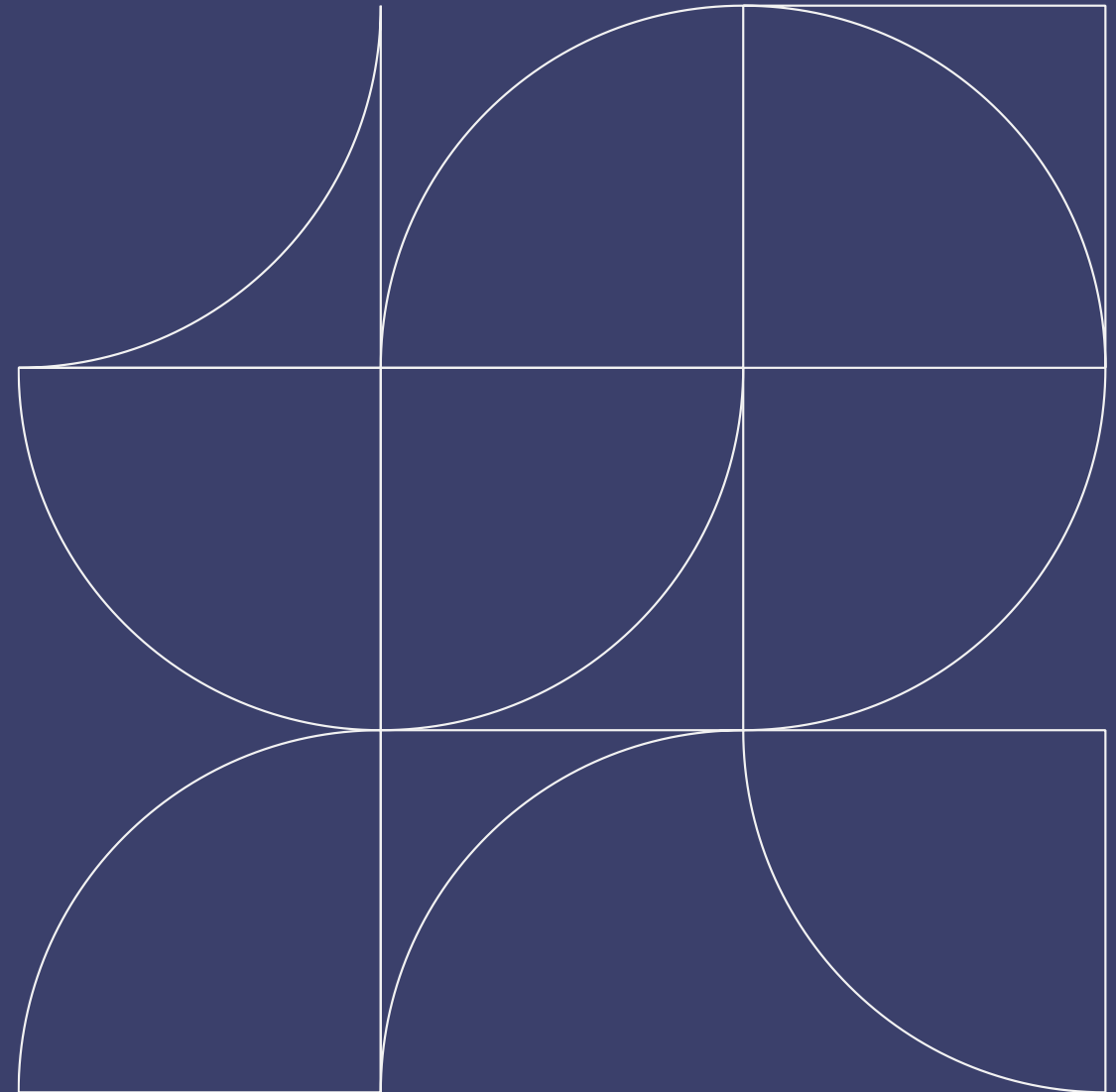




## Legal Considerations Related to Cultural Assessments

- Attorneys are able to identify legal compliance gaps and areas of legal exposure as they conduct work culture assessments and to recommend, develop and help implement strategies to address same.
- Attorneys are able to cloak assessments in privilege to the extent needed.

# Sample Applications







## Application: Training and Mentorship

- A work culture assessment can:
  - Evaluate how employees view training and mentorship opportunities and any perceived or real gaps;
  - Assess if remote and hybrid employees receive the same training and mentorship opportunities as those employees who work full-time from an employer location;
  - Identify any biases, inconsistencies and/or real or perceived barriers to training and mentorship opportunities;
  - Seek input from employees on additional training and mentorship opportunities they would like to see offered;



## **Application:** Training and Mentorship (Cont.)

- Evaluate the methods of training delivery (e.g., online programs, in-person programs, etc.) and whether any rebalancing is warranted or accommodations/adjustments are needed;
- Evaluate whether existing opportunities are consistent with the culture the employer wants to enrich and encourage;
- Design and implement new training and mentorship programs/opportunities;
- Develop and implement a strategy to ensure that all employees are aware of training and mentorship opportunities – regardless of whether they work in an office or remotely; and
- Develop a strategy to increase mentorship opportunities for employees who work remotely.

# Application:

## Measuring and Assessing Performance



- A work culture assessment can:
  - Evaluate whether the employer is measuring and assessing performance **consistently** across a distributed workforce:
    - Office employees;
    - Fully remote employees; and
    - Hybrid employees
  - Identify any real or perceived biases, inconsistencies or gaps;
  - Determine if any new performance criteria are warranted given the new world of work (e.g., remote work) and determine best way to define and implement;
  - Develop a strategy to address any biases, inconsistencies and/or gaps;

## Application:

Measuring and Assessing  
Performance



- Seek feedback from employees; and
- Assess whether the employer’s current performance assessment process:
  - Is consistent with the culture it seeks to enrich; and
  - Effectively manages legal risk.



## **Application:** Ensuring Lines of Communication Open

- A work culture assessment can, for example:
  - Allow for identification of possible communication gaps or missing avenues of communication
  - An understanding of differences in communication style and approach
  - Identify any real or perceived biases or inconsistencies in the ways employees are expected to communicate
  - Assess whether the employer's current practices and mechanisms are:
    - Consistent with the culture it seeks to enrich; and
    - Effectively managing legal risk.

# Application:

Promptly and Effectively  
Responding to Concerns



- **Scenario:** A customer began frequently requesting on-line Zoom meetings with a female sales representative. The customer met with the employee about two times per week from September through December and purportedly made sexually charged gestures to the employee, made remarks about her appearance, and sexually propositioned her. The employee told her supervisor about the conduct on a number of occasions but did not make a formal written report or notify Human Resources until late in December. The employee also shared anonymous feedback in an employee survey.
- The employee alleges that her supervisor told her to “ignore him,” “let it go,” “turn off your camera” and that “this comes with the business.” The supervisor states that the dealer only told him that the customer was aggravating and never used the term harassment or provided details regarding the conduct. Once the employee notified Human Resources, they took immediate action and had the customer reassigned.
- After being terminated for an unrelated reason, the employee sued for sexual harassment and the employer defended the claim arguing that (i) the conduct was not sufficiently severe or pervasive to constitute harassment and (ii) that the employee had failed to take advantage of its Anti-Harassment policy because she did not file a report with Human Resources or upper-level management as directed by the policy.
- **Outcome: ???**
- **Takeaways: ???**

**Thank You for  
Attending**