

The Journal of **Employee Assistance**

Transgender Support Part I

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Bonus!
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for PDH!



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The Journal of Employee Assistance

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cover story

6 Transgender Support (Part I)

| By Robin Sheridan, JD, MILR;
Heather Mogden, JD

No court has definitively held that gender dysphoria (GD)—the diagnosis associated with transgenderism—is a disability under the Americans with Disabilities Act (ADA), but several federal courts have said it *could* be, which is legally significant. Moreover, when a client suggests that workplace barriers exist due to GD, EA professionals will want to keep a number of things in mind.

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10 Best Practice Guidelines for Transgender Employees

| By Carolyn Ruck, LCSW

How should employee assistance professionals respond when an employee requests workplace support while fulfilling the final steps of a gender transition process? EA professionals are able to highlight the importance of organizational inclusiveness, make the business case for it, and find ways to untangle organizational webs of fear and uncertainty.

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| By Janeen Haller-Abernethy, LCSW;
Matt Steinkamp, LCSW; &
Jeremiah Dahlen, LPC, CEAP

Beginning with a micro-focus on conflict management skills for individuals and expanding the lens to view team strategies for processing conflict, this article will use a case study to demonstrate the efficacy of EAP conflict-focused service for both employees and employers.

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| By Katie E. Connell, PhD, ABPP

Engaging the employer in a dialogue about what employee behaviors they have observed, whether safety concerns are present, and what actions they have taken can assist in navigating an anxiety-provoking situation and clarifying next steps.

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| By Jodi Jacobson Frey, PhD, LCSW-C, CEAP;
Patricia A. Herlihy, PhD, RN;
& Alaina Kahn, BA

Having a single, online, free, and permanent public place to store and share historical and current papers, presentations, and other multi-media materials about the EA field generates considerable interest and support. Currently, there are over 3,300 unique submissions from over 400 authors.

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EAPA Mission Statement

To promote the highest standards of practice and the continuing development of employee assistance professionals and programs.

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Offering Guidance on Transgender Support Issues

| By Maria Lund, LEAP, CEAP

A growing number of employees are dealing with transgender issues in the workplace. This provides opportunities for EA practitioners to offer assistance and guidance for both employees and employers as they navigate complex issues that might arise.

In the cover story, Robin Sheridan and Heather Mogden discuss the legal ramifications of “gender dysphoria” – also known as GD; the diagnosis associated with transgenderism. In addition to explaining legal aspects of GD that EAPs should be aware of, especially as it pertains to the Americans with Disabilities Act (ADA).

This article has important and specific information to use in your practice. By reading it and answering a 5-item multiple choice quiz you can **earn one free PDH**. View and take the quiz at <https://tinyurl.com/y6zysjv2>.

In a closely related article, Carolyn Ruck describes an EAP response when an employee requests workplace support while undergoing the final stages of a gender transition process. Carolyn illustrates her ideas with a case study that describes how a transgender disclosure was handled in the workplace.

Fitness for Duty Evaluations (FFDEs) are another workplace issue that can be tricky for an EA professional to navigate. Katie Connell provides an in-depth framework for identifying when an FFDE is appropriate, situations that may lead to an FFDE, and how to best work through the complex FFD process.

Elsewhere in this issue of the *JEA*, Janeen Haller-Abernethy, Matt Steinkamp, and Jeremiah Dahlen discuss the numerous methods EAPs can use for resolving conflicts in the workplace. Conflict is a disruptive and pervasive problem in many workplaces and employers are seeking assistance and relief.

Meanwhile, Jodi Jacobson Frey, Patricia A. Herlihy, and Alaina Kahn bring readers up to speed on the International Employee Assistance Digital Archive. This important resource was established in 2013 and functions to store and preserve historical documents, papers, presentations, and other materials related to the EA profession on a publicly accessible website.

Technology is an increasingly important element of our EA practices, and Tech Trends columnist

Marina London discusses the opportunities that chatbots present for our profession.

Finally, we would love to hear your thoughts about the new, all-digital *JEA*. Comments are always welcome on EAPA’s LinkedIn page or via email at journal@eapassn.org. As always, happy reading! ♦

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| By Janeen Haller-Abernethy, LCSW;
Matt Steinkamp, LCSW; &
Jeremiah Dahlen, LPC, CEAP

Conflict Management Services

Considerations for the EAP

As EA professionals, we are tasked with developing “a unique approach to addressing work-organization productivity issues” (Employee Assistance Professionals Association [EAPA], 2010, p. 6) and addressing the job performance concerns of the “employee client” (EAPA, 2010, p. 6). As guided by these EAP competencies, the Colorado State Employee Assistance Program (CSEAP) offers various services to assist employers and employees in mitigating the negative impact of workplace conflict.

Beginning with a micro-focus on conflict management skills for individuals and expanding the lens to view team strategies for processing conflict, this article will use a case study to demonstrate the efficacy of EAP conflict-focused services for both employees and employers.

Paula’s Dilemma

Paula is the manager of a project team, which includes two direct supervisors and the front-line employees they both supervise. Paula’s manager, Sue, the agency director, recently called a meeting with Paula to express concern about complaints submitted by front-line staff. The complaints stated that staff received “hostile” and “contradictory” supervision from their direct supervisors.

A separate complaint stated a front-line employee witnessed “tense conversations” between Paula and one of the direct supervisors. Paula was known for “marching down the halls” and “slamming her door” when upset with the direct supervisors.

In her meeting with Sue, Paula said, “*Sometimes I lose my cool but overall everyone seems to like me.*” Exasperated, Paula added, “*I need my direct supervisors to lead in a way that gets results from their team;*

our productivity is dipping and this is keeping me up at night.”

Sue and Paula scheduled a consultation with their EAP provider to discuss strategies to assist the team. Ultimately, they decided to implement coaching for Paula and the direct supervisors, mediation for the direct supervisors, and facilitation of team dialogue with the direct-line staff, supervisors, and Paula.

Coaching

In the case of Paula and her team, CSEAP may start by offering professional coaching services. Using a 360-feedback instrument, like the Goleman and Boyatzis (2016) Emotional and Social Competency Inventory (ESCI), could assist Paula in better understanding how she is perceived by others in the workplace.

Paula’s 360 results may show discrepancies between her self-ratings and ratings by others. This variance is used by the coach to encourage employee goal-setting in Goleman’s and Boyatzis’ (2016) four EI competency quadrants:

- Self-awareness;
- Self-management;
- Social awareness; and
- Relationship management.

In Paula’s situation, increased self-awareness may assist her in understanding how ‘losing her cool’ could lower both team morale and performance.

If used with the direct supervisors, the ESCI results and accompanying coaching sessions could prove useful in boosting effective leadership of the front-line employees. The supervisors cited by employees for “hostile and contradictory supervision,” for example, would likely receive low conflict management ratings.

Coaching and discussion of ESCI results could elicit supervisor adjustments in communication including “openly talking” or “bringing [conflict] into the open” (Goleman and Boyatzis, 2016, p. 20). ESCI results can also be mapped in a report to demonstrate where leaders, in aggregate, are thriving and falling short in their emotional leadership of the team (Hay Group, 2012).

General professional coaching on soft skills like managing emotions, managing conflict, and interpersonal skills for the workplace are also offered by CSEAP to both referred and voluntary coaches.

In a 2016 study (Losch, Traut-Mattausch, Muhlberger, & Jonas), professional coaching was found to create “a high degree of satisfaction and was superior in helping participants attain their goals” in comparison to professional group training on a performance-impacting issue (p.1).

In the case of Paula’s team, coaching on tweaking default approach to conflict (Thomas & Kilmann, 2007) may elicit more effective management behaviors from direct supervisors. More specifically, if one or both supervisors identifies that they are conflict avoidant or “accommodating,” personalized coaching sessions can assist them in drawing relevant connections between their teams’ lagging productivity and their own conflict-averse supervisory style(s) (Thomas & Kilmann, 2007, p. 7).

Mediation & Work Group Facilitation

Further opportunities for EAP conflict intervention include addressing workplace disputes between employee dyads and among the team. As indicated in the case study complaints citing that direct supervisors provide “contradictory guidance,” we might infer that these leaders disagree on how to lead their cross-functional team. As mediation has been shown to be an effective tool in addressing conflicts in the workplace, mediation between the direct supervisors could be an appropriate venue to streamline supervisory practices (McKenzie, 2015).

From our internal findings, the mediation process serves to de-escalate conflict by offering a neutral setting for employees to present their differing views and also gain an understanding of their colleague’s perspective. For Paula’s dueling supervisors, improved mutual understanding gained through mediation could assist them in presenting as a unified leadership team to their employees.

According to Schwartz (2002), workplace facilitation seeks to increase “the effectiveness of the group’s process and structure” including “how they handle conflict” (p. 5). Facilitation provided to Paula’s team could assist with their ‘dipping productivity’ by creating a safe structure to discuss team conflict.

For Paula’s team, CSEAP would consult with Paula, her agency director Sue, and the direct supervisors. In addition, feedback – via anonymous survey responses from front-line staff, can help uncover maladaptive team behaviors that impact the bottom line. The neutral facilitator then meets with the team to encourage dialogue by first highlighting their aggregate feedback.

How this Differs from the 360-Degree Approach

While a *byproduct* of work group facilitation may include individual improvements in conflict communication, this process focuses more on bolstering effective team dynamics to support overall improvements to productivity.

This CSEAP team service incorporates *team member* feedback (vs. individual 360 feedback) in order to reduce maladaptive team behaviors and increase civility in their work-related communication – especially as it pertains to conflict or difficult dialogue.

Through multiple facilitated discussions, teams discover workplace-culture concerns, and structural or organizational issues potentially contributing to team conflict. These discoveries lead to increased understanding of workplace conflicts or tensions and the related impact on morale or productivity.

Teams then identify goals focused on improved workplace interactions, and strategies for increased team communication or soft skills improvement – all of which could be implemented through the comprehensive EAP offering of coaching, training, and facilitation services.

Considerations

The following are considerations for EAP providers, internal or external, aiming to develop or increase conflict-related services.

➤ **Coaching vs. counseling.** There needs to be a clear understanding of the differences between coaching and counseling. While it may be appropriate for a licensed mental health provider to use

coaching strategies with both trainees and counseling clients, coaches without mental health licensure must understand their limitations should mental health-related concerns enter a coaching conversation. CSEAP licensed providers wear both coaching and counseling “hats.”

Moreover, the EAP practitioner must be astute in determining the appropriateness of coaching versus counseling, or use of both services. In the case of CSEAP, coaching typically focuses on setting and achieving goals for improvement in professional life while counseling is focused on mental health or personal concerns.

When coaching sessions become solely focused on personal or health-related matters, CSEAP pauses on professional coaching and focuses on counseling support or referring the trainee to an additional provider for further counseling sessions.

➤ **Qualified and trained staff are necessary.**

Internal and external EAPs must identify the training requirements for various professionals in their state. For example, mediation is not a regulated practice in Colorado; therefore, we defer to national standards which require 40 hours of mediation training.

Coaching regulations are also minimal in most states; therefore, EAPs must research established and reputable coach training programs to make available to their staff or seek out providers that have reputable training in the service areas targeted for expansion.

External EAPs might also consider providing training or certification to preferred providers vs. seeking agreements with new providers who may have training but don’t have a history with the EAP or its clientele.

Suggested resources for vetting providers include the Association of Talent Development (ATD), National Registry of Mediators (NRM); additional mediation resources include adr.org and americanbar.org.

➤ **Support the multiple “hats” worn by your EAP team.** Offer opportunities for external providers or internal team members to discuss the challenges and benefits of conflict-related support offered to your clientele. CSEAP offers quarterly or bi-annual meetings focused on coaching and mediation services to staff working in these roles. These meetings allow for case presentations and discussion, and shared opportunities for case brainstorming or problem-solving related to these services.

➤ **Costs and pricing.** As an internal program, fully-funded in state statute, CSEAP provides all services as a ‘value add’; that is, included at no additional cost for agencies or employees. However, CSEAP does negotiate extraneous expenses – i.e. travel, assessment tools – from agencies that request these services.

An external EAP provider would be prudent to consider the market rates for trained facilitators, mediators, coaches, and necessary tools (e.g. 360 assessment) in order to decide on appropriate fee-for service or capitated pricing. Rates will vary significantly depending on the region and the service.

For example, a brief Internet search indicates that facilitation services range internationally from \$100 to \$500 per hour and \$2,500+ per day while mediation services range from \$75 to \$250 per hour per party (Northstarfacilitators.com, 2015; American Arbitration Association, 2017).

CSEAP spends about \$20 per instrument for a conflict self-assessment tool while state agencies pay \$240 per assessment for 360 instruments when they elect Emotional Intelligence coaching for their employees.

In addition, a survey from the Conference Board Council on Executive Coaching (2008) finds that coaching services can range from \$200 to \$500 per hour.

Consider contacting your statewide mediation association, organizational development or human resource consultants or consortiums of these providers to inquire about market rates for facilitation, mediation, or 360 assessment services.

➤ **Data collection and destruction.** EAPs would be wise to consult with their legal counsel regarding recordkeeping for conflict services as laws and standards regarding privacy may vary based on locale. Internal and external EAP providers alike must be judicious in their efforts to standardize documentation and retention requirements for these ancillary services.

Summary

While there are numerous considerations that need to be taken into account, EAP conflict-focused services can be very effective for employees and employers alike. ❖

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