

SHOULD YOU FIGHT IT OUT OR WALK AWAY?

Marilyn Moats Kennedy MSJ



Perhaps it's flagrant mismanagement that's consuming you. You've presented your arguments, reasons, statistics and suggestions for a different course of action to your boss and been turned down flat. Maybe the problem is a personal issue. You are being treated so badly - sexual harassment, overwork or sheer abuse - that you want to fight the boss, the system and top management. Stop and think. Cut your losses are the three most important words in any employee's vocabulary.

All of us, at some time, have felt so strongly about a workplace issue that it became an obsession. When that happens, thinking rationally about the problem is difficult.

Before you call a lawyer or jeopardize your career by waging a one-man war against the it, consider this: Organizations dispense justice poorly--if at all. Fighting it out requires strength of character and the hide of a rhino.

Is it worth it?

Why shouldn't you fight if you've done nothing wrong? For example, you're highly productive, but they just don't like you. You'll get no severance if you walk out. Why not stay and make their lives miserable? It doesn't work that way. Anyone who's tried this strategy will tell you that they'll get you before you get them. They will torture you out and you can only stand so much ostracizing before you begin to wonder if *you* are the problem.

Try to negotiate a severance package. They may want you out badly enough to agree. If you can't get a severance package, move on anyhow.

A personal vendetta is the worst reason to stay in an untenable situation. You feel you can't or won't rest until the perpetrator is humiliated, fired and escorted from the premises. You want revenge and nothing less will satisfy.

Money, a new job, relocation, a better boss, winning the lottery wouldn't make you feel better. You may need psychological counseling. It's too personal and you're too emotionally involved. Before you determine to stay and fight it out, at least answer the following questions:

Are you strong enough to take a stand? Is your personality strong enough? Do you have a good support system? What else is going on in your life? If you're in a strange town, away from family and friends and going through a divorce or breakup, don't add a lawsuit to your troubles. We've seen otherwise normal people reduced to a breakdown by just one more emotional burden.

Can you financially afford a lawsuit? Assume you'll be out of a job temporarily. If your case doesn't fall under Equal Employment Opportunity Commission, will you have to hire an attorney? Do you have dependents? Debts? Other family obligations?

If rich Aunt Martha just left you a legacy, is this the way you want to spend it? Too many people assume that because they're the ones filing a complaint, they'll have no expenses.

What if your company fires you? You won't see any cash restitution for years. Will your career suffer?

What are the chances that making waves, legal or otherwise, will haunt you? What if your company starts a whisper campaign in your industry that you're a troublemaker?

If you live in a small town, or in a town where your company is the largest employer, you may have to relocate. If the company fires you or tortures you Out, are there other employers you could work for in a comparable position?

Think a long time about what two or three years of temping while you await resolution of a suit would be like. What will you win? Even a large cash settlement is bought with extreme stress. (And a lawyer will tell you that six-figure settlements are not the norm.) Smaller severance looks good in comparison.

If your issue is with organizational management, will your one-person crusade save the company? No one can rescue an organization with a death wish. Don't you suppose thousands of employees at companies such as International Harvester, IBM and Xerox recognized those companies needed to rethink their strategies? In the end, it was jump or go down with the ship.

Reasonable people jumped.

Many people tell us they must do what they're doing. That's scary language, isn't it? What must happen before you feel you can get on with your life and career? Don't let your principles hold you hostage.

If you say, "It's a matter of principle and that's what I'm fighting for," you should rethink it. You will not gain a thing - not money, not promotion, not job security - if you win.

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If you lose, you'll alienate enough people to fill the Superdome. Unfortunately, even when told, "You're right, but we're not going to do it," some people fight on, unable to get closure. The best technique we've seen for getting the courage to walk away is to record your arguments on video. Explain your side of the argument, theirs, what you want, what they want and then play it back.

One client reported, "It was scary. I became furious and red-faced over incidents that, when seen on video, seemed insignificant. I was complaining that my boss didn't like me. Of course he doesn't. I can't stand him either! At that moment I realized only a nut would keep trying to persuade someone he despised."

If you're still convinced a lawsuit is the only way to go, don't consider filing before you get a new job. Your company can trash you in a reference check (there are subtle ways, all legal), and you'll have a hard time convincing prospective employers that you are not a troublemaker.

Once you find another position, work at it until you're reasonably comfortable and then file. If this seems one-sided, it is. The good news is the company may settle because it's cheaper than going to court. The bad news is the CEO may decide he must fight to discourage other such charges.

If you decide to cut your losses and leave, there are other things you can do. Never miss an opportunity to tell the facts to people who may contemplate working for that company in the future. If one star turns down an offer and says why, the company may see a different reality. You must stick to verifiable facts, no conjecture or speculation, or you could get hit with a slander or libel suit. Write to the CEO. You have nothing to lose. She may be

unaware of whatever problem is driving you to greener - and saner - pastures.

Fighting for your rights should benefit your peace of mind, bank account and career. But it rarely does. That's an excellent reason to consider other options first.

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new PI project to examine "AutoFlow" using Dräger Evita ventilators in the MICU.

The Bibliography lists references from similar research and should include the reference for statistical methods.

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