

CAN'T BE DENIED

For Preview

**The Impact of Customer Discrimination
Facilitator's Guide**

For Preview Purposes Only

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By

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Instructor Introduction

Bad customer service is, and has been, a serious problem for our organizations. Countless customers are lost because of bad service, resulting in a loss of thousands, even millions of dollars for our organizations. Until recently, organizations would lose customers as a result of bad customer service, but they would not usually suffer legal consequences from the service they were providing. Today, bad customer service can cost organizations much more than the loss of customers. When employees provide service that discriminates against groups of protected persons, that service is illegal. This illegal treatment of customers can result in court costs and attorneys fees for both the organization and the employee providing the illegal service. It also could result in the costs of a possible verdict against the organization in addition to the cost of the bad publicity from the lawsuit. All these can be devastating for an organization. This program is designed to help organizations avoid these problems by provoking thought about customer discrimination and helping the leaders develop workable solutions.

Program Objectives

We recommend that you write these on easel paper and place them in a location for all to see during your training session.

Upon completion of this program, the training participants will:

- Realize the importance of providing good customer service to all customers.
- Know the key things that leaders must do to comply with the law and ensure quality customer service to all customers, which are:
 - **Develop** a customer service policy that complies with the law.
 - **Communicate** that customer service policy to all employees.
 - **Implement** that customer service policy consistently.
 - **Lead** by example.
 - **Monitor** employee performance for strict compliance.
 - **Enforce** the customer service policy with full authority and consequence.
- Understand that a good customer service policy will be the same for all customers regardless of age, race and national origin.

Preparation

When leaders must enforce policies, it is essential that they familiarize themselves with those policies. Therefore, you will need to look at your organization's customer service policies. You need to find out if there is anything about customer discrimination in those policies. If so, copy those sections to hand out in your training session. Most organizations have discrimination policies, but they do not have them in their customer service policies. In that case, you need to be prepared to address these issues in the training session.

You also will want to understand the law and the recent news on this topic by doing some research. Several organizations have settled for vast amounts of money because of customer discrimination. Other organizations are currently being sued. You should familiarize yourself with what happened in these cases so that you can educate your leaders about how to avoid such situations in your organization.

Finally, you will want to make sure the leaders understand the key steps presented in these materials so they can effectively transfer their learning to their workplace.

Training Options

Can't Be Denied can be presented in a variety of formats. Each option discussed below can be used individually or combined with one another. As the facilitator, you should examine each option and use the one that best fits your organization. Suggested training options include:

1. After some short introductory remarks, have the training participants view *Can't Be Denied*. Have an in-house expert stop the video after each vignette and discuss with the participants what they would do in each scenario and the policy relating to each scenario.
2. After some short introductory remarks, have the participants view *Can't Be Denied*. Have an in-house expert discuss the video, the organization's policy, and the law related to the issues presented.
3. After introductory material, the facilitator shows *Can't Be Denied*. After scenarios are viewed, the facilitator stops the video and has small subgroups develop solutions or make suggestions about what might be done for each issue and present them to the larger group for discussion.
4. Follow along with the Leader's Guide and have the participants complete suggested exercises using the worksheets provided.
5. The trainer could develop other potential customer service scenarios, with participant input, and have the group discuss possible resolutions.

The Training Session

Below there is suggested script for the facilitator. These are suggestions only. Please customize this script for your organization and for your personal training style.

Introduction

Say: How many of you have heard in the news about organizations that have discriminated against their customers?

Ask for a show of hands.

Say: What happened in those cases?

This should invoke some lively discussion about recent cases. This will be a good way to help participants understand that this is a huge issue right now and that organizations are losing millions of dollars because of discrimination against customers.

Say: As we discussed, those organizations lost millions of dollars, employees certainly lost jobs, and millions of people, including yourselves, read the bad publicity about these organizations—all because of bad customer service. These major losses could have easily been avoided, but these organizations either didn't have, or didn't enforce, anti-discrimination policies in the customer service they provided. We are going to watch the video, *Can't Be Denied*, about customer service that, at the very least, is unacceptable, at the most—illegal.

Before we begin I would like you to think about a situation where you received very poor customer service. How did you feel? What did you do about it?

You may choose to use the worksheet provided entitled Bad Customer Service to facilitate this exercise. The worksheet may help participants focus on the results of bad service and how much money organizations lose due to bad service.

Now watch and find out what these customers experienced.

Play *Can't Be Denied*. *After you play the video, you may want to facilitate it with the worksheets provided. There is one worksheet for each of the four video scenarios. After you facilitate the video, you can use the following suggested script to go over each key step described in the video.*

Key Steps for Avoiding Customer Discrimination Problems

Say: Let's talk about what you can do in your organization to avoid the problems shown in this video.

It may be helpful to have these key steps written somewhere so you can discuss them one by one with participants. You could put them on a flip chart or Power Point slide.

1. Develop a customer service policy

Say: It is crucial that your organization's customer service policy includes material forbidding customer discrimination. You need to make it clear, in your policies themselves, that discriminating against customers on the basis of age, race, ethnic origin, religion, disability, or any other difference, *will not be tolerated*. There should be no doubt that any employee who discriminates against customers will be dealt with immediately and consistently based on these policies.

What should be included in your customer service policy regarding discrimination?

Let them answer. It is often effective to record their answers on a flip chart or white board. You can also use the worksheet provided for participants to record their answers. Some things other organizations are doing include:

- *Posting signs at entrances saying all customers are welcome.*
- *Posting an 800 number in an obvious place so the customer can complain if desired.*
- *Investigating all discrimination complaints within 24 hours.*
- *Creating a specific department to investigate allegations of discrimination and to develop procedures for discrimination complaints.*
- *Dealing immediately with any employee caught discriminating against customers.*
- *Having specific procedures in place for dealing with customer complaints, specifically for discrimination complaints.*

2. Communicate the policy

Say: Once you have a policy in place, that policy must be communicated effectively to all employees. What are some good ways to communicate these policies?

Again, you may want to record answers on a flip chart or a white board. Be prepared to discuss the pros and cons of each type of communication.

3. Implement the policy

Say: Once you have created the policy and effectively communicated it, you will want to make sure the policy is implemented consistently.

Now, I'd like you to take a few minutes to fill out this assessment about the customer service at your organization.

Pass out the Customer Service Assessment and give the participants time to fill it out.

After they fill out the assessment, you may want to group them in teams of 3-5 to discuss how they feel their organization is doing. You may want to use the worksheet provided, entitled Implement the Policy, to help facilitate the discussion.

Say: What were the major areas of concern with the customer service at your organization?

Record answers.

Say: Now let's develop realistic, workable solutions for these problems.

You might want to assign each team a problem and have them develop the solutions for it. Then, have each team discuss the solutions that they came up with in the group as a whole.

4. Lead by example

Say: It is not enough to have a policy and implement that policy; employees will look to you to determine what is and is not acceptable behavior. If management does not follow the policy, the employees are not likely to follow the policy either. You must live the policies yourself so that it is clear that you are serious about them.

In order to lead by example, you may need to look at your own stereotypes and prejudices. Most of us have one or more stereotype or prejudice—it may not be racial or cultural even, but based on something like education level or financial status. It is important that we acknowledge what our own biases are so that we can make sure that our behavior is not such that we treat people differently based on these biases. It is only by monitoring our own behavior that we can effectively lead by example.

Take a minute and think about stereotypes and prejudices that you may have. Then think about how these stereotypes and prejudices might be portrayed in your actions. It is these things that you will need to work on so that employees don't see you acting in a discriminatory manner.

5. Monitor employee performance

Say: When you have an anti-discrimination policy, you must make sure you monitor employee performance for strict compliance with that policy. You must find ways to constantly monitor *each* employee to make sure there are no deviations from acceptable customer service.

6. Enforce the policy

Say: You must be willing to enforce your customer service policy firmly. Employees *must* be aware of the consequences for failing to follow your policy, and these consequences must be carried out consistently. There should be zero tolerance for any employee who does not follow the policy. There should be no, “Well, I’ll let it go this time, but don’t let it happen again.” Failing to strictly enforce these policies could result in the loss of jobs and even in lawsuits. Any deviation from these policies simply cannot be tolerated.

You must also take any discrimination complaints very seriously and respond to them within 24 hours, if possible. If you make it a practice to follow up with any complaint quickly, you can correct any problems before they cause your organization bigger problems. You should have procedures in place, as part of your policy, for dealing with customer complaints effectively and efficiently. It would be a good idea to follow up with the complaining customer to ensure that that person knows you are serious about providing an environment where people are not discriminated against.

How can you best enforce these customer service policies? What procedures will you need to follow to enforce these policies? Who will you need to contact to make sure these policies are enforced?

You may want to have participants write down the answers to these questions on the worksheet provided entitled Enforce the Policy.

Close

Say: If you follow the steps we have talked about today, you may prevent your organization from losing customers or even from a lawsuit. By following these steps, you will create a place of business where all customers feel welcome and important. This means saving your organization money, but it could also mean helping your organization survive in the competitive environment of today’s marketplace.

Video Vignettes

Vignette #1—The Old Coot

An elderly gentleman tries to get service at a hotel. The bellhop is talking on his cell phone—having a personal conversation—and ignores the man. Once the man gets to the counter, he is again ignored by the clerk who is chatting with another customer. He catches a glimpse of several employees behind a door who are talking amongst themselves and laughing. The manager is nowhere to be found. The man tries to catch the clerk’s attention by dropping his keys on the counter, but no one acknowledges him. He eventually walks out and asks the taxi driver to take him to “a good hotel.”

What are the problems in this scenario?

What customer service policies should have been implemented in this situation?

What should the manager have done in this situation?

What is the potential cost to the hotel for this service?

Do you think the employees at this hotel are discriminating against this man because he is elderly? Why or why not?

Vignette #2—The Shoe Store

A man, likely of Hispanic origin, enters a shoe store. A clerk and the manager secretly follow this man around the store, apparently to make sure he does not steal anything. The man then approaches the cashier with his order. She is not particularly interested in him until he orders over \$2,000 worth of shoes. She is very surprised by this order. After the man leaves, the manager and the clerk congratulate each other for a job well done.

Why do the clerk and the manager congratulate each other at the end of this scenario?

Did the clerk and the manager accomplish what they should be accomplishing?

What should the focus be for these employees?

How do you think the Hispanic man would feel if he knew he was being followed?

How do you think the Hispanic man felt about the cashier's surprised reaction when he purchased over \$2,000 worth of shoes?

Vignette #3—In Your Neighborhood

A black man walks into a bank to open a checking account. He walks up to the teller and tells her what he would like to do. She rudely points him to the bank officer area. He sits down and tells the bank employee there that he would like to open an account. She asks him if he would rather use a bank closer to his home implying that he must live in some other neighborhood. Then she notices the large amount of money he is using to open the account and that he is a doctor. She quickly changes her attitude toward the man. He decides not to use that bank and leaves. She tries to call him back once she realizes her mistake.

What assumptions were being made about the man who was trying to open the account?

What did that woman mean about a bank closer to his home?

Do you think that man could file a discrimination suit against that bank? Why or why not?

What would be some good policies for this bank to have when dealing with customers?

Vignette #4—The Bad Busboy

A black couple is seated at a dirty table in a restaurant. One busboy avoids the table. The server tells the busboy to clean the table, but the busboy refuses. He suggests that those people go somewhere else if they don't like it. The customers sit at the dirty table for some time. The manager gets involved in the situation and tells the busboy that he needs to clock out immediately and that he needs to discuss this situation with human resources. Two other black employees give each other the high five after the manager leaves. The manager then goes and apologizes to the customers and offers them some coffee.

What was this restaurant's policy about discriminating against customers?

How did the manager enforce this policy?

In what ways did this manager lead by example?

How do you think the customers felt after the manager apologized to them?

Why do you think the man still felt angry?

Participant Program Materials

Worksheets

The following pages contain worksheets that you can use to enhance your training program. They will also allow your participants to pay full attention to the training session since they will not need to take notes. You may make copies of these worksheets as needed.

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Bad Customer Service

Think about a time that you received really bad customer service. What happened?

What did you do about it?

Was there some method for you to use to complain about the service? If so, what was it?

Will you go to that place again? Why or why not?

How much money did you spend at that place?

Did you tell friends and family about your experience?

When people receive really bad customer service, they are far less likely to try that place of business again if there is no method for complaint. If their complaints are heard by someone, or they have been able to write their complaints down on a complaint card, they are somewhat more likely to try that place again. If their complaints are then dealt with to the customer's satisfaction, they are much more likely to try that place again. If none of this happens, customers generally will not give a place another try. If the service was truly terrible, customers are also likely to tell friends and family about their experience. The loss of one customer may not cost the organization a lot of money, but as that customer tells others of his or her experience, the loss starts adding up. This is why it is so critical that each customer gets treated with respect and in a way that makes him or her feel important.

Lead By Example

Even when you have a policy that is being implemented, your employees will look to you, their leader, to see which behaviors are acceptable and which are not. Policies that are not followed by management normally will not be followed by employees either. Most policies must come from the top down to be taken seriously.

Leading by example can present a problem for many of us because most of us have our own stereotypes and prejudices based on our upbringing and our past experiences. Prejudices can come from our parents, our family, our neighborhoods, our schools, and our jobs, among other things. Prejudices are not necessarily racial or cultural, but can be based on many differences. We must look inwardly and examine our own biases before we can effectively model non-discriminating behavior. After we acknowledge our prejudices and stereotypes, we must determine how our behavior is impacted by these prejudices and stereotypes. It is essential that we avoid treating people differently based on these prejudices and stereotypes. We will best be able to lead by example when we are able to monitor our own behavior towards those who are different from us.

Think about some stereotypes and prejudices that you may have. How are these stereotypes and prejudices portrayed in your actions? How can you change your behavior to avoid discrimination?

Monitor Employee Performance

With any customer service policy dealing with discrimination, you must find ways to monitor employees for strict compliance. Sometimes we feel uncomfortable monitoring employees, like we are spying on them. However, monitoring employees is essential. Many times employees are simply not doing what we think they are. And even though we have policies in place, some employees will not follow them. One of the best ways to monitor employees is to ask people to act as customers and then get their feedback on how they were treated. It would be particularly helpful to get people from different racial and ethnic backgrounds to act as customers. Their feedback could be very valuable in keeping your organization out of trouble.

What are some other ways to monitor employee performance?

Enforce the Policy

Customer service policies dealing with discrimination must be firmly and consistently enforced. The consequences for failing to follow your customer service policy must be clear to each employee in your organization. Not only should the policy be clear, but it must also be enforced consistently. There needs to be zero tolerance for discrimination. You simply cannot let instances of discrimination slide or turn your back to them because a “good” employee is the one discriminating. You must deal with each employee who discriminates against customers, even if the discrimination is not blatant. Subtle discrimination, if left alone, often becomes much less subtle as the employee gets away with his or her behavior. You must set the standard for all employees.

Also, you should make sure you handle all customer discrimination complaints quickly—within 24 hours if possible. It is important to deal with each problem right away so that the problem does not end up costing your organization more than one customer. Your policy should contain clear procedures to follow any time a customer complains. After you deal with a customer complaint, it is often a good idea to follow up with the customer who complained, in writing if possible. That way your customers will know you are serious about providing a good environment for all customers regardless of differences.

What are some ways to enforce your policies regarding customer discrimination?

What procedures will you need to follow to enforce these policies?

Who will need to be contacted?

Customer Service Assessment

Please read the following questions and mark the answer that most accurately describes your organization. It will help you better assess your organization if you answer these questions as truthfully as possible.

| | Almost Never | Occasionally | Sometimes | Often | Almost Always |
|------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|--------------|-----------|-------|---------------|
| My employees greet customers very quickly upon entering my place of business. | | | | | |
| <i>My employees make personal calls when customers are present.</i> | | | | | |
| If my employees can't help a customer right away, they quickly explain to that customer why not and that they will be with him or her as soon as possible. | | | | | |
| <i>My employees have personal conversations with each other while customers are present.</i> | | | | | |
| <i>My employees would rather help white customers than black customers or customers of different ethnic origins.</i> | | | | | |
| <i>My employees make assumptions about a customer's ability to pay or tip based on that customer's race or ethnicity.</i> | | | | | |
| <i>My employees will closely monitor black customers or ethnic customers to make sure they don't steal anything.</i> | | | | | |
| My employees make sure all customers are helped before they leave my place of business. | | | | | |
| My customers have a 1-800 number posted in a prominent location that they can use to complain about bad service. | | | | | |
| There are comment cards in my place of business that customers can use to complain about poor service. | | | | | |
| <i>Customers complain about the service they receive from my employees.</i> | | | | | |
| I have someone come into my place of business, anonymously, to monitor the customer service my customers receive. | | | | | |

| | Almost Never | Occasionally | Sometimes | Often | Almost Always |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|---------------------|------------------|--------------|----------------------|
| I have people of different racial and cultural backgrounds come into my place of business, anonymously, to monitor the customer service my customers receive. | | | | | |
| All new employees must learn our customer service policies. | | | | | |
| All of my employees are familiar with our policies regarding customer service and discrimination. | | | | | |
| I strictly follow my organizations customer service policies and our policies regarding discrimination. | | | | | |
| Leaders in my organization follow our customer service policies and our policies regarding discrimination. | | | | | |
| I have specific procedure in place for dealing with customer complaints. | | | | | |
| All customer complaints are dealt with in my organization. | | | | | |
| All customer discrimination complaints are handled within 24 hours. | | | | | |
| I follow up with customers who have complained about discrimination in my workplace. | | | | | |
| <i>My employees discriminate against customers on the basis of race or ethnicity.</i> | | | | | |
| All employees who discriminate against customer are dealt with immediately. | | | | | |
| There is a specific department at my place of business to deal with any allegations of discrimination. | | | | | |
| My employees provide a friendly environment for all of our customers. | | | | | |

Scoring:

For each question in black, give yourself 5 points for **Almost Always**, four points for **Often**, three points for **Sometimes**, two points for **Occasionally**, and one point for **Almost Never**.

My total score for the questions in black is _____.

For each question in gray boxes (*italics*), give yourself 5 points for **Almost Never**, four points for **Occasionally**, three points for **Sometimes**, two points for **Often**, and one point for **Almost Always**.

My total score for the questions in gray boxes (*italics*) is _____.

Add your two scores.

My total score is _____.

If your organization scored between 100 and 125, you are doing well with your customer service. Your organization is doing what it needs to in order to protect itself from customer service complaints. Also, your organization is staying competitive in the marketplace because it is providing customers with the good service they deserve.

If your organization scored between 75 and 100, you could be providing better customer service to your customers. You will want to monitor your customer service employees more closely to make sure they are not discriminating against customers and that they are providing good service to your customers. Your organization could be in danger of having a customer discrimination suit filed against them.

If your organization scored lower than 75, you need to take immediate action to fix the customer service in your organization. You are in serious danger of having a customer discrimination complaint filed against your organization. Also, you are losing customers to other organizations that treat their customers with respect. The bottom line is that your organization is not likely to survive in this competitive market.