

# THE DAILY RECORD

Monday, August 19, 2019

Volume 130 | Number 221

TheDailyRecord.com

## No, I don't represent the 'dark side'

I'm a fan of the TV sitcom "The Office." The character who is the manager of Dunder Mifflin's Scranton office, Michael Scott, is a lovable buffoon who constantly creates compromising situations that would be a nightmare for any human resources professional.

In one episode, Michael Scott gathers the staff in the conference room to perform an exercise that initially appears intended to teach cultural sensitivity/diversity. He hands out index cards with different national origins and instructs the holder of each card to stick it on his/her forehead, so others can see what is written but they can't. But he then encourages other employees to use stereotypes to describe the particular national origin so the person with the card stuck to their head can guess what it says.

At one point, Michael Scott encourages the receptionist, Pam, to help another character, Dwight, identify the culture written on the card stuck to his forehead. Michael tells her to "stir the pot" and "get ugly!" She reluctantly acquiesces and says, "If I have to do this ... based on stereotypes that are totally untrue and I do not agree with, you would maybe not be a very good driver." Dwight responds, confident he has nailed it, "Oh man, am I a woman???" Actually, no. Pam was describing a stereotype of another group. Michael Scott's exercise concludes with everyone in the room offended and Michael remaining blissfully ignorant. The episode is so cringeworthy, you can't help but laugh out loud.

LAURA  
**RUBENSTEIN**  
Commentary



We all know that stereotypes are unfair, keep people down and hold them back. If used in real employment settings, they could also be discriminatory. As a management-side employment attorney, I'm sometimes stereotyped too. Not because I'm a woman, but because I represent employers.

I recently referred a case to another lawyer because of a conflict. This person is my junior, so I thought it would be a good case for his practice. About a week later, I ran into him. He first apologized that he had neglected to acknowledge I had sent him the referral. Second, he admitted to not following up with the client. And then he joked about my practice, saying that I represent "the dark side." I shrugged it off and told him that's just not true. The exchange happened in a social setting, so going into defense mode would not have been appropriate. Instead, I'll do it on the pages of The Daily Record.

I assure you, I don't represent the dark side. My experience working with thousands of employers over my decades of practice has been special. I've met company owners and business leaders and they are intelligent professionals who strive to ensure that their companies and organizations are both successful and compliant. They want

to do right by their employees. They want their employees to be successful, to be rewarded, to be leaders and to share their vision for success.

Of course there are times when employers and employees disagree, when there are mistakes and misunderstandings on each side. Sometimes there is poor communication for which both parties tend to bear some responsibility.

But never have I ever come across employers who were devious or malicious or who wanted to inflict hurt, pain or fear on their employees. Rest assured, if I had I would counsel them to do the contrary before I fired them as a client.

For anyone to assume that all employers are dark or malevolent is just wrong and ignorant. This stereotype perpetuates employers as shysters and employees as innocent lambs entering the slaughterhouse. Even worse is when the attorney representing an employee uses this false narrative to convince his or her client of the grand awards the employee could receive in a lawsuit. I've seen this hold up a fair settlement because of excessive legal fees and false expectations of early retirement.

Thankfully, I know many ethical and respectable lawyers who represent employees. I will assuredly give my future referrals to those who share my perspective and who know there is simply no dark side.