Management Tips

Employment Law • HR • Training • Surveys

Employers Council, the nation's largest employers association, has provided expert assistance and thoughtful guidance to employers since 1939. We collaborate with our members to develop effective, successful employer-employee relationships by providing "one-stop shopping" in every facet of human resources and employment law. Employers Council offers the broadest array of professional services under one roof. We walk alongside our members, offering guidance, support and expertise.

<u>Click here</u> for information about our services and special pricing for USA Gymnastics member clubs. Contact me with any questions or to discuss how we can assist your organization.

Ryan D. Nelson, Esq., Utah President <u>RNelson@EmployersCouncil.org</u> / 801.364.8479

Someone Smells Funky

February 2019 / Employers Council

How does management address the situation when an employee complains of a co-worker's offensive body odor (BO)? Although most managers would rather not get involved in personal hygiene problems, it is important to take a direct and empathetic approach. Such a problem cannot be ignored. Left unresolved, it can hurt productivity and the employee's ability to work with others. Additionally, if the employee with BO deals face-to-face with customers, relationships and even sales can suffer.

Individuals with BO may not be aware that their odor is offensive to others, so managers need to start by tactfully discussing the issue with the employee. Be open and listen to his/her side of the story. Seek a way to fix the problem without insulting or embarrassing the employee.

These problems can come from poor personal hygiene, bad breath, or obesity. There may also be an ethnic angle such as a diet emphasizing curry or garlic which can cause the body to emit odors. A national origin discrimination claim may result if the employee is unjustly disciplined. In addition, an employee's BO may be caused by a medical condition, and if you do not deal with it correctly, you may violate the Americans with Disabilities Act (ADA). Here are the Do's and Don'ts when dealing with BO problems in the workplace.

Do:

- Try to observe the employee's body odor firsthand to confirm complaints.
- Discuss the problem with the employee privately, ensuring complete confidentiality.
- Treat the body odor like any other job-performance issue. Tell the employee there is a problem and that he or she should fix it.
- Treat the employee with respect and preserve his/her dignity.
- Think about what you want to say ahead of time. Be prepared.
- Suggest appropriate help such as showering more often, using deodorant, or bringing an extra clean shirt to work.
- Put an end to co-workers' teasing to avoid ostracizing the employee.

Don't:

- Ignore or dance around the problem.
- Publically shame or ridicule the employee.
- Make assumptions or inquire about the cause of body odor.
- Mention cultural differences, such as diet, that could trigger bad feelings as well as potential discrimination claims. Never ask the individual to change his/her diet.
- Delve into medical conditions.

If an employee volunteers that his or her body odor is caused by a medical condition, do not jump to conclusions. You can request a letter from his or her doctor verifying the medical problem. People with "disabilities" are legally protected. Under the ADA, a "disability" is a physical or mental impairment that "substantially limits one or more major life activities." The ADA also covers individuals who are "regarded as" having an impairment. You may be required to offer "reasonable accommodation." Options include allowing flexible restroom breaks, enclosure of the employee's workspace, use of a fan or other forms of ventilation, use of odor-absorbing products in the work environment, or simply tolerating the smell.

If your approach is respectful and compassionate, most employees will respond by willingly fixing the problem. Some may even be grateful for your candor.



