

## CEP Magazine – February 2019 Training as the centerpiece of risk mitigation

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As it relates to the mitigation of risk, one of the most powerful things you can do is ensure a sustained and robust results-oriented training program. Have an issue with your “P-Cards” (company-issued purchasing cards) in how they’re being used? A rise in equal employment opportunity (EEO) complaints? Compliance violations of one kind or another or performance issues? It can all be solved through superior training and, in most cases, could have been stopped pre-launch or stunted in its early development as a result of training as well.

A top-tier training platform consisting of a diverse and multipronged approach is kryptonite to risk. But realistically, the term “top-tier training platform” has different meanings to different organizations, and the variables are endless. It depends on the executive leadership and their understanding of the nuances and intricacies of training, general talent, gifts, style of governance, accountability posture of the organization, and more. This includes the next level of leadership, perhaps the one or two after that, and then potentially everyone up and down the training chain of command. As a result, unfortunately, we know that many organizations are engaging in the exact opposite of quality training programs needed for success—certainly not the kind of training that will aggressively mitigate risk (in actuality, success and mitigation of risk are one in the same). And relating to risk outside of the performance mission of an organization, we don’t just want to mitigate risk; we want to do it aggressively so that the conduct manifesting from risk literally has no air to breath.

This leaves us with primarily two traditional kinds of training:

1. Rote memory, standardized classroom. Read a slide as I repeat what’s on the slide (aka torture chamber) training.
2. Online portal training designed more to “cover ourselves” by saying that we taught it so we can put it in our employees’ files to help mitigate risk more than impact the culture of the organization.

As a side note to number two, I’m sure that many people are saying, “Wait a minute. That’s not the purpose of our online training!” But here’s the question you have to ask: Exactly how are those online test questions and the way they’re being presented going to impact the culture of your organization? Because the higher purpose of all training is to positively affect the culture, because training is culture. If someone’s learning something, but it’s having a minimal impact on the culture, then the sphere of that training evolution is weak and incomplete.

### **Mitigating risk through training**

So let’s get back to training and risk mitigation. Currently, when an entity performs training, in theory, it documents all of the training assigned to each employee for a myriad of obvious reasons. One of the main reasons is to illustrate that the employee knew or should have known better when doing or not performing a certain thing. The hyper-documentation of training and experiences (which I will elaborate on at another time) is a strong risk mitigator, particularly as it relates to certain categories like EEO issues. There’s nothing better than

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reviewing the behavior of a wayward employee and then pulling out a file the size of an old-school phonebook that denotes all of the training that Johnny Boy took, showing that he knew or should have known better.

But I believe there's going to be a shift in the paradigm in regard to the standard and overall litmus test for that phonebook of training. Why? Because unlike before, we have the introduction of two critical concepts that will require organizations to think differently about training as it relates to risk.

The first is the workplace culture craze. Now more than ever, everyone understands the importance of culture in an organization and the direct cause and effect that culture has on behavior. I teach that training is in fact culture. What you train and what you don't train equals the culture of your organization, period!

The second thing is, there is a nuance of tremendous note and impact. Yes, automatically and without regard, what you train equals impact. If what you train is not specifically designed to affect the culture of your organization, it may ultimately have little-to-no qualitative value.

## **The double-edged sword**

Which leads us to a potential scenario regarding training and risk. To date, presenting training files to opposing counsel for discovery in a civil action (against your firm) and handing them 500 pages of training might not cut the mustard anymore. Prior to the recent deeper understanding and importance of culture as it relates to training, training was reviewed to see if it is (among other things) "thorough and complete." I submit to you that the meaning of thorough and complete has always meant a lot of things, but it has never meant to include the question, "How did this training affect the culture of the organization and the people learning it?" like it does today. And that, my friends, is the new litmus test that I believe can change the dynamic of training and risk.

If a training expert can establish that the nice phonebook you provided has lots of so-called training, consisting of rote memory and online portal nothingness designed to cover your backsides more so than have a positive effect on the culture, then that proud, 500-page document will be worthless! And I believe in many cases, where training is at the forefront of evaluation (which should essentially always be the case), the quality of training and cultural implications will be an emerging challenge. Saying that we taught something a thousand times with a signature from the employee won't cut it—especially if one can prove that he or she didn't really learn anything and that it had zero effect on the culture. And again, I believe that a proper analysis can expose it.

If done properly, it's not going to be like explaining the atomic weight of beryllium. It's going to be a rather simple  $A + B \text{ failed to} = C$  kind of explanation as to why the training failed. The facade looked good and frequent, but in actuality, it wasn't worth the paper it was written on. No one was really trained at all. The question is, will it be your company that's among the first to be exposed by having that kind of deep dive performed on the qualitative value of your training? It's a threat worth reviewing and then mitigating forthwith.

Saying that you trained Jill 50 times on something may sound like you performed due diligence. But I could make an argument that if you trained her on it that many times and she didn't get the memo, then it was inadequate training in the first place, which is also why you've had previous difficulties with this same thing so many times before. So be careful about issuing training that has little qualitative value other than to check a box, because you could be potentially exposed as being more concerned with covering yourself than engaging in training that has a positive effect on the culture and behavioral outcomes. Thus, that coveted training file may indeed be a sword that cuts both ways.

## **Conclusion**

Never train just for the sake of training or document without a higher purpose in its design. You should always

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train to the highest standards, and that always includes training designed to impact culture.

Remember, it's not about quantity; it's about the quality.

And particularly in areas of severe liability and risk, make sure to use a diverse and multipronged approach to training to ensure the greatest chances of actual learning that affects culture—not just a checklist. Then and only then can your training programs provide greater insulation from threats as the centerpiece of your risk mitigation.

## Takeaways

- Don't be so quick to fatten up personnel files with training. It's about quality and not quantity.
- Legitimacy of workplace culture can cause a paradigm shift in how training is analyzed. Poor yet thick training files may expose you instead of insulating you from risk.
- The higher purpose of all training is to impact the culture of your organization.
- If someone's learning something, but it's having a minimal impact on the culture, then the sphere of that training evolution is weak and incomplete.
- Don't be the future case everyone refers to. Get ahead of the curve and review your training pre-incident. If you say "not us," it's probably you!

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