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A blurred, blue-tinted background image of a person in a suit walking away from the camera in an office hallway with glass walls.

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Workforce Strategies

Grief and Bereavement: Understanding How Employees Grieve in the Workplace

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INTRODUCTION

Employees grieve in many different ways, complicating the employer's need to both accommodate their grief and mitigate its impact on productivity. Grief is a response to loss—not only to death, which is a common misconception, but to the loss of anyone or anything to which a sufficient emotional attachment has been formed.

Employees grieve such personal losses as divorce, financial setbacks or loss of a home. The recent economic crisis has increased the number of employees grieving the disruption of such future plans as retirement, home ownership or contributions to children's college savings plans, while corporate downsizing and reductions in force can result in grief for the loss of colleagues, Rita Milios, LCSW and psychotherapist, told Bloomberg BNA.

This issue of *Workforce Strategies* provides employers with insight into how employees grieve in the workplace, how to identify and support employees through the grieving process and best practices for managers and human resource practitioners on how to limit disruption in the workplace while helping the employee deal with his or her grief.

Grief is a response to the loss of anything important, not just to the death of a loved one.

UNDERSTANDING GRIEF

The Grief Index 2003 Survey found that grieving employees cost U.S. businesses over \$74 billion a year. Death of a loved one is the most costly (\$37.6 billion), followed by divorce/marital woes (\$11 billion), family crisis (\$9 billion), death of an acquaintance (\$7 billion), money trouble at home (\$4.6 billion) and pet loss (\$2.4 billion).

Russel Friedman, founder of the Grief Recovery Method and coauthor of the 2003 Grief Index (see below), told Bloomberg BNA that, although the index has not been updated since 2003, his impression is that the ratios are the same but the numbers are higher and that the impact of grief is “exponentially higher because there is more impact of unresolved grief in the workplace than there has ever been.”

“There is more impact of unresolved grief in the workplace than there has ever been.”

Friedman adds that what is universally most affected when someone is grieving is the ability to concentrate and that employers must make some allowance for that.

“We’re not asking organizations to be grief specialists,” Friedman said, “but they do need to be less rigid in the demand that some policies can force employees to try to adapt back to work too soon.”

Grief does not always incite a strong emotional response and can be difficult for employers to recognize, according to A.J. Stein and H.R. Winkuer (“Disenfranchised Grief: Recognizing Hidden Sorrow” in K. Doka (ed.), *Monday Mourning: Managing Employee Grief* (New York: Lexington Books, 1989), pp. 91-102), because “in the norms of the world of work, all losses become disenfranchised because emotions and feelings are discounted, discouraged, and disallowed.”

The American Hospice Foundation has identified eight myths employers and labor leaders need to overcome:

- Myth 1: We only grieve deaths. Reality: We grieve all losses.
- Myth 2: Only family members grieve. Reality: All who are attached grieve.
- Myth 3: Grief is mostly an emotional reaction. Reality: Grief is manifested in many ways—including physically, behaviorally and socially.
- Myth 4: Individuals should leave grieving at home. Reality: We cannot control where we grieve.
- Myth 5: We slowly and predictably recover from grief. Reality: Grief is an uneven process, a roller coaster with no timeline.
- Myth 6: Grieving means letting go of the person who has died. Reality: We never fully detach.

Grief Index

The "Hidden" Annual Costs of Grief in America's Workplace 2003 Report Key Informational Findings

Among Management Level Personnel

- 85% of management level decision makers indicate that their decision-making ranked from Very Poor to Fair in the weeks or months following the grief incident that affected them.
- 60% of those responding Fair, Poor or Very Poor, indicate that some of their decisions definitely had direct negative financial impact on their company.
- 30% of those responding Fair, Poor or Very Poor, indicate that some of their decisions may have had direct negative financial impact on their company.

Among Supervisorial Level Personnel

- 80% of supervisorial level personnel indicate that their interactions with those under their supervision was Very Poor to Fair [Compared to their interactions prior to the major loss.]
- 25% of those reporting that their interactions with those under their supervision was Very Poor to Fair indicate that their interactions with those under their supervision may have had negative financial impact on their company.
- 40% of those reporting that their interactions with those under their supervision was Very Poor to Fair indicate that their interactions with those under their supervision may have had negative financial impact on their company.

Blue Collar and other Physical Job Categories

- 90% of those in physical jobs [i.e. not white collar] indicate a much higher incidence of

physical injuries due to reduced concentration in the weeks or months following the grief incident [compared to their ability to concentrate prior to the major loss].

- 50% of those reporting a higher incidence of physical injuries due to reduced concentration in the weeks or months following the grief incident, indicate that the reduced concentration may have led directly to accidents or injuries resulting in additional lost work time.
- 25% of those reporting a higher incidence of physical injuries due to reduced concentration in the weeks or months following the grief incident, were not sure/could not recall if the reduced concentration led directly to accidents or injuries resulting in lost work time.
- 91% indicate that the accident or injury could have been avoided if they were better able to concentrate.

Source: The Grief Recovery Institute

- Myth 7: Grief finally ends. Reality: Over time most people learn to live with loss.
- Myth 8: Grievers are best left alone. Reality: Grievers need opportunities to share their memories and grief and to receive support.

DIFFERENT KINDS OF GRIEF

According to the American Psychological Association, normal, anticipatory, complicated and disenfranchised grief are the most commonly cited categories employers should be aware of.

Normal Grief

Normal or uncomplicated grief is a gradual movement toward acceptance of loss, which allows one to manage, though sometimes only with difficulty, basic daily activities. APA research shows that most people can recover from loss on their own through the passage of time if they have social support and healthy habits. There is, however, no “normal” time period for someone to grieve.

Anticipatory Grief

Anticipatory grief is an emotional preparation for a future loss. Employees who have chronically ill parents, children, friends or other loved ones often prepare for their impending loss.

There is no “normal” time period for someone to grieve.

Because the loss has not yet occurred, employers often aren’t aware of changes in an employee’s behavior or emotional state. Typical emotions at this time include: sorrow, anxiety, anger, acceptance, depression and denial. Employees in this grief state become extremely anxious about what’s to come and begin to focus on last-resort treatments or on making time to say goodbye, according to Harvard Health Publications.

Complicated Grief

In complicated or prolonged grief, painful emotions are so long-lasting and severe that employees have trouble accepting the loss and resuming work. Symptoms of complicated grief can linger or get worse, according to the Mayo Clinic.

Behavioral cues in this stage include extreme focus on the loss and reminders of the loved one, problems accepting the death, detachment, preoccupation with sorrow, depression or deep sadness, trouble carrying out a normal routine, feeling that life holds no meaning or purpose, irritability or agitation and lack of trust in others. (See below.)

Disenfranchised Grief

Disenfranchised grief results from a loss the employee feels cannot be openly acknowledged, socially validated or publicly mourned. This often occurs in relationships that are not socially recognized and can include partners in a gay relationship or an extramarital affair; ex-spouses; former lovers; children lost as the result of miscarriage, stillbirth, abortion or placement for adoption; pets; losses from causes other than death; and suicides.

In cases of disenfranchised grief, there may be nothing to validate the employee's loss nor any expressions of sympathy. According to R.F. Bento ("When the Show Must Go on: Disenfranchised Grief in Organizations," *Journal of Managerial Psychology*, 9(6) [1994], pp. 35-44) and Frank Eyetsemitan ("Stifled Grief in the Workplace," *Death Studies*, 22(5) [1998], pp. 469-479), lack of concern from an organization can cause the healing process to be delayed with effects on the worker's mental health and productivity. The effects of disenfranchised grief are displayed in a variety of ways and in varying degrees in the workplace. Depression, emotional disturbances, withdrawal from society, psychosomatic illnesses and low self-esteem are all symptoms.

Proposed Criteria – Complicated Grief Disorder

- ◆ Loss occurred at least 14 months ago (avoid anniversary reaction)
- ◆ Intrusive Symptoms:
 - Unbidden memories or intrusive fantasies related to lost relationship
 - Strong spells or pangs of severe emotion related to lost relationship
 - Distressingly strong yearnings or wishes that the deceased were there
- ◆ Signs of avoidance and failure to adapt
 - Feelings of being far too much alone or personally empty
 - Excessively staying away from people, places, activities that remind person of deceased
 - Unusual levels of sleep disturbance
- Loss of interest in work, social, caretaking, or recreational activities to maladaptive degree

Source: St. Thomas Hospital, Akron, Ohio

ACKNOWLEDGE, APPROACH AND ASSIST

Mary Lynn Manns, professor of management at the University of North Carolina Asheville, found in her study *Grief and Compassion in the Workplace* that productivity can be lowered when the emotional turmoil following a loss causes an employee to experience difficulties with concentration, judgment, stress, depression, motivation or substance abuse. This creates financial implications for the organization such as increased health costs, absenteeism, injuries, errors and missed opportunities.

“The response of managers is particularly significant,” Manns said, “because a demonstration of interest and understanding the grieving employee’s situation sends the message that the employee is important to the company and, on a wider scale, creates an atmosphere of trust, helpfulness and loyalty.”

“The response of managers is particularly significant.”

Diana M. Hardy, director of the Good Grief Center for Bereavement Support in Pittsburgh, a grief support center that provides one-on-one peer support and a regional referral network of grief counselors, told Bloomberg BNA that it’s important for employers to open up communication early because this takes a lot of pressure off the employee when he or she knows the employer recognizes that there will be changes in the employee’s behavior or work pattern and that the employer acknowledges and understands this.

“Sometimes [employers] think grief is a linear process, and it’s not,” Hardy said. “Often an employee will show signs of improvement and then they may digress and begin to duplicate behaviors displayed early in the grieving process. Employers might see this as a negative thing and think the employee is regressing, and actually that’s just the normal grief process.”

What NOT to Say

Often well-intentioned comments may seem to trivialize the loss and leave the bereaved disappointed and angry. According to researchers at Pepperdine University in Malibu, Calif., there are certain remarks that may reflect the speaker’s views but not respect the bereaved individual’s feelings. Expressions that should be avoided when speaking to grieving colleagues include:

- “I know how you feel.”
- “Look at what you have to be thankful for.”
- “It’s a blessing. It’s part of God’s plan.”
- “They’re in a better place now.”

Training Managers and HR

Lisa Orndorff, human resources manager at the Society for Human Resource Management, emphasized the importance of providing managers with advice

Having access to resources will help managers tremendously.

from a trained grief counselor or through an employee assistance program “so they aren’t giving guidance or advice without any context.”

“Put some context around it because an employee can experience a wave of grief months afterwards, there can be triggers and managers and employees may not be aware of that,” Orndorff said. “Employers want to be careful with employees because they don’t want to be paternalistic but want to let them know there are resources available. If a company has an [employee assistance program], they can take advantage of that or any other leave that they might need to get through this time.”

Employers must first acknowledge that training is needed to help managers understand what grief looks like and what it encompasses, Linda Trignano, founder and CEO of Trignano Consulting, told Bloomberg BNA. In addition, a bereavement policy must be in place and resources available to HR to assist grieving employees.

“Having access to resources when it is needed will help tremendously,” Trignano said. “Having a place to go to get information or to have a contact in HR to speak to would generally help a manager get the skills he or she needs to help an individual.”

Identifying grief and depression

Grief	Depression	Shared characteristics
<ul style="list-style-type: none">• Variable mood shifting between anger, sadness, and normal states in one day• Preoccupied with loss• Responds to warmth and reassurance from others• Stays connected with family and friends	<ul style="list-style-type: none">• Feeling immobilized or stuck• Withdrawal, despondency, hopelessness• Persistent, overwhelming guilt• Preoccupied with negative, distorted self-view• Unable to feel comforted by the support of others• Loss of connection with self and others	<ul style="list-style-type: none">• Sadness• Fatigue• Loss of energy• Inability to focus• Not interested in the rest of the world• Anxiety• Somatic disturbances• Anger• Fear of losing one's mind• Spiritual estrangement• Alteration in relationships• Impaired function• Longing for end of pain

Source: The Nursing Center

JOB PERFORMANCE AND GRIEF

A personal loss can cause employees to withdraw into emotional or psychological reflection, distracting them from tasks and often leading to behaviors or actions that can be misunderstood, misread or even castigated by management.

According to the National Hospice and Palliative Care Organization, the initial reaction after a significant loss is often shock and numbness. Mistakes, confusion and an inability to concentrate are all part of grief, and psychologists say a grieving employee will not be fully functional but will exhibit below-normal performance for weeks or even months after the loss.

Orndorff said that it's important to be sensitive to the situation and that asking an employee if he or she needs more time to complete an assignment is a better approach than bluntly asking how dealing with the loss will affect the employee's work.

"Yes, there is business to be done, but at that point in time employers really need to be mindful of the employee and what is going on with them in their life at that one moment," Orndorff said. "It won't be like this forever, but employers should be as sensitive for as long as they can be."

"That's not to say that the employer can't say, 'OK, we have limitations' or 'This is what we can do for you,'" Hardy said. "There has to be two-way conversation about it and just opening the conversation and letting that employee know that there is some flexibility, I think, takes some pressure off of the employee."

"I always tell people that if they are having [emotional] ups and downs, that's normal," Hardy said, "but if an employee is remaining stuck and not adapting to the loss, then I may become concerned that grief may transition into depression."

Christopher J. Kuczynski, assistant legal counsel and director of the Americans with Disabilities Act and the Genetic Information Nondiscrimination Act policy division of the Equal Employment Opportunity Commission, told Bloomberg BNA that employers certainly need to be aware of impairments related to grieving.

"People who experience grief can experience conditions and impairments related to [grieving] that could qualify as disabilities like depression that cause the person to need to be out of work or may require a number of different types of accommodations [like] time-off for treatment and recovery," Kuczynski said.

A grieving employee will exhibit below-normal performance for weeks or even months after the loss.

Comparison of loss (grief) and trauma (PTSD)

	Loss (Grief)	Trauma (PTSD)
Response:	Pain, sadness, anger, guilt	Pain, guilt, anger, helplessness, fear
Experience:	Experienced loss, (grief as “conflicting feelings caused by the end of or change in a familiar pattern of behavior”)	Experienced event involving death or serious injury or threat to physical integrity to self or others
Re-experience:	Dreams, nightmares, illusions, excessive thoughts or intense feelings brought about by memory	Intrusive thoughts, dreams, illusions, hallucinations, flashbacks, physiological distress to cues
Avoidance:	Don’t talk about loss or go certain places, euphoric recall	Avoid thoughts, feelings, talking about, places, people, can’t recall some aspect
Numbing:	Anhedonia, feel distant from others, isolate self	Anhedonia, detached, restricted affect, foreshortened future
Hyper-arousal:	Sleep disturbance, decrease concentration, irritability	Sleep disturbance, decrease concentration, irritability, hyper vigilance, startle

Source: St. Thomas Hospital, Akron, Ohio

The Effect on Co-workers

While it’s important to understand how grief may affect the person who suffered the loss, it’s equally important to consider how that person’s behavior may affect co-workers.

It “can make the whole process [of dealing with a grieving employee] a lot more difficult if [managers] don’t acknowledge the impact on co-workers,” Trignano said. “The bottom line for a company is you have to get the work done. A crisis means that all of that slows down and the work doesn’t happen in the same way.”

Trignano recommended that managers start the conversation with a grieving employee by asking if a temporary reduction in job responsibilities would help. “I’d like to lighten your load, if that’s what you need,” a manager might say. “Tell me what you need, so that I can do it.”

Trignano advises that managers should then tell the employee that they want to inform co-workers of the situation but need guidance from the employee on how much to share and with whom.

“That’s the best way,” Trignano said, “because this way you are accommodating the needs of the individual and the needs of your team.”

This approach is better, Trignano said, because sometimes a manager “with the best intentions feels they need to let more people know than is necessary or comfortable to the employee.”

“The bottom line for a company is you have to get the work done.”

Managers don't have to give specifics but should inform necessary parties that their colleague is handling a personal emergency so co-workers will be aware when the employee returns not to ask about a vacation or probe too deeply into why the co-worker has been absent or limited in duties.

"Just give folks a heads up, so they don't ask the wrong questions," Trignano said.

BEREAVEMENT LEAVE POLICIES

Although bereavement leave is not required by federal law, such policies are important for employee morale and are a sign of the employer's support for its employees during a stressful time. Policies need to be flexible to accommodate differing employee needs. When writing or refining funeral leave policies, for example, the employer should keep in mind that requirements like notice or filling out advance requests for leave are not always reasonable in this circumstance.

Some companies also offer what is called "compassionate leave," which is paid leave taken by an employee for the purposes of spending time with a family or household member who has suffered a serious illness, injury or loss.

Bereavement Leave and the Law

Policies need to be flexible to accommodate differing employee needs.

The federal Fair Labor Standards Act does not require payment for time not worked, including time attending a funeral, and this benefit is generally a matter of agreement between an employer and an employee (or the employee's representative), although a few states have enacted bereavement leave laws. In Oregon, for example, employees are entitled to two weeks of bereavement leave to be taken within 60 days of the death of a covered family member. Although leave is unpaid, employees are entitled to use any accrued vacation, sick or other paid leave.

Leave Allowances

In a 2009 SHRM study, "Examining Paid Leave in the Workplace: Helping Your Organization Attract and Retain Talented Employees," all organizations surveyed said paid leave was available for the death of a child, parent or spouse/partner. For most employers, the number of paid bereavement days allowed for family members averages three. Sixty-nine percent of organizations surveyed provide three days of paid leave for the death of a child, 82 percent for the death of a parent, 69 percent for a spouse, and 72 percent for a sibling. The number of bereavement days provided varied according to relationship and dropped significantly in the case of the death of a friend or colleague, 67 percent of organizations reporting that they only provide one day of leave for the death of a friend and the same percentage reporting they allow one day of paid leave for a colleague.

"Would you want someone on the frontline assigned with making major decisions three days after a major loss?" Friedman said. "There is something so discordant in our society that if you break your leg you get six weeks off of work but in the death of your child or spouse the average leave is three days."

According to Friedman, organizations' assessment of the value of an employee's relationships based on an arbitrary ranking is "obscene" and demonstrates how oblivious employers are to the effect of grief on employees.

Paid Bereavement Leave Available (by Relationship to the Employee)	
Relationship to the Employee	Percentage
Child	100%
Parent	100%
Spouse /partner	100%
Sibling	99%
Parent of spouse /partner	95%
Sibling of spouse /partner	79%
Miscarriage and/or stillborn baby	62%
Colleague	13%
Friend	12%

Source: SHRM

Returning From Leave

When an employee returns to work after taking bereavement leave, the employer should be supportive, Orndorff said, and if the employee is having a difficult time coping with the loss consider temporary modifications of responsibilities or additional time off if it is warranted under the circumstances.

According to Orndorff, the best approach in managing the prolonged impact of loss depends on the circumstance and how the employee responds because “a company’s policy cannot dictate employee grief or how they process grief and there are going to be all kinds of situations in the workplace.”

On the other hand, an employee returning from bereavement leave should at least be able to meet the minimum standard of productivity, Orndorff said.

“If that is not happening after three to four weeks,” Orndorff said, “then it might be a good idea to have a conversation with the employee acknowledging that they have had a difficult time recently but reminding them that their performance may be suffering and ask the employee what you can do to assist in man-

Number of Bereavement Days Allowed (by Relationship to the Employee)						
	1 Day	2 Days	3 Days	4 Days	5 or More Days	Unlimited
Child (n = 433)	1%	3%	69%	4%	22%	1%
Parent (n = 433)	1%	3%	72%	4%	19%	1%
Spouse /partner (n = 433)	1%	3%	69%	4%	21%	1%
Sibling (n = 426)	3%	4%	72%	4%	17%	0%
Parent of spouse/partner (n = 408)	6%	6%	72%	4%	12%	0%
Sibling of spouse/partner (n = 342)	15%	6%	65%	3%	11%	1%
Miscarriage and/or stillborn baby (n = 267)	2%	4%	70%	3%	18%	4%
Colleague (n = 57)	67%	4%	21%	0%	9%	0%
Friend (n = 52)	63%	2%	25%	0%	10%	0%

Note: Asked only of respondents who said their organizations offered paid bereavement leave

Source: Examining Paid Leave in the Workplace (SHRM 2009)

Source: SHRM

aging work duties so productivity doesn't suffer." Employers can simply ask, "How can we work together to get you through this?"

"Ultimately the employee will never fully get over the loss," Hardy explained, "but they learn to adapt and integrate the loss into their life."

CULTURAL RESPONSE TO LOSS

Cultural response to loss can vary among employees' religious, social and cultural traditions. The process by which employees work through loss and regain a sense of balance and reintegration into life is a form of healing in many cultures.

Employers can face litigation for not—at the very least—making an effort to accommodate the employee or for retaliating against an employee whose leave requirements fall outside what the employer has traditionally provided.

Common Religious Accommodations

The Equal Employment Opportunity Commission requires an employer or other covered entity to reasonably accommodate an employee's religious beliefs or practices unless doing so would cause undue hardship to the employer.

An accommodation may cause undue hardship if it is costly, compromises workplace safety, decreases workplace efficiency, infringes on the rights of other employees or requires other employees to do more than their share of potentially hazardous or burdensome work.

This means an employer may be required to make reasonable adjustments to the work environment that will allow an employee to practice his or her religion. Examples of some common religious accommodations include flexible scheduling, voluntary shift substitutions or swaps, job reassignments and modifications to workplace policies or practices.

"The courts have been very clear that [employers] should assess each request individually."

EEOC Guidance

Jeanne Goldberg, senior attorney advisor in the office of legal council at the Equal Employment Opportunity Commission, told Bloomberg BNA that properly handling a grieving employee and properly facilitating accommodations, including leave requests, is really a question of training frontline managers and supervisors not to reject a request simply because the ritual is unfamiliar to them, the belief system is something they've never heard of or the leave is requested on short notice.

"The courts have been very clear that [employers] should assess each request individually," Goldberg said. "The law leaves ample room for dialogue on these matters."

According to Goldberg, EEOC has filed suit on this issue only "where the employer insists that [verification] take a particular form such as that it must be a letter from clergy or it must be a statement from a congregation that this is their practice."

"In those instances," Goldberg said, "the commission has challenged that uniform verification rule that the employer insisted on [because] the employee

might not have in their religion a clergy member or their practice and belief might be sincerely held but it's idiosyncratic, not widely followed in the congregation."

Fair Notice of Leave for Religious Reasons

In deciding these cases, Goldberg said, EEOC and the courts look at whether the accommodation would impose an undue hardship on the employer and, if so, whether that hardship arises from not having sufficient time to make substitute arrangements or to absorb the effects of the leave.

Employers get into trouble if they ask for such detailed and extensive information that the employee perceives it as harassment or retaliation.

"It could be a cost issue," Goldberg said, or "it could be an issue of burdening the seniority rights of other employees because the particular schedule is set by seniority bidding in that workplace. There are any number of facts that might relate to why an employer contends that providing the requested accommodation is an undue hardship—such as the amount of notice the employer was provided and time they had to be able to make sufficient arrangements was limited."

Disparate Treatment

Goldberg advises employers to be careful to ask for only that information they reasonably need to evaluate a request for leave.

"Where employers get into trouble is where they ask for such detailed and extensive information beyond what is reasonably needed that the employee perceives it as potential harassment or retaliation," Goldberg said.

Situations could also arise in which employees perceive disparate treatment if "they were subjected to a level of scrutiny of their request that was so extensive that they thought it amounted to intentional differential treatment based on their religion as opposed to another," Goldberg said.

"In many different contexts some employers seek to have, not just the supervisor present, but someone from human resources if they are concerned that there may be a dispute down the road or it's a new situation that the manager has not previously handled and they feel they need guidance," Goldberg said.

CASE STUDIES

Each situation of loss and bereavement is different, and no case provides a universally applicable example. It can be useful, however, to consider how individual employees and employers attempt to deal with employee bereavement and how the courts view these responses.

Proper Notice

An employee of Nigerian descent sued his employer under Title VII of the 1964 Civil Right Act when it alleged that he failed to provide proper notice for a religious accommodation to attend funeral rites in Nigeria (*Adeyeye v. Heartland Sweeteners, LLC*, 721 F.3d 444, 449 (7th Cir. 2013)).

Sikiru Adeyeye, a native of Nigeria who moved to the United States in 2008, requested several weeks' unpaid leave so he could travel to Nigeria to lead his father's burial rites. He explained to his employer, Heartland Sweeteners, that his participation in the funeral ceremonies was "compulsory" and that if he failed to lead the burial rites, he and his family members would suffer spiritual death. Heartland denied Adeyeye's request, but he traveled to Nigeria for the ceremonies anyway. When he was fired on his return to work, he filed suit against his employer under Title VII for failure to accommodate his religious beliefs.

The employee's request for unpaid leave was motivated by genuine, sincerely held religious beliefs.

The U.S. Court of Appeals for the Seventh Circuit found Adeyeye's claim for failure to accommodate his religion "straightforward." Adeyeye asserted that his request for unpaid leave was motivated by genuine, sincerely held religious beliefs that required he perform his father's burial rites, the court held, and he provided his employer with ample notice of his legitimate need for leave.

On this basis, the appeals court reversed the district court's judgment in favor of the employer and remanded the case for further proceedings consistent with its opinion.

Intentional Infliction of Emotional Distress

An administrative assistant, whose teenage daughter died tragically from a rare blood disease, failed to state a claim for intentional infliction of emotional distress against her employer and its director of marketing, the New Jersey Superior Court, Appellate Division ruled (*Ingraham v. Ortho-McNeil Pharmaceutical*, 32 IER Cases 1347, N.J. Super. Ct., App. Div., No. A-2216-10T2, 8/25/11).

Cecelia Mavica Ingraham became distraught when she was told in a meeting with Carl DeStefanis, the director of the marketing department where she was employed, never to speak in the workplace about her deceased daughter, who was her only child. DeStefanis ordered Ingraham to remove pictures and mementos of her deceased child from her cubicle because co-workers complained to a

human resources manager that her prolonged grief made them uncomfortable and caused them to avoid working with her.

The New Jersey appellate court found that the employee's testimony about the meeting could permit a reasonable jury to find the director was insensitive to a grieving mother, but the court concluded that such conduct did not rise to the level of intentional infliction of emotional distress. The marketing director's purpose in holding the meeting was to address workplace efficiency and co-worker relationships, the court noted. He did not act intentionally or recklessly to harm Ingraham, and his testimony was consistent with how an employer "might have perceived a stressful admonition of an employee," the court concluded.

CONCLUSION

Organizations should take seriously the demands of loss, grief and trauma in the workplace. The complex needs of employees present challenges for co-workers, managers, leaders and HR professionals tasked with managing the employee experience, various sources said.

“Employers should never ignore that an employee is in a grieving situation regardless if it is death related or not,” SHRM’s Lisa Orndorff said. “Not to communicate with the employee or expect them to resume right away to the level of functioning that they had prior to the event is unwise and unrealistic.”

Managers should show a grieving employee they sympathize with his or her loss and offer specific and appropriate assistance. Some employees who have suffered complicated losses may need to work half time, job share or take a leave of absence. If company policy allows, managers can offer the option to telecommute or shift to flexible hours, sources said.

Flexible bereavement leave policies encourage productivity, commitment to the organization and employee health.

Comprehensive Grief Programs

Flexible bereavement leave policies encourage productivity, commitment to the organization and employee health. While bereavement leave policies acknowledge members of the immediate family—spouse, children, parents and siblings—other family members and significant others aren’t always included. To best serve their employees, many organizations should adopt more inclusive and flexible bereavement policies, Orndorff said.

According to the Pepperdine University Dispute Resolution Law Journal, companies adopting comprehensive grief programs experience the following benefits:

- Improved morale and better teamwork. When employees feel valued and respected, interpersonal relationships improve. Feeling more secure about themselves, they are willing to contribute more to the team.
- Improved production standards. Attending to grieving employees creates a feeling of group responsibility in assisting a colleague by pitching in to keep the workplace functioning. People feel that their contribution at work has more meaning if their efforts simultaneously help a fellow employee through difficult times. In addition, it is likely that there will be fewer mistakes, because people feel less pressured when they know they are understood.
- Less sick leave and less turnover. Allowing for sick leave when needed during the grieving period encourages employees to be open about their planned and legitimate need for time off.

RESOURCES

American Hospice Foundation: <http://americanhospice.org/>

American Psychological Association: <http://www.apa.org/>

Bento, R.F., "When the Show Must Go on: Disenfranchised Grief in Organizations," *Journal of Managerial Psychology*: <http://www.emeraldinsight.com/doi/abs/10.1108/02683949410070197>

Eyetsemitan, Frank, "Stifled Grief in the Workplace," *Death Studies*: <http://www.tandfonline.com/doi/abs/10.1080/074811898201461#preview>

Good Grief Center for Bereavement and Support: <http://www.goodgriefcenter.com/default.php>

Grief Recovery Method: <http://www.griefrecoverymethod.com/>

Klimo, Lynn M., Henderson, Elaine, Varley, Joseph, Engel, John, Pethtel, Lura, *A Grief Recovery Outreach Program: Qualitative Study of Process and Change*, St. Thomas Hospital, Akron, Ohio: https://www.sorg.se/wp-content/uploads/2013/10/VT04-Kvalitativ_studie-St-Thomas-hospital-USA.pdf

Manns, Mary Lynn, *Grief and Compassion in the Workplace*: <http://www.cs.unca.edu/~manns/GriefAndCompassionInTheWorkplace.pdf>

The Mayo Clinic, Complicated Grief: <http://www.mayoclinic.org/diseases-conditions/complicated-grief/basics/causes/con-20032765>

National Hospice and Palliative Care Organization, *Grief in the Workplace: When an Employee Suffers a Loss*: <http://www.caringinfo.org/files/public/brochures/HospiceWhenAnEmployeeSuffersLoss.pdf>

The Nursing Center: <http://www.nursingcenter.com/lnc/>

Society for Human Resource Management: <http://www.shrm.org/pages/default.aspx>

Society for Human Resource Management, *Examining Paid Leave in the Workplace: Helping Your Organization Attract and Retain Talented Employees*: http://www.shrm.org/research/surveyfindings/articles/documents/09-0228_paid_leave_sr_fnl.pdf

Stein, A.J. and H.R. Winkuer, "Disenfranchised Grief: Recognizing Hidden Sorrow" in K. Doka (ed.), *Monday Mourning: Managing Employee Grief*: http://books.google.com/books/about/Disenfranchised_grief.html?id=KFN9AAAAMAAJ

Trignano Consulting: <http://www.trignanoconsulting.com/>