

How Neutral Third-Party Intervention Can Improve Retention in the Transit Industry

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Although culture change has been mentioned in transit workforce literature for decades, the ability to implement that change has remained elusive. The Covid pandemic has pulled back the curtain to reveal the impacts of dysfunctional culture and the physical and psychological toll of many transit occupations. Addressing dignity in the workplace may be the missing element in the search for workforce retention tools. Instituting a conflict resolution system that recognizes and honors the individual's dignity and agency will improve employee retention, performance, and customer service in the transit industry.

Recent headlines have highlighted the shortage of transit bus operators in the wake of the Covid-19 pandemic.¹ The cities reporting these shortages include Portland, Los Angeles, San Diego, Seattle, New York, Washington, DC, St Louis, Philadelphia, Denver, and others. New York's MTA has a shortage of both train operators and conductors, as well as bus operators.² A transit bus operator's job requires a Commercial Driver's License (CDL), and the shortage of CDL holders nationwide also affects the trucking and school bus industry. As a result, there is even greater competition for potential transit employees, making recruitment even more difficult. Thus, the entire transit industry must continue to focus on the worker shortage.³

Culture Change Required?

The solutions put forward by the industry so far have focused on hourly pay and hiring bonuses. Attention has also been paid to some working conditions adversely affecting transit workers⁴. However, we must ask whether toxic culture also contributes to recruitment and retention problems. This paper explores this potential explanation and transformative mediation as a vital tool in improving transit workplace culture while examining its application in other settings and proposing how transit agencies can incorporate this practice.

The transit industry is not alone in its struggle to attract and retain workers. The factors behind the 'Great Resignation' can provide some insight. Treatment in the workplace is among the top issues raised by those evaluating the Great Resignation's impacts.

Harvard Business Review reports that almost 18% of people leaving their jobs can be attributed to not being appreciated and bad relationships with colleagues and bosses⁵. According to HR Executive, workplace bullying is a wildly out of control epidemic experienced or witnessed by up to 75% of employees.⁶ Workplace bullying can result in "high absenteeism and employee turnover, low productivity, and morale..."⁷. Still, bullying and harassment are not the only elements of toxic workplaces. Disparate treatment, uneven enforcement of rules, favoritism, racial, sexual, and general harassment are some of the more common components.

According to Nela Richardson, chief economist at ADP, the pandemic has amplified the trend in quits, “but for low-paying, low-skilled jobs with a lot of customer interaction, quits are higher.” She expects that trend to continue. Jobs with remote work and higher pay are near pre-pandemic quit levels.⁸ While a portion of the overall recruiting and retention problems have to do with lifestyle, job engagement, and fulfillment, another part is physical and psychological safety.⁹

Research *indicates* 95% of workers reporting consistent incivility at work—but only 9% report it. Relatedly, a McKinsey report claims that incivility in the workplace had doubled in the two decades before the pandemic.¹⁰ This incivility is more prevalent in workers with less control over their jobs, and low control and high demand are often cited by those studying transit jobs^{11, 12}

Research shows that a toxic workplace culture often includes “failure to promote diversity, equity, and inclusion; workers feeling disrespected; and unethical behavior.”¹³ What does toxic culture look like in transit? Lack of supervisory support, dilapidated facilities, and the absence of procedural justice. These, in conjunction with harassment along racial, ethnic, and sexual lines—as well as threats of retaliation and bullying—form a vicious cycle of toxic interactions.¹⁴ Rudeness, incivility, exclusion, and other types of micro-aggressions also harm employees. Individuals often leave jobs with high stress when they feel a lack of support and guidance.¹⁵ A 2005 Cornell University Institute for Workplace Studies report noted that a majority (57.3%) of transit workers in NY’s MTA never seek assistance or support from their supervisors.¹⁶

The transit industry has not been a stranger to reports of toxicity in the workplace. The Washington Metrorail Safety Commission (WMSC) released findings of a toxic workplace in its September 2020 Safety Audit for the Washington Metropolitan Area Transit Authority, WMATA. In addition to some of the toxic behaviors discussed above, the report cited incidents of supervisors yelling, cursing, and retaliation for raising concerns about safe operations. A lack of managerial support was reported in a safety culture survey in WMATA in 2015.¹⁷

The WMSC report was also critical of the WMATA Board. The Board hired the firm, Littler Mendelson, based in San Francisco, to investigate allegations of “toxic culture.”¹⁸ Specifically, the firm’s charge was to determine if the Vice President of rail services and the Rail Operation Control Center Director contributed to the hostile work environment. The report cleared the Vice President and Director. However, the report did find that disrespect and unprofessional conduct was commonplace in the ROCC. However, because the poisonous supervisory conduct was not motivated by race or sex, it didn’t rise to the level of a statutory complaint. We shall see this refrain in the two other workplaces discussed in this paper.

Similarly, in San Jose, California, allegations of toxic workplace culture have been made in at least two departments at the Santa Clara Valley Transportation Authority, VTA. The first allegation came to light several months after a fatal shooting involving nine employees and the gunman at the Guadalupe light rail yard. That shooting caused concern among workers in another department that the same could happen to them. Employees in the technology department gathered a petition citing the agency’s failure to address a toxic work culture that developed in the previous twelve months.¹⁹ According to the San Jose Spotlight, a complaint was filed against one manager with VTA’s Office of Civil Rights department, which resulted in a no-action decision. The manager was

accused of screaming at and belittling his co-workers. As in the case at WMATA, the complaint did not rise to the level of a statutory violation.

In 2020, 76 complaints were filed with VTA's Office of Civil Rights, and 11 were substantiated.²⁰ At least one of those complaints was not addressed because it wasn't related to civil rights. The employee, who left VTA in March of 2021, claimed that these issues should have been addressed due to the severe emotional distress they caused him. He concluded, "it's just not a good way to run an organization."²¹

More recently, allegations of a toxic workplace have come to light in the VTA customer service department.²² The manager in question is accused of threatening and verbally abusing workers. A manager was put on leave, and an investigation commenced. In 2021 VTA workers filed 129 complaints. Only 7 of the 82 cases closed were substantiated, which may explain why more workers are not willing to file complaints.²³

In response to the shooting and two other crises, VTA issued a Request for Proposals to "aid in the organizational culture and climate transformation aimed to improve the overall experience of being employed at VTA."²⁴ VTA issued a job offering for a Chief People Officer in the spring of 2022. One of the tasks will be to redefine their culture.²⁵

A Matter of Dignity

Further insight into the current worker shortage can be garnered from a commentary in Fortune Magazine in which Ranjay Gulati reframes the Great Resignation as a Great Rethink about work and life. He frames it as an opportunity for companies to rethink their policies for the benefit of their employees. In their anxiety over how to retain and attract employees, many companies are adopting quick-fix solutions like raising salaries and improving benefits. However, these solutions may fail to acknowledge the much more profound reasons for [the Great Resignation](#) as it is being called—reasons that go to the root of what it is to be human.²⁶

We need to acknowledge the role of human dignity in our workplaces. According to Dr. Donna Hicks, conflict resolution expert and author of "Leading with Dignity", "Our universal yearning for dignity drives our species and defines us as human beings."²⁷ She offers a new set of strategies for becoming aware of dignity's vital role in our lives and learning to put dignity into practice in everyday life.

Surprisingly, most people have little understanding of dignity, observes Hicks. She notes from her experiences. "Good leaders were violating the dignity of others not because they were afraid to give up control but because they didn't know what they didn't know that good people with good intentions can harm others if they are not conscious of dignity."²⁸ "I have often found that leaders of organizations do not have a working knowledge of dignity and its role in our lives and relationships."

Monique Valcour, PhD, management professor, agrees, noting that few managers are trained on how to sustain dignity in the workplace. Valcour asserts that once an employee's dignity is assaulted, they may withdraw their effort and commitment to the organization. This may result in a negative assessment from their supervisor and a continuing decline in the relationship and work

performance of the individual and the unit they work in. She continues that this is not the case in organizations where “...people are listened to and taken seriously...”. Valcour adds that respectful disagreement must be tolerated and employees must not fear retaliation for speaking out.²⁹

What impact does the lack of dignity in the workplace have? Hicks posits, “We all want to be treated in ways that show we matter, and when we are not treated this way, we suffer... People want their grievances listened to, heard, and acknowledged. The original conflict escalates when this doesn’t happen, which only deepens the divide.”³⁰

The TransitCenter’s July 2022 Bus Operators in Crisis report highlights one aspect of dignity. Author Chris Van Eyken relays a tale of a transit agency CEO finding the same furniture in a break room that had been there when she started as an operator 25 years prior. Van Eyken lists the generally run-down conditions of many transit facilities as one of the report’s ‘Difficulties Attracting New Entrants’ section. Not having bathroom access and the resultant soiling of one’s clothes is a dreadful deprivation of dignity. Not being able to attend to and assist your loved ones when they are sick is another. Both have been mentioned in the transit literature and have recently received more industry acknowledgment and attention.³¹ However, workplace harassment and incivility in verbal and non-verbal communication between hourly workers and supervisors, as well as among peers, also needs to be addressed. If the transit industry wants to improve recruitment and retention, it has two main challenges. First, address the onerous and sometimes dangerous working conditions, including but not limited to those mentioned above. The second is to address the types of toxic interaction described above. Both conditions attack the employee’s dignity.³² Employees may seem to ignore or normalize the toxic exchange, but they develop ways to deal with the struggle for dignity that these conditions present.³³

As noted above, the transit industry has recently turned more attention to fixing working conditions and some agencies have paid more attention to culture. Indeed, some agencies have added or initiated a new job title, Chief People Officer CPO.³⁴ The CPO title is less than twenty years old and is still evolving.³⁵ Due to its relatively fledgling status, its job descriptions vary tremendously. Duties of the CPO may include monitoring and changing the organizational culture.³⁶ The transit industry would benefit from a look at culture reform as a pathway to better retention, better employees, and, as a result, better customer service.

Lessons from Safety Culture

Unlike the unfavorable outcomes of a deficient safety culture—which are discrete incidents such as accidents and injuries—the indicators of toxic organizational culture are more difficult to identify. While much of the current literature points to high turnover as an indicator of deficient culture,³⁷ it has not always been recognizable. Employee surveys have proved useful, but without a mechanism or system to detect toxic culture, the problems go undetected until a calamitous event brings it to light. Because safety culture is a sub-culture of the organizational culture and often has shared attributes and parallel structures to organizational culture, we can glean insight into indicators by using safety culture as a proxy

In “Organizational Culture Drives (Safety) Performance,” Peter G. Furst identifies four factors that

affect safety performance. Safety Management (for our discussion, this would be Management of Organizational culture), Written and Unwritten Rules of Engagement, Normalization of Deviance, and Failed Solutions. While all four factors exist across all organizations, the normalization of deviance has the most evident parallels.

Furst explains how deviance from standards is normalized, usually temporarily, but the lower standards become the new norm. Again, in safety, the lower standards are flagged by an increase in accidents and injuries.³⁸ In a negative organizational culture, the equivalent events could be the filing of a complaint, an interruption of operations, a revelation of untenable conditions, or a violent confrontation. It is usually something that forces those in authority to address the problem. As in Furst's explanation of safety culture indicators, something terrible happens—the accident/injury equivalent in organizational culture. Often, among the first reactions is an issuance or re-issuance of a policy or rule, followed by training or retraining. In other cases, a group or an individual would be subject to discipline. Too often, the organization sees this as the final or permanent solution rather than the first step in a more extensive process. It may quiet the situation until it happens again. Furst cautions that focusing “on the individual employee and the immediate physical work environment.are doomed to produce inferior results.” This is usually because the goal of these actions is compliance rather than organizational change.

Complaints, petitions, bad press, and lawsuits are just the tip of the iceberg. Just like accidents and injuries, in safety, these events represent only a tiny fraction of the incidents that need attention. If Frank Bird's model of a safety triangle³⁹ were applied to toxic behaviors in organizational culture, one EEO complaint could represent hundreds or thousands of unaddressed toxic interactions. The safety equivalent of near misses, these transgressions may never come to light because of the normalization of a culture that doesn't report such events for various reasons. These include fear of retaliation for reporting, a conditioned belief that nothing will be done about the issue, fear of being labeled as a troublemaker or just someone that can't get along with co-workers, and fear of being blamed for the incident. Fear of retaliation also diminishes the psychological safety of an organization.⁴⁰ As a result, the toxic interactions are underreported.⁴¹

As noted above, toxic culture is ubiquitous in the workplace. Transit is no exception. The transit industry has done extensive work on diversity, inclusion, and equity with employees, the riding public, and the communities they serve.⁴² However, the policies, trainings, charters, strategies, and other measures recently promulgated testify to this cultural problem's existence.⁴³ A collateral benefit of curing toxic interaction would be the furtherance of DEI goals. These goals do not succeed in a toxic culture. Likewise, furthering DEI goals presents another benefit of finding the root cause of the toxic interaction and taking steps to cure it.

Productivity Costs of Conflict

Toxic interaction leads to conflict, and unresolved conflict leads to poor recruitment and retention. Recruitment and retention costs are not the only expenses incurred by workplace conflict. A report by CPP Inc, puts the cost of conflict in US companies at \$359 billion annually⁴⁴. According to the report, 36% of US employees spend significant time dealing with conflict. Among the adverse after effects of conflict reported by the study, 34% saw some employees leaving or being fired. Absenteeism was reported by 25% of employees, and bullying was reported by 18% of the respondents. In all

the negotiations I have participated in, absenteeism and its associated costs were always raised by management. Further, a 2012 study of transit workers suggests that supervisory support may be effective in reducing absenteeism⁴⁵. With the cost of conflict so high, the disparate effects on women and other marginalized employees, and the recruitment and retention crisis at an all-time high, action on organizational culture should merit the attention of the entire transit industry.

From Postal to Peaceful

The good news is that it doesn't have to be this way. Costs can be reduced and recruitment and retention improved by reducing conflict in the workplace. We must only look to the pilot program titled Resolve Employment Disputes Reach Equitable Solutions Swiftly, REDRESS®.⁴⁶

The United States Postal Service, USPS addressed negative interactions in the workplace using transformative mediation. In consultation with the Institute for the Study of Conflict Transformation, ISCT,⁴⁷ a mediation think tank and research center, the USPS came to see conflict not as a problem that needed a solution but as a crisis of interaction in which employees and managers dehumanize each other. Further, the USPS examined its culture and saw the EEO complaint system as a door to fixing these problems. The dialogue was not just from the employee to the supervisor or manager; managers and supervisors could also share their concerns about workplace issues. Because mediation is a confidential process, each party could discuss the pressures of their jobs from their vantage point and thereby recognize a broader perspective of the other party's work pressures. The USPS realized that many of their complaints did not rise to the level of legally defined discrimination, but they were more interested in the good it was doing in resolving conflict in the workplace. It worked because it improved the atmosphere.⁴⁸

Cynthia J Hallberlin is the former ADR Counsel of the United States Postal Service and the founder of their REDRESS Mediation Program. She describes the program's impact, "Rather than pushing parties to settle, transformative mediation provides a process for employees to really work through their differences—so they can move forward with a positive outlook and get back to business productively. I saw firsthand how transformative mediation improved the workplace culture at the United States Post Office, and I have no doubt that its potential for impact on corporate America is significant." Transformative mediation is the right tool to identify and resolve toxic conflict at the individual level. The REDRESS program at the USPS received accolades from employees, unions, and management.^{49,50}

A study about the USPS REDRESS® program concluded that resolving conflicts with mediation leads to better employee retention and cooperation among participants. People get into conflict, and if the conflict is not resolved correctly, high turnover can result.

"Over the life of the REDRESS (pilot) program, the case closure rates ranged from 70% to 80%."⁵¹ Even though the transformative model does not value settlement rates over the quality of the relationship, it is impressive that the settlement rate was 54.4% in one year. Further, another study showed significant upstream effects of the program. "A majority of respondents, including most of the supervisors (92%), in some way recognized the perspective of their co-disputant. The parties heard and recognized another point of view. Supervisors often noted the process allowed them to get to 'the root of the problem' or 'what was really bothering' the employee."⁵² Additionally, this

report noted that both supervisors and frontline employees learned new ways of interacting; they not only learned to listen better to the other party's point of view but learned to articulate their concerns better.

Overall, the research notes that participants were learning new skills for handling workplace conflict. "Supervisors are learning to listen, and employees are learning to articulate the concerns directly to the supervisors."⁵³ This was a transformative improvement in relationships as well as a practical resolution of disputes. Many participants said they now had the tools they needed to improve workplace interactions.

It should be noted that these mediations quickly resolved complaints of issues that disrupted the workplace but would not necessarily meet the legal standard required to prevail in EEO claims or even other methods of conflict resolution.⁵⁴ The toxic interactions that go unresolved lead to employee turnover and other negative outcomes. Further, like the issues in the USPS mediation program, most are likely not legally actionable. The fact that the VTA and WMATA examples of toxic interactions that did not rise to the level of statutory or policy violations contrasted with the workplace success of the REDRESS program can point the way for the transit industry. The Ohio Public Employees Assistance Program also uses transformative mediation to address workplace conflict.⁵⁵

Identifying Systemic as well as Individual Problems

Using mediation or another neutral third-party system for addressing individuals in conflict can repair an organization's culture if the system is structured to capture the systemic problems underlying the conflict. However, it must do so in a manner that protects the individual's confidentiality.

In an article on conflict management systems, Susan Strum and Howard Gadlin discuss how system change can result from identifying and resolving individual conflicts in the workplace.⁵⁶ The authors posit that issues between individuals sometimes are rooted "...in policies, organizational practices, or systems affecting broader groups. Resolving individual problems can point to systemic solutions for workplace conflict." In other words, transit agencies can use a transformative mediation program to identify characteristics of the culture that need to be addressed.

Earlier, we noted the voluminous research on the issue of workforce development generally and recruitment and retention specifically. Researchers have identified the organizational culture within transit as problematic for over twenty years. As early as 2001, TCRP zeroed in on organizational culture change within transit as a critical area of attention.⁵⁷ The report recommends that structures, training, and resources be devoted to the feasibility of addressing culture change. The transit industry can no longer afford to leave this topic unaddressed.

Transformative Mediation is Part of the Culture Change Solution

The way to improve hiring and retention at transit agencies and other companies is to provide an organizational culture that respects each person's dignity, identity, and opinions. A commitment to changing the organizational culture is a prerequisite for creating a workplace that values the dignity of all. Transformative mediation is the right tool to accomplish these objectives.

Prior to the pandemic Santa Clara Valley Transportation Authority, VTA had already committed to culture change work. Yet, they recognized the trauma and setbacks to the workforce from three events: the Covid-19 pandemic, a crippling cyber-attack, and the mass shooting on May 26, 2021. They issued a Request For Proposal that tasked the proposer to “deliver a roadmap for an organizational culture and climate transformation.” This should stand as a bellwether for the transit industry. Not all agencies have toxic cultures, but all should consider evaluating their organizational culture. Some might view toxic culture as ubiquitous, which would mean that few companies should avoid an evaluation.

If the evaluation shows that organizational culture change is warranted, there are several ways to incorporate a mediation program into the agency. Also, an industry-wide task force could help develop a pilot project. The VTA RFP points to sources of federal and state funding for financing.

As mentioned above, an essential aspect of the pilot program is confidentiality—without confidentiality, no one will participate meaningfully. The third-party neutral mediator is a significant part of that confidentiality. The best way to ensure employees will trust the commitment to confidentiality is to have the union as a full partner in the process. A memorandum of understanding should be reached between the union and management.

The Great Resignation has revealed the impact of toxic workplaces. MITSLOAN Management Review explains, “Not surprisingly, companies with healthy culture...experienced lower-than-average turnover during the first six months of the Great Resignation.”⁵⁸ A toxic culture cannot be improved overnight, nor can it be changed by fiat alone.

5 Ws (and 1 H)

Improving workplace culture should be at the top of everyone’s to-do list. If you think your workplace is in need of culture reform, you probably already know the answers to the ‘Five Ws’ of your workplace issues. The ‘How’ to change the culture can often be the most challenging. Transformative mediation can be a vital tool to improve your organizational culture.

Endnotes

1. <https://www.npr.org/2022/01/17/1073661319/a-shortage-of-bus-drivers-is-causing-problems-for-those-who-use-public-transport>
2. <https://www.bloomberg.com/news/articles/2022-05-23/mta-needs-more-subway-drivers-as-riders-wait-on-fewer-trains>
3. Almost thirty years ago, an instrument called the Bus Operator Selection Survey, also known as the BOSS test, was developed and validated as one of the first industry-wide initiatives in workforce management. The goal was to improve recruitment practices through a pre-hiring screening exam. Also, in 2001 the Transportation Research Board Synthesis Program flagged this issue with the publication of “A Challenged Employment System: Hiring, Training, Performance Evaluation, and Retention of Bus Operators.” (See <https://www.trb.org/publications/tcrp/tsyn40.pdf>)Fast forward to today, the most recent research project on transit workforce issues, “Practitioner’s Guide to Bus Operator Workforce Management” F-28, is in process. Likewise, APTA has published a 450-page document, “Transit Workforce Readiness Guide.” This document contains case studies, sample materials, and a five-step process for developing a workforce readiness program. (See <https://www.apta.com/research-technical-resources/aptau/transit-workforce-readiness-guide/>)

Appropriately, the Transportation Research Board has completed no less than five major reports since 2001 directly addressing the topic of workforce retention. (See TCRP Synthesis 40, Reports 77, 139, 142 and 162.). Additionally, a recent snap search of ‘workforce’ on the TRB website reveals over eighty studies, special reports, and projects published or in progress in the last two years alone. (See <https://onlinepubs.trb.org/onlinepubs/snap/workforce.pdf>). While this search includes all the Cooperative Research Programs and special reports on current and upcoming projects, the resources dedicated to this topic bespeak its importance to the transportation industry. Similarly, the USDOT Federal Transit Administration has established the Transit Workforce Center as a national resource to address the problem. Rounding out the industry’s effort are more than two dozen research centers and training institutes that have also contributed to the publications, webinars, and other presentations dedicated to this emergency.

4. The physical and psychosocial factors impacting bus operators are extensively documented. Kompier and DiMartino, in a definitive study of bus operator working conditions, state, “It is beyond doubt that city bus driving can be regarded as a classic example of an occupation with high risks of occupational ill health.” (See Kompier & DiMartino, 1995; Rydstedt, Johansson, & Evans,1998 as cited by Kompier et al, 2000.)

Among the contributing factors are lack of supervisory support, ergonomic deficiencies, schedule adherence, and accident avoidance, all while providing customer service. The ergonomic deficiencies have been documented most recently by a Mineta Transportation Institute report titled, Not Just an Ache. (See <https://transweb.sjsu.edu/research/1892-Musculoskeletal-Pain-Bus-Drivers>) Kompier adds, “Few other professions are as stressful as urban public bus operation.” This finding was validated by a 2011 study by Tim Bushnell, a NIOSH economist, in a study of the medical records of 20,000 workers in Pennsylvania. Out of all the occupations

in the study, urban bus operators had the highest morbidity rates in five of the top ten health categories. (See <https://www.jstor.org/stable/45009927>) While many of these conditions have multiple causes, the hazards and harmful effects of bus driving go well beyond assaults and lack of bathroom access. Now, the pandemic and its aftermath have certainly exacerbated the hiring and retention problem.

5. <https://hbr.org/2022/03/why-u-s-frontline-workers-are-quitting>
6. <https://hrexecutive.com/workplace-bullying-a-wildly-out-of-control-epidemic/>
7. <https://hrexecutive.com/workplace-bullying-a-wildly-out-of-control-epidemic/>
8. <https://www.shrm.org/resourcesandtools/hr-topics/talent-acquisition/pages/bls-quits-jolts-great-resignation-record-numbers.aspx>
9. https://en.wikipedia.org/wiki/Psychological_safety Psychological safety is the ability to show and employ oneself without fear of negative consequences of self-image, status, or career (Kahn 1990, p. 708).^[1] It can be defined as a shared belief that the team is safe for interpersonal risk taking.^[2] In psychologically safe teams, team members feel accepted and respected. It is also the most studied enabling condition in [group dynamics](#) and [team learning](#) research.
10. <https://hrexecutive.com/tackling-the-growing-problem-of-workplace-rudeness/>
11. <https://www.newamerica.org/better-life-lab/blog/psychosocial-work-stress/>
12. For example, bus operators cannot control traffic, weather, schedules, and many other daily situations. Add to that the continual exposure to the riding public and the inability to physically walk away even for a short time, as some retail occupations may be able to. Also, incivility may not only be experienced when dealing with the public, but the stress may also be present with co-workers and supervisors, intentionally or unintentionally.
13. <https://sloanreview.mit.edu/article/toxic-culture-is-driving-the-great-resignation/>
14. From the broader literature on harassment in the workplace, it should be noted that ethnic harassment and gender harassment are unlawful but generalized workplace harassment is not. Research has shown that all forms of harassment are “detrimental to employees’ well-being.” They also result in detrimental outcomes to the organization, including job satisfaction, organizational commitment, and turnover intentions. When all three forms of harassment are studied, “...it takes only a single type of harassment to predict low organizational commitment, poor job satisfaction and/or turnover intentions..” The study points out that because generalized workplace harassment is not illegal, many organizations do not have policies covering the behavior. (See https://ecommons.cornell.edu/bitstream/handle/1813/75907/Nishii8_Once_twice_three_times_as_harmful.pdf?sequence=1 at 237
15. <https://www.yahoo.com/now/ticking-time-bomb-lag-protections-212230666.html>
16. Bacharach, S.B (2005) Transport Workers in New York City: TWU Membership Survey.

Smithers Institute ILR School Cornell University ILR School

17. OHIP “Assessing Safety Culture Among Transit Workers, 2016, Russell Bateman and Brianna Singleton. <https://www.ohipintern.org/>
18. <https://www.virginiabusiness.com/article/metro-rail-managers-cleared-of-allegations-but-workplace-is-disrespectful-and-unprofessional/>
19. <https://sanjosespotlight.com/vta-tech-workers-in-san-jose-demand-toxic-work-culture-investigation/>
20. <https://sanjosespotlight.com/vta-tech-workers-in-san-jose-demand-toxic-work-culture-investigation/>
21. <https://sanjosespotlight.com/san-jose-vta-public-transit-agency-investigating-toxic-work-culture-workers-say-silicon-valley/>
22. <https://sanjosespotlight.com/san-jose-vta-public-transit-agency-investigating-toxic-work-culture-workers-say-silicon-valley/>
23. <https://www.newsbreak.com/news/2352724589433/san-jose-fare-inspectors-faced-hostile-work-environment-vta-records-show>
24. <https://www.vta.org/sites/default/files/2021-12/RFP%20S21342%20Organizational%20Change%20%26%20Climate%20Transformation.pdf>
25. <http://online.flipbuilder.com/kper/atrs/>
26. <https://fortune.com/2022/03/08/great-resignation-careers-rethink-labor-shortage-pandemic-work-ranjay-gulati/>
27. Donna Hicks, *Leading with Dignity*, p. 21
28. *Ibid*, p 9
29. <https://hbr.org/2014/04/the-power-of-dignity-in-the-workplace>
30. Donna Hicks p x-xi. Further, “
31. <https://transitcenter.org/publication/bus-operators-in-crisis/>
32. In the workplace some of these attacks on dignity result in complaints. However the vast majority of those incidents do not rise to the level of statutory or contractual action. The complaints that would meet those statutory standards to be eligible for a hearing are the proverbial tip of the iceberg. The incidents that do not meet the standard necessary for a formal complaint can qualify as toxic interactions and therefore contribute to the toxic organizational culture and, consequently, the turnover rates. Like the submerged part of the iceberg, these interactions

will remain unseen and damaging to the organization unless there is a process for resolving them.

33. See Dignity at Work, Randy Hodson. Hodson highlights four aspects of workplace behavior that workers use to realize dignity: “resistance, citizenship, the creation of alternative meanings systems and coworker relations”. P42
34. LinkedIn search, “Transit Chief People Officer”
35. <https://www.linkedin.com/pulse/chief-people-officers-have-never-been-more-important-heres-max-hansen>
36. <https://www.linkedin.com/pulse/chief-people-officers-have-never-been-more-important-heres-max-hansen>
37. Supra note 28. Also see <https://hranew.com/solutions-for-a-high-employee-turnover-or-toxic-work-environment/#:~:text=High%20employee%20turnover%20is%20a.is%20a%20toxic%20workplace%20culture>, <https://mhrglobal.com/us/en/blog/10-signs-your-company-culture-turning-toxic> and <https://seniorexecutive.com/toxic-workplace-corporate-culture-heres-how-to-fix-it/>
38. [https://www.irmi.com/articles/expert-commentary/organizational-culture-drives-\(safety\)-performance#:~:text=Safety%20Management%20and%20Culture,%2C%20injuries%2C%20and%20occupational%20health](https://www.irmi.com/articles/expert-commentary/organizational-culture-drives-(safety)-performance#:~:text=Safety%20Management%20and%20Culture,%2C%20injuries%2C%20and%20occupational%20health).
39. <https://inunison.io/stay-safe/stay-safe/near-miss-reporting-the-safety-pyramid-part-1/>
Bird contributed to Herbert Heinrich’s safety triangle which posited a relationship between major, minor and no-injury accidents, a 1 to 29 to 300 ratio. Other triangles have added near misses and unsafe conditions, each increasing by a magnitude of 10.
40. <https://hbr.org/2022/08/resilient-organizations-make-psychological-safety-a-strategic-priority>
41. Consistent with Bird’s model, an example of the underreporting of assaults was noted by Alvin Pearson, Safety Manager at the Memphis Area Transit Authority, MATA, in the USDOT FTA TRAC report on mitigating assaults. The introduction of cameras on buses proved that many assaults went unreported. Similarly, toxic behavior is also underreported.
42. <https://www.apta.com/research-technical-resources/diversity-equity-and-inclusion/>
43. <https://www.apta.org/apta-and-you/diversity-equity-and-inclusion>, <https://www.apta.org/apta-and-you/diversity-equity-and-inclusion/diversity-equity-and-inclusion-toolkit>, <https://onlinepubs.trb.org/onlinepubs/trnews/trnews333.pdf>, <https://www.nationalrtap.org/Resources/Best-Practices-Spotlight/Diversity-Equity-and-Inclusion-in-Public-Transportation>, <https://www.transit.dot.gov/about/events/transportation-diversity-equity-and-inclusion-initiative>, <https://www.nationalacademies.org/event/02-03-2022/trb-webinar-improving-diversity-and-inclusion-programs-in-public-transportation>, <https://www.nadtc.org/event/transportation-diversity-equity-and-inclusion-dei-initiative-lunch-and-learn-series-3/> <https://www.ntionline.com/>

[building-diversity-skills-in-the-transit-workplace-train-the-trainer/ https://transweb.sjsu.edu/research/2135-Diversity-Public-Transit-Social-Inclusion-Meaningful-Engagement](https://transweb.sjsu.edu/research/2135-Diversity-Public-Transit-Social-Inclusion-Meaningful-Engagement)

44. https://img.en25.com/web/cpp/conflict_report.pdf
45. <https://psycnet.apa.org/record/2012-05395-001>
46. <https://about.usps.com/who/legal/redress/>
47. ISCT is a non-profit affiliated with Hofstra University School of Law
48. Peter Miller worked extensively with the USPS REDRESS program as well as other government agencies with workplace mediation programs, including the Equal Employment Opportunity Commission and the New York State's Division of Human Rights. He has mediated over 2500 cases and authored many articles on workplace mediation.
49. <https://about.usps.com/who/legal/redress/quotes.htm>
50. <https://about.usps.com/who/legal/redress/mediation.htm>
51. <https://www.researchgate.net/publication/249671385> From postal to peaceful Dispute systems design in the USPS The drop in EEO complaints suggests that the program positively alters co-worker and supervisor/employee relationships by REDRESSR_program
52. https://www.rchss.sinica.edu.tw/cibs/law/1.%20Monthly%20Seminar%20Since%202008/Papers/2009/20090326/Chen-Chieh%20Ting_upstream_effects_mediation.pdf
53. Effects from Mediation of Workplace Disputes: Some Preliminary Evidence from the USPS. By Jonathan F. Anderson and Lisa Bingham. P. 611
54. Conversation with Peter Miller September 2021
55. <https://das.ohio.gov/employee-relations/benefits-administration/ohio-eap>
56. Conflict Resolution and Systemic Change, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=982364
57. RESULTS RESEARCH DIGEST, NUMBER 45 is a summary of project J-6/Task 38, "Identification of the Critical Workforce Development Issues in the Transit Industry and project J – 6/Task – 40 Identification of Practices, Techniques, and Strategies for Attracting and Retaining Employees in the Transit Industry". See also, <http://www.utrc2.org/sites/default/files/Final-Report-Major-Workforce-Challenges.pdf>
58. <https://sloanreview.mit.edu/article/toxic-culture-is-driving-the-great-resignation/>

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