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BLOGS

Archives; Harassment; Hiring & Firing; Workplace Policies

Today's College Students, Tomorrow's Workforce: What Does the Future Hold for Employers?

Like most law firms, we interview current law students in the fall to identify those we will invite to work with us the following summer. Those who join us are summer associates, and we have just bid adieu to a terrific group from this summer. Summer associates who accept offers from the firm for attorney positions will rejoin us after they complete their last year of law school and take that little test called the bar exam.

Millennials all, our recent summer associates didn't fit the negative stereotypes so often cast upon workers of their generation. This should really come as no surprise; despite some bad press, millennials are proving themselves capable contributors. But, current trends on college campuses have some pundits especially concerned about what baggage the future workforce may bring along.

For example, this month's cover story in *The Atlantic* bemoans the coddling of the American mind and asserts that college students' increasing demand for protection from words and ideas they find uncomfortable or offensive is ruining education and taking a toll on students' mental health. Of specific concern to the article's authors was the trending demand for trigger warnings and students' readiness to decry microaggressions. For the uninitiated, trigger warnings are alerts that professors are expected to provide students before they present material that could cause a strong emotional response; for example, a Harvard law school professor has written about how criminal law professors are being asked to warn their classes before teaching rape law. In turn, microaggressions are slights, sometimes defined as environmental indignities, that, whether intentional or unintentional, communicate something derogatory, such as a stereotype about a protected class.

The authors of the article in *The Atlantic* theorize that an educational culture that overprotects students from exposure to potentially disturbing or uncomfortable ideas and discourse negatively impacts students' mental health. In addition, the authors express concern that future workplaces could be mired in unending litigation if student expectations of safety [from words, ideas, and people that might cause them emotional discomfort] are carried forward.

A workplace where every instance of discomfort or disagreement could lead to a lawsuit would indeed be a nightmare. But, there is good news for employers. While courts stand ready to enforce anti-discrimination and other employment laws, they are not generally friendly to the idea of moderating garden-variety coworker conflicts or to acting as a super-personnel department. The law does not create legal protection from every offense, discomfort or microaggression, and employers have the right, so long as they comply with applicable law, to set community standards at work that everyone must follow.

Employers clearly must walk a tightrope of balancing business needs, a tangle of regulations, and a minefield of interpersonal dynamics. One of the best ways to avoid trouble is to create a culture where diversity and respectful communication is the norm. While the coddling of the American mind is certainly a point of concern, and taken to its extreme could create disaster for the workplace if unintended slights become unlawful, I, for one, am hopeful that the predicted unending litigation will not come to pass.