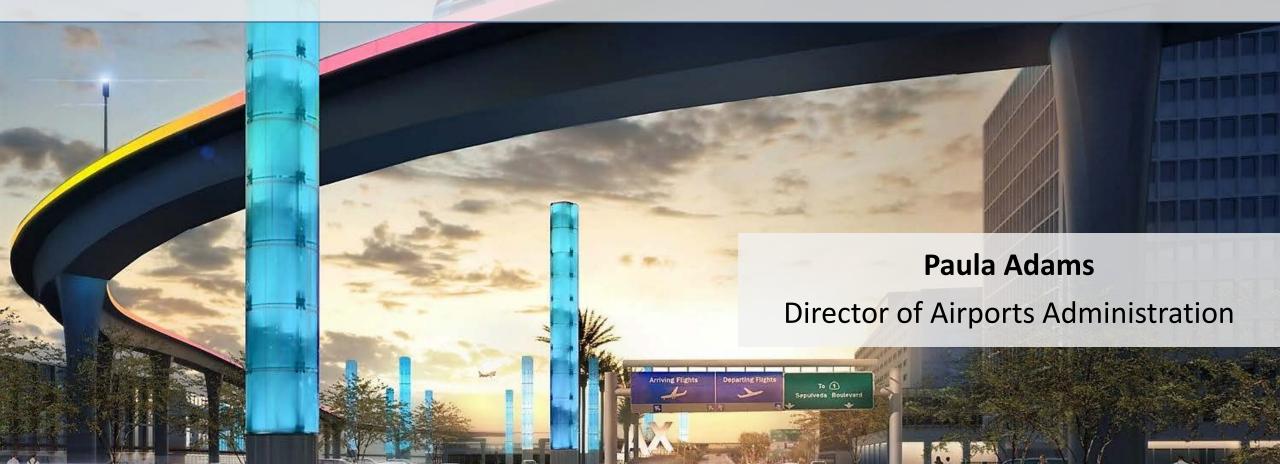


#METOO AND ITS EXPANSION



CLIMATE OF THE TIMES



- Sexual harassment allegations are headline news today.
- A recent ABC News/Washington Post Poll found that 83% of people think sexual harassment of women is a problem in the workplace.
- 72% called it a "serious problem".
- Those results are up 6% since the Harvey Weinstein allegations.
- The news isn't all bad:
 - 62% think the recent attention will create lasting change, compared to only 32% who think things will not change.

Source: ABC News/Washington Post Poll 2018

FOX SETTLES WITH GRETCHEN CARLSON OVER ROGER AILES SEX HARASSMENT CLAIMS

Fox News' parent company spent \$20 million to settle a lawsuit brought by a former anchor, Gretchen Carlson, whose allegations of sexual harassment toppled the network's powerful chairman, Roger Ailes, and engulfed the company in crisis.



Source: New York Times

HARASSMENT IN DIFFERENT FORMS

- Overly Positive vs. Overly Negative
 - "I really like how you look and really want to see more of you."
 - "I really dislike how you look and would never want to see more of you."
- Company-sponsored activities (i.e. softball team, company picnics, etc.)

EEOC REPORT

- EEOC recovered \$70 million for sexual harassment victims in 2018, compared with \$47 million in 2017.
- The EEOC took measures over the past 12 months to fight all forms of workplace violence harassment:
 - 1000 outreach events
 - Development of "respectful workplaces" training seminars
 - Creation of an internal harassment prevention action team to coordinate the agency's anti-harassment efforts

SELECT TASK FORCE EXECUTIVE SUMMARY

- Harassment Remains a Persistent Problem
- Harassment Too Often Goes Unreported
- Compelling Business Case for Stopping and Preventing Harassment
- It Starts at the Top Leadership and Accountability are critical
- New and Different Approaches to Training





BROADEN THE GRAY AREA

RESPONSIBLE CONDUCT

IRRESPONSIBLE CONDUCT

Rude Behavior

IRRESPONSIBLE CONDUCT

Bullying

UNLAWFUL HARASSMENT



POLICY ON WORKPLACE CONDUCT

MULTI-FACETED COMMUNICATIONS

INTERNALLY

- Handbook, Intranet, Breakroom
- Rewrite policies
- Incorporate principles of professionalism and civility

EXTERNALLY

Consistent with public perception

ASK MARKETING TO HELP ON INTERNAL COMMUNICATIONS

ZERO TOLERANCE POLICIES

ADVANTAGES

- Clear Message
- Superior-subordinate Relationships
- No Enforcement Issues

DISADVANTAGES

- Big Brother?
- Peer Relationships
- Enforcement Issues

CASE STUDY: WAS THAT HARASSMENT?

- Ambiguous criteria can lead to bias in decisions about promotions, hiring, and development opportunities.
- What makes a comment inappropriate?
- A Leader's position can raise or lower an employee's concern about sexual harassment.
- Difference in promotion rates between men and women were due not to behavior, but to how they were treated.
- One single harassment claim can dramatically reduce perception of fairness.
- Under policies, well-founded complaints lead to dismissal too harsh?

EXPANSION OF #METOO

 #PayMeToo – Increased attention to gender –based pay inequality.

 EEOC's collection of employer's detailed pay data on EEO-1 reports.

 Activist groups working towards transparency of pay disparities at large companies.

UNINTENTIONAL CONSEQUENCES OF #METOO

- Sexual harassment claims could place too much emphasis on harassment over other protected groups.
- New legislation aimed at sexual harassment makes it seem like sexual harassment is worse than other types of discrimination, and deserves more attention and resources.
- The #MeToo's affect on men and unintentional affect on women:
 - 45% of men have not changed the way they act
 - 21% of men have made only small changes
 - 1/3 of more than 1,000 executives have adjusted "perceived" behaviors
 - Overcorrection and increased awareness may result in fewer opportunities for women

#METOO RETALIATION

• Arguably, retaliation risk is higher in #MeToo era due to identity of the alleged harasser. By definition, this person is a supervisor or manager, owner, CEO, someone who can make or break a reporting employee.

What it does to your enforcement efforts:

- Reports never get made
- Witnesses hide
- Witnesses refuse to participate in your investigation
- Perpetuate problematic workplace environment

THE END