

#METOO AND ITS EXPANSION

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Arriving Flights Departing Flights To 1 Sepulveda Boulevard

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.

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.



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



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