

# **Preventing Harassment in the #MeToo Era: Leading Cultural Change to Strengthen Your Organization**

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**Chief Executives Workshop  
League of Wisconsin Municipalities**

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**Agenda**

- What's the "Real Life" Problem in the Current Climate
- How Cultural Change Can Prevent Harassment
- How to Respond to Harassment Complaints

  
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**The "Real Life" Problem  
in the Current Climate**



  
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**Facts About Workplace Harassment**

- 70% of women have experienced gender harassment
- Half of all women have been sexually harassed
- Workplace harassment = 1/3 of EEOC charges-  
Male sexual harassment claims = 16% of charges
- 70% of workers of color experience harassment
- 1/3 of female victims will discuss with family;  
1/2 to 3/4 of victims will talk with friends
- 75% of victims never complain to their employer

  
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#MeToo had been retweeted nearly 2 million times across 85 countries by late October 2017



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### What is the Current Climate?

- Public opinion (and community outcry) are not based on legal standards
- Legal definitions for “sexual harassment” have not changed
- Employers in the news may be acting on public outrage (or fear of outrage) or optics regardless of whether conduct is actionable
- Public attention focuses on allegations
- Although complete investigations may have taken place that is not known or reported

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### So What’s the “Real Life” Problem?

- Unacceptable and inappropriate behavior is being reported that does not meet the legal or employer policy definition of harassment
- #MeToo posts describe illegal and inappropriate conduct by:
  - The comedian
  - Good lovin’ gone bad
  - The vindictive co-worker
  - The misinterpretation
  - The never-ending pursuit
  - The open secret

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**One Snapshot of Work in 2017**

2017 *New York Times* survey of 615 men at work revealed:

- 19% told sexual stories or jokes that some might consider offensive
- 16% made remarks that some might consider sexist or offensive
- 7% displayed, used or distributed materials (like videos or cartoons) that some might consider sexist/suggestive
- 1% attempted to draw someone into discussion of sexual matters even though the person did not want to join in
- 4% made gestures or used body language of a sexual nature, which embarrassed or offended someone

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**One Snapshot of Work in 2017**

2017 *New York Times* survey of 615 men at work revealed:

- 4% continued to ask someone for dates, drinks or dinner even though he or she said no
- 3% made attempts to establish a romantic sexual relationship with someone despite that person's efforts to discourage it
- 2% touched someone in a way that made him or her feel uncomfortable
- 1% made uninvited attempts to stroke, fondle or kiss someone
- 2% offered or implied rewards if someone engaged in sexual behavior or treated someone badly if he or she didn't

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**#MeToo is the tip of the iceberg**

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### Opportunities Created by #MeToo

- Has raised awareness
- Has encouraged people who feel uncomfortable at work to speak up
- Has encouraged others who witness inappropriate behavior to intervene
- Encourages employers to evaluate their current work environment, reporting procedures, and how cultural expectations are communicated



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### PREVENTION BY BUILDING & SUSTAINING A "HARASSMENT RESISTANT" CULTURE



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***"Workplace culture has the greatest impact on allowing harassment to flourish, or conversely, in preventing harassment."***

EEOC Select Task Force on the Study of Harassment in the Workplace, Executive Summary and Recommendations, June 2016



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### Re-Boot a Culture of Civility

- Evaluate your current organizational culture
- Culture is tangible - conduct and communication
- Assess and eliminate risk
- Create a respectful culture where inappropriate behavior and harassment are not tolerated or considered "harmless" - make it standard operating procedure

*"That's just Joe, he doesn't mean anything by it" should have no place*



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### Leadership Drives Culture

- Management must take a strong and consistent public stand against inappropriate and harassing behavior
- Demonstrate commitment to a diverse, inclusive and respectful workplace (not lip service)
- Hold mid-level managers and front-line supervisors tangibly accountable to prevent and respond to inappropriate behavior or harassment
- Educate leadership on respect, cultural tolerance and legal exposure



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### Evaluate Culture

- Leadership should drive a top-down evaluation
- Questions that can and should be asked:
  - Is there a discrepancy between what we say and what we do?
  - Are respectful behaviors practiced at the top? Leadership by example?
  - Is respect publicly and tangibly rewarded?
- Methods are limited only by creativity and funds
  - Examples: Survey, dialogue, employee involvement



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### Assess Risk and Reduce Vulnerabilities

- Use the EEOC Checklist for Employers to assess [https://www.eeoc.gov/eeoc/task\\_force/harassment/upload/report.pdf](https://www.eeoc.gov/eeoc/task_force/harassment/upload/report.pdf)
- Identify existing harassment risk factors - for example:
  - Does your community have a homogenous workforce?
  - Do employees have to fit into pre-set workplace norms?
  - Are some workers vulnerable (young, isolated)?
  - Where are the significant power disparities?



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### Employ Additional Tools to Build Harassment Resistance

- Have a strong respectful workplace policy
- Train seriously and regularly
- Empower “bystander” involvement
- Set strategies to build and sustain a harassment resistant culture



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### Strengthen Your Harassment Policy

- Give explicit leadership commitment
- Actively review at orientation
- Include basic examples of prohibited or other inappropriate conduct
- Provide multiple reporting avenues that are readily accessed and if possible, have gender and racial diversity



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### Strengthen Your Harassment Policy

- Include “open door” policy allowing employees to bring concerns to anyone in management
- Hold perpetrators accountable in meaningful and proportional manner
- Include explicit prohibition of retaliation



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### Train Seriously and Regularly

- Design to address risk factors present
- In-person and interactive with all employees at all levels
- Management or outside expert
- Weave into other conversations such as service, organization strategy, or citizen engagement
- Conduct separate manager/supervisor training on how to address observed harassment, or uncivil or inappropriate behaviors, how to identify and respond to complaints and issues



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### Bystander Empowerment Training

- Consider including bystander training for all levels
- This trains employees to:
  - Talk openly about inappropriate behavior with colleagues
  - Talk with and support targets of inappropriate conduct or harassment
  - Call out inappropriate conduct
  - Disrupt the situation



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### Harassment Resistance Strategies

- Increase Workforce Diversity
- Studies have shown:
  - Male-dominant management teams have been found to tolerate, sanction or even expect sexualized treatment of workers
  - Less sexual harassment occurs when employers have women in management
- Foster and support inclusion at all levels

*Harvard Business Review, November 15, 2017*



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### Eliminate Risk From Power Differential

- Ensure business based criteria for employee progression
- Reevaluate effectiveness in recruiting and retaining women
- Apply workplace rules uniformly regardless of rank or value
- Rethink “ citizen is always right” mentality in terms of unwelcome conduct and create response strategy where this occurs
- Consider eliminating isolated work roles



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### Responding to Complaints

**RESPONSE REQUIRED**



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### Response Demonstrates Culture

- Respond promptly, thoughtfully and thoroughly
- Implement necessary protections and determine how to handle situation
- Be prepared to deal with press, public and political figures
- If needed, create and maintain an investigation plan
- Address confidentiality and privilege up front



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### Investigation Reflects Culture

- Create a “living document” investigation plan
- Gather and preserve evidence
- Conduct a thorough investigation using all resources
- Consider the physical and emotional impacts from the investigation
- Document findings and report conclusions
- Make determination and communicate to involved parties



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### Prohibit Retaliation

- A culture of anti-retaliation for reporting harassment and other inappropriate behavior is critical
- Continue to monitor situation post-complaint
- Anti-retaliation policy and culture should be reiterated in writing and verbally throughout response and investigation process



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QUESTIONS?



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