

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

**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
- 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

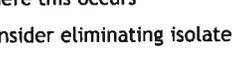


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Eliminate Risk From Power Differential

- 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



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



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



QUESTIONS?



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