

Making #MeToo #NotHere



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Rich Theatre

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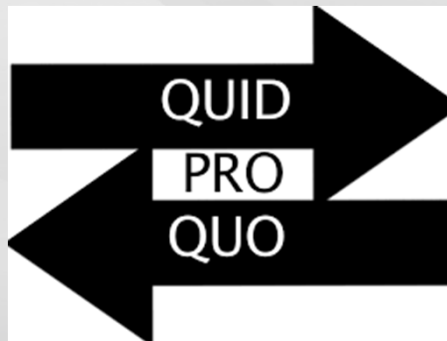
What Is #MeToo?

- Primarily a social media movement
- Calls attention to sexual abuse and harassment
- Emerged in response to sexual abuse allegations against Hollywood and media figures
- Encourages victims to speak out
 - Abuse
 - Harassment

#METOO

How Is #MeToo Relevant to Me?

- Media spotlight focuses on extreme and egregious abuses
 - Drugging of victims
 - Quid pro quo
- Most workplaces better, but heightened attention



How Is #MeToo Relevant to Me?

- Expect to receive more complaints
- Expect that alleged misconduct will range from serious to trivial
- Expect some employees will gain courage to report
- Expect that “old” or non-employment related misconduct may be reported
- Expect reports from bystanders

How Is #MeToo Relevant to Me?



#MeToo When you're pulled aside & warned a senior client will stare at certain parts of your body and you're instructed to ignore it.

1:34 AM - 17 Oct 2017



#MeToo? #Not Here!

- How to make #MeToo, #Not Here?
- Six Steps
 - Leadership
 - Strong Policies
 - Training
 - Prompt response
 - Appropriate Investigation
 - Accountability



Step 1: Commitment From The Top



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- Affirm your organization doesn't allow it: *Sexual harassment has no place in our organization*
- Reaffirm the organization's commitment to treating all persons with respect and dignity, and to prohibiting unlawful harassment

Step 1: Commitment From The Top

- The message from leaders should be clear that:
 - Employees should not be afraid to report harassment
 - Any form of harassment, discrimination or retaliation
 - Anyone found guilty of harassment will face severe consequences.



Step 2: Strong Policies



Step 2: Strong Policies

- Commit to prohibiting harassment based on sex and all other protected classifications
- Not too broad
- Not too narrow
- Provide examples of prohibited harassment
- Provide multiple reporting options
- Commit to investigate complaints
- Avoid “good faith” requirements

Step 2: Strong Policies

- Communicate that violations will be disciplined, up to and including termination
- Assure no retaliation for complaining
- Don't advise employees to go to the EEOC or state agency
 - Unless required by law to do so
 - Only a few states



Step 3: Train Managers



Step 3: Train Managers

- All managers and supervisors
- Use “on the go” training in addition to formal training
- Stress that employees look to managers and supervisors, not to the employee handbook, for clues regarding acceptable behavior
- Stress that managers and supervisors are role models
- Stress not enough to just avoid “harassment”

Because...

...many harassment complaints arise as the result of poor judgment on the part of managers



For Example....

- Dating or becoming sexually involved with subordinates



For Example....

- Drinking with subordinates



For Example....

- Texting subordinates after hours



For Example....

- “Friending” subordinates on social media



For Example....

- Inviting subordinates to your home



For Example....

- Lending money to subordinates



For Example....

- Becoming involved in subordinates' personal lives



For Example....

- Mistakenly believing that what happens in Vegas stays in Vegas



For Example....

- Making comments about sex roles in “the good ol’ days”



In Sum

- Managers are on-duty 24/7
- Managers don't get a break
- Training may be required by law



Step 3: Train, Train, Train

- States with training requirements
 - CA, CT, NY, ME, DE
- States “encouraging” training
 - CO, MA, MI, OH, RI, TN, VT
- Case Defense
 - Everywhere

Step 4: Prompt Response



Step 4: Prompt Response

- Managers should relay complaints to HR and not try to deal with it themselves
- HR must respond in a timely fashion
- Managers should be alert for inappropriate behavior
- The Company must act even though no one complains
- No complaints \neq no problems

Step 4: Prompt Response

- Don't be tricked by plea to “do nothing”
- If you see something, say something



Step 5: Impartial Investigation



Step 5: Impartial Investigation

- Top three considerations
 - Prompt response
 - Deliberate plan
 - Good communication
- Don't meddle if you are not part of the investigation plan
- Keep complaint on a “need to know” basis

Step 5: Impartial Investigation

- Use a neutral and experienced investigator
- Review personnel files of accuser and accused before conducting interviews
- Obtain and review e-mails, text messages, phone records, time clock entries and video surveillance as available
- Meet with complainant first and get all details

Step 5: Impartial Investigation

- Meet with accused and review every accusation
- In a “he said/she said” situation, interview any witnesses who might have observed conduct alleged
- Weigh credibility and come to a conclusion

Step 5: Impartial Investigation

- Investigation Nightmare: A High Level Person Accused
- Your top three become even more important
- Heightened need for 3rd party investigator
- Action/Inaction will speak volumes

Step 6: Hold People Accountable



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- Policy violations must be disciplined
- Choose discipline appropriate to violation
- Treat similar circumstances consistently
- Inform complaining employee that corrective action has been taken but do not divulge details

Step 6: Hold People Accountable

- Don't allow men to avoid working with women
- Don't allow fear to alter the work environment
- Don't let “harmless” bad behavior go unchecked



Questions



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Thank You



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