



'Boys Will Be Boys' Isn't a Defense

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Howard Mavity's article "'Boys Will Be Boys' Isn't a Defense" was featured in the September Issue of the *CE Risk Management* magazine.

Labor lawyers often hear, "that just won't work in the real world" and are accused of being impractical, especially regarding civility and professionalism in the workplace. "People cuss, people tease, language has changed, snark is in. Do you want a frigid workplace? Lighten up." The fact is, these things make employment law claims more likely.

In the article, Howard examines common factors that contribute to harassment, discrimination and retaliation claims in the workplace. Some of these factors include:

- Workers now share more personal information, but are more sensitive to real or perceived slights.
- "Bullying" behavior won't be tolerated; nor should it.
- Social media has multiplied the opportunities to hurt or offend others, while simultaneously contributed to employees sharing unprofessional personal matters at work.
- More harassment and hostile environment claims are raised based on race and national origin than gender.

To adapt to these common changes in the work place, Howard advises employers to do the following:

- Commit to actively demanding "professionalism" and "good judgment" from employees.
- Set an example and demand more from employees.
- Connect customer service with workplace behavior.
- Train supervisors to catch teasing and horseplay before it goes too far.
- Explain in a straightforward fashion the ways that social media can cause trouble.

