



## What If.... Harassment, “Me Too” and the Media.

Insights

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We encourage larger companies to establish a committee to meet every six to twelve months to engage in “What-if” risk planning. If we have learned anything this year, it’s that businesses face more unexpected risk than ever before.

Most employees have not adequately planned for and drilled to handle workplace fatalities. So it should come as no surprise that employers are caught under-prepared for recent challenges, such as:

- Hurricane Harvey
- The Houston flooding
- Hurricane Irma
- Northern California wildfires
- The Las Vegas massacre
- Cyber-attacks and data hacks

Or how about the Orlando Pulse Club shooting, UPS San Francisco shooting, Houston’s Arkema chemical plant, not to mention union-driven corporate wide attacks on even progressive companies such as Tesla.

These catastrophes push the limit of what Risk and HR professionals plan for. In fact, we may need to rewrite the definition of Catastrophe.

### **“Me Too” and the Outing of Harassment.**

And now we have near-hourly announcement of sex harassment and outright rapes and assaults. Consider a selection of recent headlines:

- • *The ‘Click’ Moment: How the Weinstein Scandal Unleashed a Tsunami* - The New York Times.
- *Harvey Weinstein’s Army of Spies -The film executive hired private investigators, including ex-Mossad agents, to track actresses and journalists* – The New Yorker.

- 38 women have come forward to accuse director James Toback of sexual harassment Los Angeles Times.
- Roy Price's Alleged Trail of Drinking and Sexual Harassment Challenges Amazon's Culture
- This isn't a harassment Headline but deserves inclusion - Pharmaceutical Founder Arrested In Alleged Nationwide Opioid Scheme . NPR.
- Harassment Discussions Rarely Make It Through Boardroom Doors Bloomberg.
- Fox News Fires Bill O'Reilly Amid Sexual Harassment Storm.
- James Murdoch on **Bill O'Reilly's \$32 million sex-harassment** settlement: 'It was news to me' Chicago Tribune.
- • Uber fires more than 20 employees after sexual harassment investigation. The Guardian.
- Uber President Jeff Jones Resigns After Six Months of Controversy -The former Target marketing chief's departure comes amid a flurry of controversies at Uber, which includes multiple sexual harassment allegations. NBC News.

In my world, crazy as it sounds, there are routine, or at least “normal” workplace fatalities and catastrophes, union attacks on employers, and harassment claims.

However, the recent onslaught on catastrophes and harassment allegations are anything but normal.

- Have you prepared responses to such challenges?
- Have you even determined all of your areas of vulnerability and risk?

I am not sure that anyone could have anticipated and adequately prepared for the Houston flooding, Florida evacuation, Las Vegas shooting, or the flood or harassment complaints. However, shareholders, managers and customers may not be so charitable when engaging in the social media-fueled “pin the blame on the executive” game.

### **Time to form Your “What-If Committee!”**

Asking “what-if” is a recognized tool in carrying out various types of hazard analysis ranging from combustible dust to process safety management, not to mention various IT applications.

**The American Chemical Society** describes a What-If Analysis:

*A technique using “structured” brainstorming to determine what can go wrong in specific scenarios*

*and identify the resulting consequences.*

An **MIT** document on the web states further:

*The answers to the question form the basis for making judgments regarding the acceptability of those risks and determining a recommended course of action for those risks judged to be unacceptable.*

To simplify, I'd suggest that you visualize a table with the following columns:

<u>Division</u>	<u>Operation</u>	<u>Activity</u>
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What if?

Answer:

Likelihood

Consequences

Recommendations

Then consider factors determining exposure, such as:

- The type of Activities;
- Locations (state laws and regulators, publicity and social media vulnerability, plaintiff bar, weaknesses in utilities/infrastructure)

And what about:

- The Weather;
- Geography;
- The Type of Workforce;

Consider Categories of Risk, such as:

- Business disruption/continuity;
- Criminal exposure
- Civil exposure;
- Harm to Shareholder Value, Public Trust;
- Brand;
- Employee morale and culture;
- Customer ratings, customer safety, diversity, corporate responsibility, sustainability.

- Customer rating systems – safety, diversity, corporate responsibility, sustainability;
- Safety;
- Environmental;
- Labor and Employment;
- Civil unrest;
- Power grid failure;
- Pandemic;
- Cybercrime;
- Trade Secret theft;

Think about every possible causation:

- Bad judgment;
- Weak management;
- Poor performers tolerated for long periods;
- Overlooking judgment and character issues because of power, contacts, competence –double standards;
- Wrong procedures;
- Misapplication or failure to follow procedures;
- Equipment failure;
- Instrument, software, hardware failure;
- Utility failure;
- Supply chain disruption
- Weather – including “100-year flood”-type events
- Fire;
- Flood, drought, and other long term events;
- Earthquakes – domestic and abroad;
- Explosion – natural gas, combustible dust, chemical;
- Inadequate training;
- Management drowned in data;
- Fast expansion;
- Acquisitions and no single culture or processes;
- Buy-sale;
- Financial challenges.

- Financial challenges;
- Right sizing;
- Activist shareholders and cuts;
- Whistleblowers, government contracts;
- Hiring challenges – older and less healthy workforce
- Decline in certain skilled professionals
- Generational differences

You can probably run this list up another fifty issues – that's the point. Then you sift, rank, prioritize and analyze.

Allow me to through some curve balls...

- If you are a utility, cable provider or municipality, have you considered what happens if your lines are tied to the cause of wild fires?
- That sort of claim has cost companies hundreds of millions of dollars.
- Did your analysis consider how to assist employees in a disaster if utilities were out for two weeks after a storm?
- What if your neighbor's plant blows up and burns and disrupts your business.

And what if your top brass was accused of harassing dozens of people over many years or supposedly hired ex-Mossad agents to intimidate journalists and others?

Brainstorming suddenly seems mandatory.

Howard