



## Workplace HR and Safety Lessons from Movies: “Untouchable”

Insights  
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The first full documentary on the fall of film mogul Harvey Weinstein premiered at this year’s Sundance Film Festival, and it can provide employers with an important reminder about the need to rid workplaces of sexual harassment and gender discrimination.

“Untouchable” makes real the sexual assaults and degradation young women alleged against Weinstein. The interviews are painful to watch and a needed reminder of the harm caused by such behavior. While the film does not explore why executives were either oblivious to Weinstein’s behavior or afraid to act, it does show apparently decent people who now feel ashamed. They have no explanation for their failure to act.

The entertainment industry is a unique industry with an unusual history. Historically, some powerful and creative people were given near-unlimited power and little accountability so long as they delivered success. Examples have ranged from the great studio heads to managers and successful directors and actors. Unfortunately, while Hollywood may present the most glaring examples of employers engaging in sexual harassment, it would be foolish to think that such behavior could not occur in other workplaces.

The problem may also be deeply rooted in other aspects of the traditional Hollywood work culture. Other workplaces, including teaching hospitals and big city law firms have had to reconsider how they treated subordinates, especially when starting out.

### Harassment and Sexual Misconduct May be Part of a Broader Workplace Problem

Sexual harassment prospered in an environment which accepted abusing subordinates. Another Sundance debut, “Late Night,” is a hilarious “Devil Wears Prada”—like story about a tyrannical talk show host (played by Emma Thompson) who terrorizes her faithful assistant (played by Mindy Kaling), the only women in the all-male writers’ room. One of the reasons the movie works is because the audience knows that this kind of workplace behavior actually happens.

Last year, the comedy “Set it Up” was based on interviews with numerous personal assistants in the entertainment industry. Audiences, especially former assistants, laughed at the obliviousness of the powerful female magazine editor and the male investment manager, but their form of bad behavior

is still too common. Why are we surprised that the thoughtless mistreatment of employees may evolve into harassment and discrimination?

### **Workplace Problems May Begin Small and Grow.**

When I first began conducting harassment avoidance training, I used an analogy from my climbing days. We realized that most serious injuries and deaths occurred when someone got too close to an edge when they did not need to do so. We would draw a talc line about 6 feet from the edge. If you crossed the line, you either had to be tied off or in the process of climbing. Similarly, one does not focus on a black-and-white definition of unlawful harassment and avoid it. I once trained a group of young physicians and had to chide them for asking “would this be harassment?” questions in an effort to determine how far they could go without engaging in harassment. Instead, the focus should be on drawing the line 6 feet back and focusing on professional behavior.

Keep in mind that while egregious claims of sex harassment grab our attention, statistics show that employers face more claims of race discrimination and harassment than sexual harassment claims. How many of these claims occurred because supervisors mishandled employees and the employees ascribed the motive to their race ... or to their age, national origin, age, or disability condition?

### **Takeaways.**

With that background, here are some takeaways after viewing “Untouchable” and considering how the film can guide your workplace practices.

1. Do not wait for harassment to occur. Train supervisors to act before bad behavior becomes bullying or harassment.
2. Recognize that harassment is often about “power” and thus, it is not enough to train frontline supervisors and middle management. One must find ways to make the issue real to upper management, who, after all, has the most to lose.
3. Involve upper management in training and discuss setting an example. Share lots of “horrorabilia” about highly public claims of harassment, mainly against executives.
4. Sadly, fear is useful in harassment avoidance training. People need to know what is at stake – make it personal. For example, describe how a claim of harassment could hit them in the pocketbook, or could even cost them their job.
5. Hollywood executives are not the only executives to have failed to act in the face of unacceptable behavior. Employers need to consider how to address this problem through leadership and training.
6. Ponder how to make your internal reporting procedures practical and effective.
7. Reporting procedures are worthless if they do not work.
8. Do not limit anti-harassment and discrimination training to sex. Include bullying, which often spawns discrimination claims, and more chillingly, workplace violence.

9. Invest in much more training for frontline supervisors, especially practical management training and instruction on dealing with people.
10. Many of our blog readers are Safety Professionals. As we have explained before, safety professionals are constantly on the shop floor and often are the first to encounter workplace problems. Build a close relationship with the HR folks. They'll love you.
11. Surveys show that many employees still fear reporting sexual harassment because they're afraid that the employer is not going to take it seriously, or they're afraid that they'll lose their job, be ridiculed, intimidated, shamed, or embarrassed by other employees. Use upper management to dispel these concerns.
12. Take advantage of the many articles, alerts, seminars and webinars provided by Fisher Phillips and others.

### **Movie Information.**

- As of the date of this post, no distributor has picked up "Untouchable," perhaps because of lukewarm critical reaction.
- [Amazon purchased and will release "Late Night."](#)
- "Set it Up" is available on Netflix. [Reviews at Rotten Tomatoes and Variety review.](#)

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### ***Service Focus***

Workplace Safety and Catastrophe Management