A Meaningful Response to #MeToo

Confronting the Challenges to a Harassment-Free Workplace

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The #MeToo movement has drawn more attention to sexual harassment and assault, as millions of female and male victims have shared their stories. Their conversations have touched every industry and professional arena from Hollywood to the U.S. Supreme Court.

Despite the public outcry and pledges from many employers to focus more attention and resources on the problem, in far too many workplaces, little has changed. In fact, according to a May 2018 study by the American Psychological Association (APA), most workers don't perceive their employers to be taking serious steps toward preventing sexual harassment. APA researchers found that only 32 percent of U.S. workers say their employer has taken new steps to prevent and address sexual harassment since the #MeToo events, and only 10 percent of respondents say their employer added more sexual harassment training. Research like the APA study suggests a disconnect between the intentions and the actions of organizational leaders.

This playbook will delve into what HR departments can do to move their organizations from a rhetorical #MeToo response to actions that make a real impact in preventing sexual harassment. We'll explore some of the challenges to creating a harassment-free workplace, the importance of creating a supportive workplace culture and the benefits of implementing an effective anti-harassment training program.

Barriers to Confronting Harassment

Why haven't more employers placed the issue of sexual harassment prevention front and center?

Some C-suite executives may believe the problem hasn't touched their workplace, because they see no obvious signs, according to Holly Rider-Milkovich, senior director of prevention education at EVERFI. Others may view the issue to be of concern only for human resources, not leadership. Even for those organizations (or leaders) who have decided to make sexual harassment a top-down priority, it's likely one of many pressing issues competing for their attention.

"It can unfortunately fall down to the bottom of the to-do list," Rider-Milkovich says. When that happens, the approach to harassment prevention is often haphazard and ineffective.

Beyond the challenge of getting employers to treat sexual harassment with the urgency it deserves, workplace cultural environments often discourage people who have experienced

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harassment from coming forward. Ninety percent of people who experience unlawful workplace harassment never file a formal charge or complaint, according to the U.S. Equal Employment Opportunity Commission's 2016 report of the Select Task Force on the Study on Harassment in the Workplace. About 70 percent never even mention the offending conduct to a supervisor, manager or union representative.

Reasons for not reporting include self-blame, the fear of not being believed and the belief that nothing will happen as a result. Concern of potential negative career impacts also plays a role for many who choose not to report.

"[Employees who have experienced harassment] think about the damage that could happen to their reputation, both in the workplace that they're in and going forward," says Rider-Milkovich. "They're worried about whether choosing to come forward is going to sabotage or slow down their career trajectory."

One of the strongest silencers of employees who may wish to report sexual harassment is the fear of retaliation, and statistics show it's a reasonable concern. The EEOC's Select Task Force cites a 2003 study showing 75 percent of workers who reported harassment said they experienced retaliation.

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—A March 2017 Temple University study

Employers have an obligation to protect those who report harassment from retaliation. To do so, they need to be aware of the many forms that retaliation can take:

- Issuing direct reprimands
- Offering lower performance reviews than warranted
- Transferring the employee to a less desirable position
- Engaging in verbal or physical abuse
- Spreading false rumors
- Threatening to report the employee to the authorities (e.g., police, immigration enforcement)
- Making the employee's job more difficult

Research shows that when victims keep silent out of fear they won't be supported, their emotional and physical health suffers. A March 2017 Temple University study turned up a list of negative cognitive, psychological and physiological effects on employees that include humiliation, resentment, demoralization, high blood pressure and heart disease. The EEOC report points to problems such as depression, anxiety and post-traumatic stress disorder.

To protect their employees from these harmful effects, employers must implement and consistently enforce policies that encourage reporting of sexual harassment and other inappropriate behavior, including policies that prohibit retaliation. Providing multiple channels of reporting, including anonymous reporting, can help remove some of the barriers employees face when deciding whether to speak out.

Creating a Supportive Culture

No attempt to eliminate workplace sexual harassment can succeed without a strong commitment from leadership to foster a respectful and inclusive corporate culture. The 2018 Global Business Ethics Survey by the Ethics & Compliance Initiative (ECI) highlights the strong link between corporate culture and ethical behavior among employees.

“The single biggest influence on employee conduct is culture,” the ECI report states. “In strong cultures, wrongdoing is significantly reduced. Yet only one in five employees indicate that their company has such an environment.”

Furthermore, the ECI survey found that 40 percent of employees believe that their company has a weak or weak-leaning ethical culture. Employees in work cultures they describe as ethically weak are three times more likely to say they have observed misconduct but 41 percent less likely to report such conduct. Employees in weak cultures who do report bad behavior are 27 percent more likely to say they experience retaliation

as a result. Building a harassment-free corporate culture requires consistent messaging from the top that harassment and discrimination won't be tolerated, Rider-Milkovich says.

Transparency is another key component of building a workplace culture where harassment is not tolerated. Informing workers about harassment complaints that arise and the way they are handled demonstrates accountability on the part of employers and builds employee trust. Rider-Milkovich recommends that when possible, employers share aggregate information with their staff about the number of harassment cases addressed and organizational actions taken, in addition to information about the organization's efforts to prevent sexual harassment and how to report concerning behavior. This approach serves to demonstrate that the organization takes sexual harassment seriously, while protecting the privacy of individual employees.

Organizational leaders also need to be aware of employees' attitudes and behaviors toward one another, as a March 2018 American Bar Association (ABA) website article points out. Towards that end, the ABA suggests conducting employment climate surveys to gauge areas of employee concern, so long as employers are prepared to commit sufficient resources to act on the findings.

Developing an Effective Training Program

An effective anti-harassment training program is an indispensable resource to back up an employer's commitment to providing a harassment-free workplace. It not only affirms leadership's belief in a workplace culture of accountability and respect, but also gives every employee in the organization a role in building that culture.

The primary goal of sexual harassment training should be to provide employees with both the skills to take action when they see or experience inappropriate behavior, and the knowledge that the organization will support them when they do. To meet that aim, the program's implementation must first be universal, Rider-Milkovich says. That is, everyone in the organization, including managers and top executives, should receive training that is appropriate to their role. The training also must be implemented on a regular basis—"not a one and done," in Rider-Milkovich's words, but frequently provided and constantly reinforced.

Bystander intervention is an important element to incorporate into the training, which teaches co-workers how to recognize disrespectful behavior and harmful situations, and building on their skills and confidence so that they may step in and intervene.

Sexual harassment prevention training should take a comprehensive approach to defining inappropriate behavior. This should cover not just examples of overt or direct harassment, but also more subtle or indirect conduct—like telling sexual jokes, always asking the female team member to take notes or displaying explicit pictures in the office—which might contribute to a hostile work environment. Expectations for after-hours behavior and communication on social media should also be addressed.

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The content of the training is most effective when it takes a broad, holistic approach to preventing sexual harassment by creating the kind of respectful workplace culture where such behavior has no place. This approach also aligns with the EEOC guidelines that discourages a narrow, check-the-box focus on compliance.

A key ingredient for successful anti-harassment training is the use of organization-specific data to evaluate and enhance the program on an ongoing basis. Online training programs can offer a significant advantage for organizations that are committed to delivering evidence-informed prevention efforts due to their capacity to collect data about learners' knowledge, beliefs, and experiences. Employers and HR managers can easily review completion records and follow up with employees who are not meeting the minimum expectations of the course. They can also tailor ongoing harassment prevention initiatives to the specific strengths and needs of their employees.

Another advantage of online programs is their facility in reaching all members of a widely dispersed workplace.

"It can be so hard to get everybody in a room for in-person training, when we have individuals who are working across the globe, or around the clock," says Rider-Milkovich. "Online training is a really effective tool to deliver training and do it consistently."

Workplaces cannot thrive without an environment in which all employees feel welcome, respected and safe. Statements of

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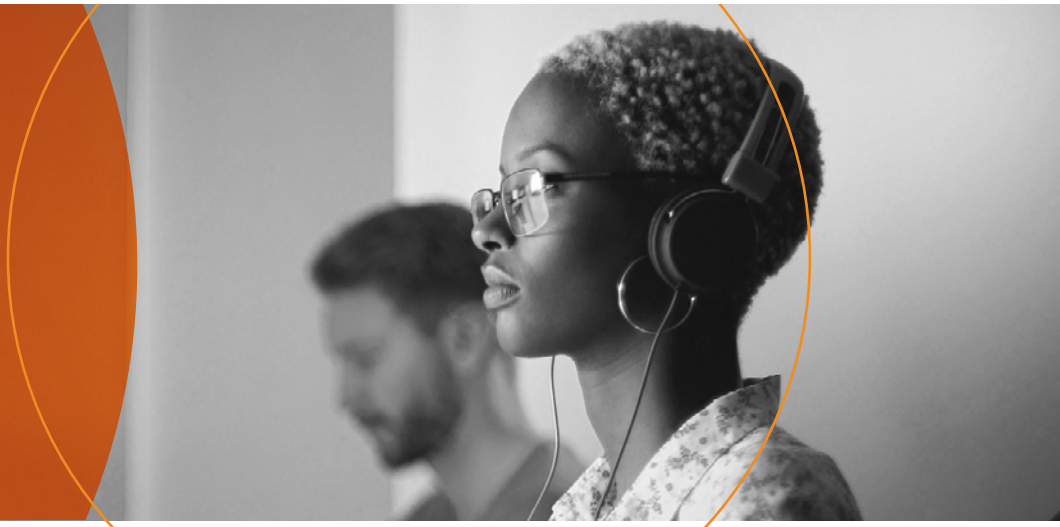

commitment from senior leaders in response to the #MeToo movement will mean nothing if it is not accompanied by organization-wide efforts to spur real workplace culture change and the implementation of policies and training programs to prevent sexual harassment.

A harassment-free workplace gives workers the best chance to reach their full potential. Morale improves, productivity increases, and teams become more effective.

By providing regular, easily accessible, and role appropriate training, increasing transparency and accountability and encouraging employees to report inappropriate behavior, HR managers can take meaningful steps toward eliminating workplace sexual harassment. A harassment-free workplace gives workers the best chance to reach their full potential. Morale improves, productivity increases, and teams become more effective.

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