



# What You Don't Know Can Hurt You:

The case for a data-based harassment prevention  
strategy to drive workplace culture

EVERFI



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The consequences of employers failing to address sexual harassment effectively and transparently can be very costly. From charges to lawsuits to regulatory fines, employees and government agencies alike are demanding increased accountability for those companies that do not take complaints of sexual harassment seriously enough.

## Legal Costs

In April 2019, the Massachusetts Gaming Commission released a report of its finding that executives at the Wynn Resort in Nevada had concealed and failed to investigate employees' [sexual misconduct allegations](#) against company founder Steve Wynn.

He was forced to resign months earlier as chairman and CEO following several news stories about the allegations, which included one woman's claim of rape. That accuser sued Wynn Resorts and received a \$7.5 million settlement that the company also tried to keep secret. Nevada gaming regulators also fined the company \$20 million.





In the end, the [Massachusetts commission approved](#) the company's gaming license but imposed a \$35 million fine and required an independent monitor to review its handling of harassment going forward.

In the month after the Massachusetts agency's devastating report on Wynn Resorts was released, 25 McDonald's workers filed [sexual harassment charges](#) with the Equal Employment Opportunity Commission (EEOC) and lawsuits against the fast-food chain. The employees alleged their reports to management of lewd comments, groping, indecent exposure and other unwelcome behavior were often met with either dismissal or retaliation.

## Business Implications

While jury awards and regulatory penalties are often the most immediate financial impacts, sexual harassment can also severely injure a company's brand, decrease team productivity, and increase employee turnover.

In fact, at least [one study](#) has found that employee turnover costs represent the largest economic cost of harassment—even more than legal costs.

Employees are speaking out and taking a stand against sexual harassment. This phenomenon demonstrates their determination not only to demand a healthier workplace culture, but also a willingness to help create one.

### **The above stories and many others are sparking conversations among employees, HR executives, and other business leaders around several vital questions:**

- Are incidents happening in my organization, and how does my organization respond?
- Can my organization do anything more or different to prevent harassment from occurring?
- If we aren't hearing complaints can we assume we don't have a problem?
- Does the "tone from the top" demand a harassment-free workplace?



## The Case for a Data-Based Approach

The answers to these questions will continue to elude any organization that simply relies on assumptions and a lack of complaints about sexual harassment to guide its work. As a human resources or compliance leader, you need accurate, timely data to inform your organization's harassment prevention strategy. This point of view is further bolstered by recent guidance from the [U.S. Department of Justice](#), released in April 2019, which discusses the importance of metrics in determining whether a company compliance program is in fact operating effectively. **Simply put, organizations can't succeed in creating a positive culture without data to assess the current environment and to determine the areas for improvement.**

# This playbook will:

- 1. Establish** the criticality of taking a holistic, data-based approach to building an effective harassment prevention strategy and program.
- 2. Explain** the value and importance of including pre- and post-surveys in conjunction with training courses to help employers understand and measure changes in participants' awareness, attitudes, and beliefs around the issues of harassment and discrimination.
- 3. Demonstrate** the value of employers reviewing survey data and metrics over time to assess the impact of their efforts, whether their efforts are on the right track, and determine areas of future focus.
- 4. Show** how adopting a proactive, data-based approach to harassment prevention can create a supportive environment where talented people want to work.

Successful organizations do not just focus on minimizing legal risk, but also strive to build a culture that promotes respect and civility, embraces diversity and inclusion, and fosters innovation. In other words, they create workplace cultures that are **hostile to harassment**.

To do this, we need to take a new approach to harassment prevention. “The most effective harassment prevention strategies are holistic and comprehensive, with elements that are informed by and build upon one another,” says Elizabeth Bille, former general counsel and ethics officer at the Society for Human Resource Management (SHRM) and currently Senior Director of Harassment Prevention for EVERFI.



# Goals of a Harassment Prevention Strategy

“At EVERFI, we look at a harassment prevention strategy as a pyramid with four layers,” Bille says. “Each layer is rooted in the activities and the tactics beneath it, and it supports those above it.”

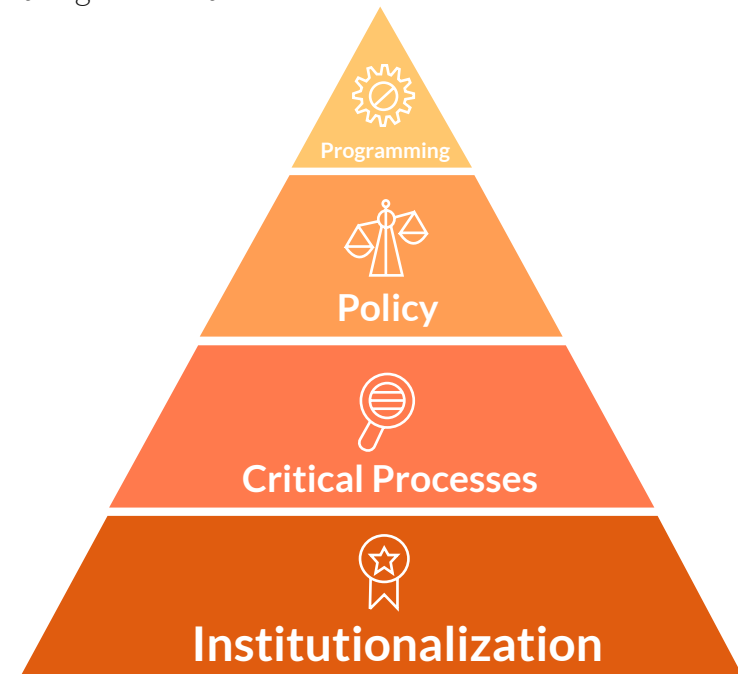
The top layer, or tip of the pyramid is programming. It includes training – both that which specifically relates to harassment and that which covers broader topics such as civility, respect, diversity and inclusion.

The second layer is policy. This step in the pyramid focuses on developing a clear set of policies addressing prohibited behavior that violates the law and the employer’s standards for a healthy workplace culture, as well as positive behavior expectations. This layer also encompasses company procedures for ensuring accountability and enforcement of those policies.

The third layer is called critical processes—and this is where the collection and analysis of data, along with the setting of measurable goals, comes in.

An effective method to incorporate a critical process within your existing training framework is through pre-and post-course surveys that are embedded within online training courses.

“It’s applying the same sort of business metric-based approach and institutional rigor to your harassment prevention work that you would to a new marketing strategy, for example, or the launch of a new product,” Bille explains. “Data enables you to confirm that you are addressing the right issues in the right way, instead of relying on best guesses or trial-and-error. Gathering and analyzing data is also critical to determine whether your training and other anti-harassment initiatives are actually having their intended impact, or whether you need to try something different.”





The bottom level of the pyramid is institutionalization. This is where organization-wide support for creating a harassment-free workplace is established. Institutionalization incorporates the way and how often an organization's CEO talks about harassment prevention, how that messaging flows down to managers and team members, and the organization's commitment to transparency in addressing harassment complaints. It includes the budget and staffing provided to the HR department to implement anti-harassment and positive workplace culture training and initiatives.

"All of these four things taken together constitute a holistic prevention strategy that will help ensure that the actions taken by the organization are data-driven, impactful and preventative," Bille says.

**“Employers should foster an organizational culture in which harassment is not tolerated, and in which respect and civility are promoted.”**

— Chai R. Feldblum & Victoria A. Lipnic,  
Co-Chairs of the EEOC Select Task Force on  
the Study of Harassment in the Workplace

## Drawbacks of the Traditional Approach to Harassment Training

Consider how a holistic, evidence-based approach to combating workplace harassment contrasts with traditional ways of dealing with the issue. For instance, outdated sexual harassment training is often too narrowly focused on reducing risk and compliance with laws and policies instead of enhancing the overall workplace culture.

In the June 2016 [report](#) from the co-chairs of the Select Task Force on the Study of Harassment in the Workplace, the EEOC noted: “Employers should foster an organizational culture in which harassment is not tolerated, and in which respect and civility are promoted.”



In a nod to the value of a data-informed harassment prevention strategy, the EEOC task force recommended that employers conduct workplace surveys to determine the degree to which sexual harassment might be a problem in their organizations. Indeed, a more robust focus on data and measurable outcomes has brought to light several shortcomings of traditional harassment training approaches.

A strictly compliance-based approach to harassment prevention can meet resistance from employees, especially when it adopts legalistic or negative terminology like “victim” and “harasser,” says Dr. Shannon L. Rawski, a leading researcher in understanding sexual harassment in the workplace and Assistant Professor of Management and Human Resources at the University of Wisconsin Oshkosh. “Nobody wants to be either one of those things.”

The word “victim” can convey a sense of powerlessness that many people would rather not embrace. Rawski instead refers to “targets” of harassing or inappropriate behavior.

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The label “harasser” can appear to issue final judgment on a person’s character, leaving no room for their behavior to change or for the possibility that the harm done was unintended, she adds. A better term, Rawski says, is “imperfect ally,” indicating someone who has a chance to learn and improve.

“It’s really important to, instead of limiting the focus and the training on those negative roles, provide a positive framework for why the company is doing this training,” Rawski says.

For Bille, another significant way the traditional approach falls short is by ignoring the element of prevention altogether and relying instead on an incident response model to address harassment.

“I like to use a safety metaphor here,” Bille says. “Organizations and HR have traditionally been really good at focusing on how to administer first aid but not very good at preventing accidents from happening.”

A data-based approach can help remedy this deficiency by highlighting risk factors in the work environment and concerning behaviors that have the potential to escalate into illegal harassment.

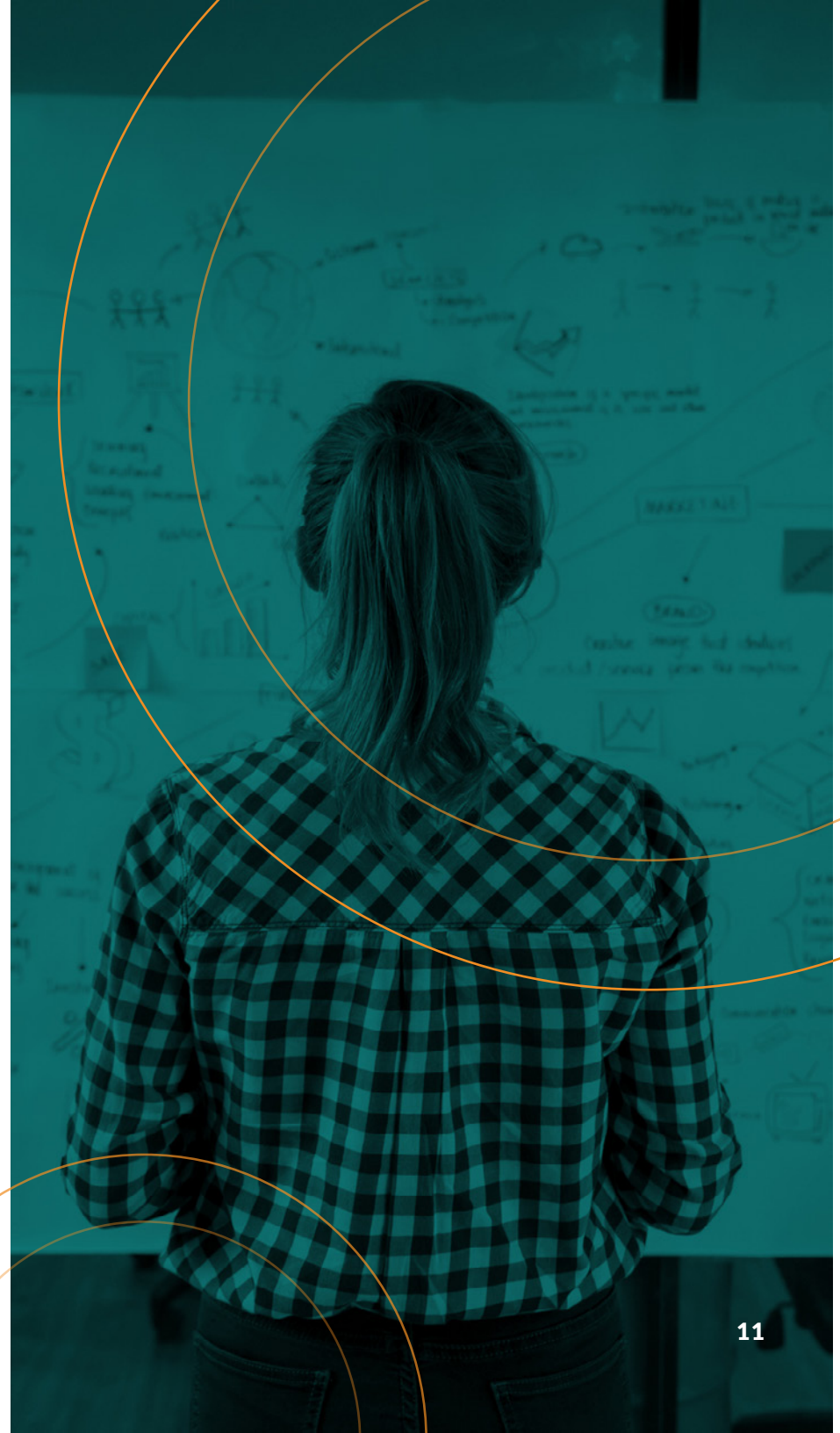
# Benefits of a Data-Based Approach to Harassment Prevention

Data collection and analysis can help your organization accomplish several harassment prevention goals.

Examples of Achievable Goals:

- Develop a clear policy regarding harassment.
- Identify areas of high risk and allocate additional resources and focus.
- Design an effective harassment strategy and training program.
- Create relevant messaging on issues and concerns that are top-of-mind for employees.
- Measure the effectiveness of training in global, dispersed work environments where firsthand observations are not always possible.

Let's drill down on some of the specific advantages data analysis can bring during the pre-training and post-training phases of a harassment prevention program.





## Pre-Training: Using Data to Inform Your Program Design

Both internal and external data are critical for designing an effective workplace harassment prevention program.

A review of previously reported harassment complaints can illuminate risk factors and negative behavior patterns that need to be addressed. It's also essential to pay attention to the context and timing of reported incidents, Bille emphasizes.

“Are they happening after certain sales meetings or at an annual business meeting? Are the incidents occurring offsite or onsite? Do they involve a particular department? Have you seen an uptick? These would be patterns you would look for to determine areas of increased risk and, therefore, where to focus additional training and communication initiatives,” she says.

Exit interviews and data on absenteeism and turnover may point to stressful employee experiences within the workplace, as well as an opportunity to explore whether abusive or harassing behavior might be underlying that stress.



Valuable external data can include research studies analyzing the effectiveness of various approaches to harassment prevention training, studies on harassment reporting, and facts about the prevalence, types and impact of harassment in the workplace.

Finally, surveys provided to employees in the beginning of a harassment training course can reveal employees' knowledge and attitudes about harassment and harassment prevention initiatives; their understanding of what to do if they are targets of harassment or bystanders who witness it; and, their expectations of what will happen if they report inappropriate behavior. This data will provide a valuable baseline for comparison to data collected at the end of the course

Insight from all these data points can assist HR leaders in the development of a holistic, comprehensive harassment prevention training program. Data analysis should continue during the training to assess how employees are engaging with program content, what kinds of questions and concerns they are expressing about the material, and other indications of how they are processing the material and learning from it.



## Post-Training: Evaluating, Enhancing and Actioning

When the training is complete, HR leaders have an opportunity to revisit the questions presented in pre-training climate surveys. This step helps them determine how well the organization's anti-harassment messaging has been received and whether there are certain elements of the message that need to be further reinforced—a roadmap for further action, according to Bille. It also can reveal whether the training has changed employees' perceptions of the work environment, the likelihood of their intervening to stop harassment, or their expectations of how their co-workers would respond, Bille says.

So, for example, if a post-training survey question asked how comfortable employees would feel raising concerns to someone in their workplace, and the responses continued to indicate room for improvement, the organization could promptly look into whether it offers a sufficient number and sufficiently varied types of reporting channels and points of contact. It could gather additional data regarding utilization rates of each channel; the frequency, methods, and messaging of communications about such channels; and how reports via each channel were ultimately handled to determine whether any barriers—real or perceived—may exist to their use. Finally, all of this gathered data could also be used to launch leadership-driven messaging to both employees and supervisors to communicate the organization's authentic desire to know about concerns and its commitment to absolute non-retaliation for good faith reports.

A data-based approach to harassment prevention training matters because metrics are essential to evaluate the knowledge, attitudes and needs of employees before, during and after the training takes place. Furthermore, as workplaces become increasingly global, with employees scattered in multiple locations, having a consistent method of tracking all relevant data about harassment, discrimination and inclusion may be the only way to ensure that policies and programs aimed at creating a positive, supportive culture are having the desired effect everywhere.

“The stakes are too high in this to only rely on best guesses, hunches and past practices,” Bille says.

And for those who might be fearful of confronting the realities their data-gathering may reveal, Bille offers this advice: “It’s far better to find out proactively that you have problems forming than to hear about them for the first time through a lawsuit, through social media or from a lawyer. It’s critical to do this self-reflection as a means of risk mitigation. Even more importantly, you should do it to ensure you have a culture that’s thriving and professional, and ultimately a great place to work.”

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— Elizabeth Bille

# EVERFI

Over the past 10 years, EVERFI has revolutionized online prevention and compliance training through its industry-leading courseware and technology. Working with 2,000+ corporations, EVERFI educates employees on important skills relating to harassment, diversity and inclusion, culture, ethics, code of conduct and data security. EVERFI's courses are built by a team of attorneys, prevention experts, and instructional designers who ensure that EVERFI's prevention and compliance courses are aligned with applicable law and research-based best practices. Our industry-leading instructional design and subject matter expertise demonstrates our commitment to the core issues behind critical topics that are at the center of a healthy workplace culture.

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