

# The Shocking Facts about Harassment Prevention Training

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# Let's Start with a Little Audience Participation



# Question 1

Does your company conduct harassment training for in house staff and managers?

A = Yes

B = No

# Question 2

When is the last time that YOU completed your company's harassment training?

A = Within the past year

B = Within the past 2 years

C = Within the past 3 years

D = Can't recall

# Question 3

Does your company conduct harassment training for client locations and worksite employees?

A = Yes

B = No

# Question 4

If you answered “YES” to Question 3, how do you currently deliver harassment training to your clients?

A = In Person, by Our Employees

B = Computer-Based, Developed In-House

C = In Person, by a 3<sup>rd</sup> Party Vendor

D = Computer-Based, Developed by a Vendor

E = Some combination of the options above

# Question 5

The training offered by my company covers:

A = Sex Harassment Only

B = Harassment based on Sex and at least 1 Other Protected Class

C = Harassment based on Sex and at least 3 Other Protected Classes

D = Harassment based on Sex and 4 or More Other Protected Classes

# Question 6

Over the past 5 years, the number of harassment complaints in our company and client base have:

A = Increased

B = Decreased

C = Remained the Same

# Question 7

We currently use data from the harassment complaints we receive to update our policies and/or training:

A = Yes

B = No

C = Don't Know

# The Typical Reaction to Harassment Training...



# How do we know?

Findings of the EEOC Select Task Force on the Study of Harassment in the Workplace were released on June 20, 2016

- After 30 years of Harassment Training in workplaces across the country, the Task Force found ZERO Impact on the occurrence of harassment in the workplace
- 1/3 of the 90,000 charges received by EEOC in 2015 included an allegation of workplace harassment
- Only 25% of people who experience harassment actually report it, so what we see at the EEOC is just the tip of the iceberg



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*NEW YORK*

# The Revenge of Roger's Angels

How Fox News women took down the most powerful, and predatory, man in media.

By **Gabriel Sherman**



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<http://nymag.com/daily/intelligencer/2016/09/how-fox-news-women-took-down-roger-ailles.html>

[www.shrm.org](http://www.shrm.org)

# **No Evidence That Training Prevents Harassment, Finds EEOC Task Force**

# Other Findings made by EEOC



- Workplace Harassment is a persistent problem
- Often goes unreported
- Tone from the Top – leadership and accountability are critical
- Training must change and we should explore new and different training approaches
- “It’s On Us” to stop harassment

# Other Findings made by EEOC



- While sex-based harassment has been studied at length, much more study is needed in all other areas
  - Race
  - Disability
  - Gender ID & Sexual Orientation
  - Age
  - Religion
- Most diverse workforce in history
- Reporting is the least common response to harassment
- 12 key risk factors that tend to increase the likelihood of harassment

# Risk Factors for Harassment



- Homogenous Workforces
- Some Workers Fail to Conform to Norms
- Cultural and Language Differences
- Coarsened Social Discourse Outside the Workplace
- Many Young Workers Present
- Workplaces with “High Value” Employees
- Workplaces with Significant Power Disparities
- Reliance upon Customer Service or Client Satisfaction
- Monotonous Work or Low-Intensity Tasks
- Isolated Workspaces
- Tolerance or Encouragement of Alcohol Consumption
- Decentralized Workplaces

# Have we Already Lost You?



# Why do we care?

Harassment Training is important for all businesses, but it is especially important for the PEO Value Proposition

- Harassment Training is KEY to supporting any employer's defense to a charge or other harassment claim
- Direct Costs of workplace harassment are significant
- Workplace harassment impacts *all* employees and the Indirect Costs include decreased productivity, increased turnover and reputational harm
- One of a PEO's greatest value-adds comes from the improvement in employee engagement through optimized human capital management, including harassment training and prevention

# Among the Numerous Studies on Sex Harassment:

## HOW COMMON IS SEXUAL HARASSMENT OVERALL?



## WHO IS SEXUALLY HARASSING?

75%

SAY THEY WERE TARGETED BY  
MALE COWORKERS

49%

SAY THEY WERE HARASSED BY  
MALE CLIENTS OR CUSTOMERS

38%

SAY THEY WERE HARASSED BY  
MALE MANAGERS

10%

SAY THEY WERE HARASSED BY  
FEMALE COWORKERS

\*

# \* Women in the Tech Industry



## Of 222 Female Executives surveyed:

- 60% received unwanted sexual advances
  - Of those, 65% reported that the advance was made by a superior
- 90% witnessed sexist behavior at offsite meetings and industry conferences
- 66% were excluded from key networking and social functions

## The Elephant in the Valley survey also examined more subtle examples of bias:

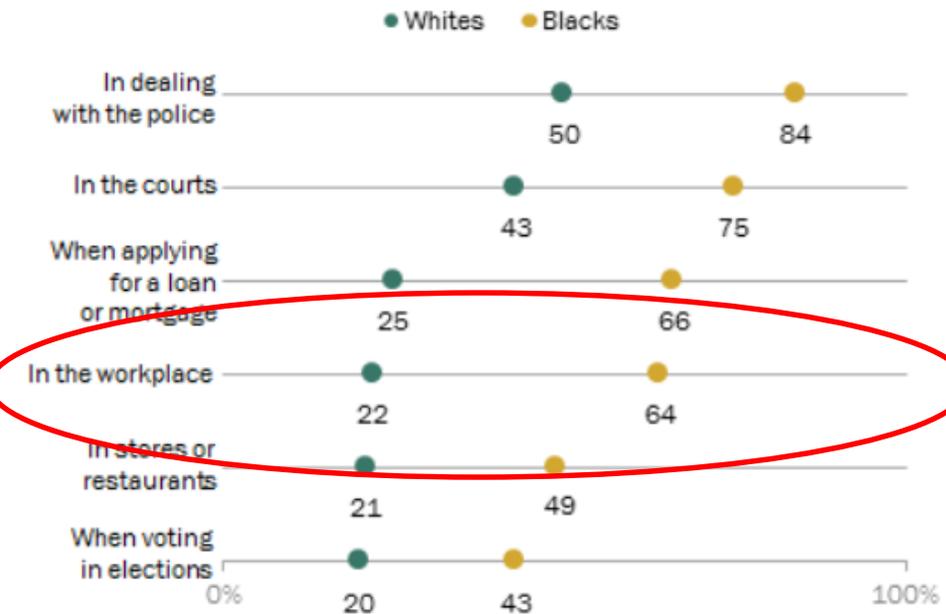
- 75% reported interview questions re: family and marital status
- 52% shortened their FML following the birth of a child for fear of negative career impact
- 69% did not report harassment, and of those who did, 60% reported dissatisfaction with outcome

# Not Enough Data on Race-Based Harassment

Pew Research Center Survey on Race in America, June 29, 2016

## Perceptions of how blacks are treated in the U.S. vary widely by race

% saying blacks are treated less fairly than whites in the country

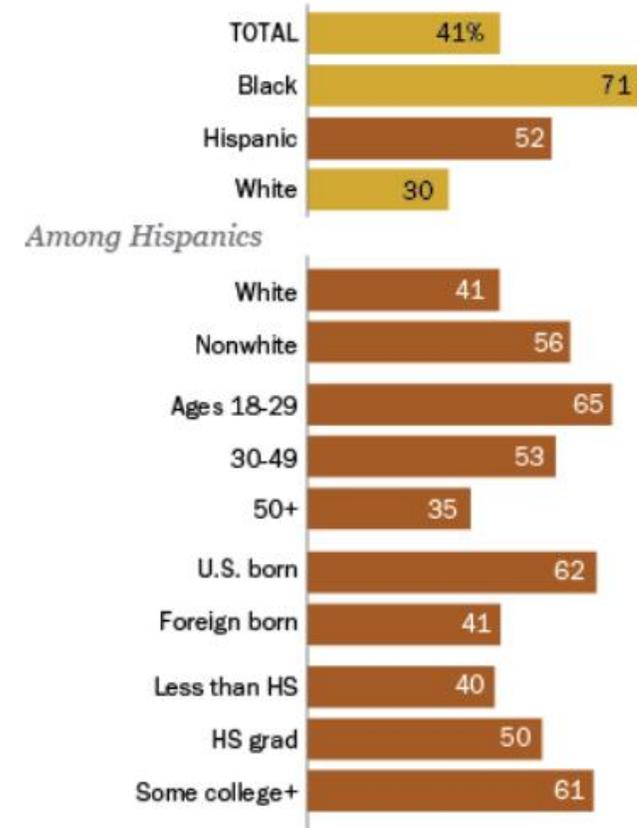


Note: Whites and blacks include only non-Hispanics.  
 Source: Survey of U.S. adults conducted Feb. 29-May 8, 2016. Q19F2a-f.  
 "On Views of Race and Inequality, Blacks and Whites are Worlds Apart"

PEW RESEARCH CENTER

## Young and U.S.-born Hispanics more likely to experience discrimination

% who say they have regularly or occasionally experienced discrimination or have been treated unfairly because of their race or ethnicity



Note: Unless otherwise noted, whites and blacks include non-Hispanics. Hispanics are of any race.  
 Source: Survey of U.S. adults conducted Feb. 29-May 8, 2016. "On Views of Race and Inequality, Blacks and Whites Are Worlds Apart"

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# What about Religion?



- 50% of non-Christians surveyed believe that their employers ignore their “religious needs”
- 60% of Evangelical Protestants believe discrimination against Christians has become as “big a problem” as discrimination against religious minorities

*Tanenbaum Center for Interreligious Understanding, 2013 as reported in HR Magazine, December 2013*

# Time for More Audience Participation



# Question 8

Does your leadership make harassment training a priority for the company?

A = Yes

B = No

# Question 9

When conducting harassment training at client worksites, do you provide an opportunity for the business owner to express their commitment to a diverse and welcoming workplace?

A = Yes

B = No

# Question 10

Our PEO currently conducts some form of civility or workplace etiquette for our employees.

A = Yes

B = No

# Question 11

Our PEO offers some form of civility or workplace etiquette training for our clients and worksite employees.

A = Yes

B = No

# Question 12

We conduct employee engagement or climate surveys for our clients in part to determine the extent to which harassment occurs in the workplace:

A = Yes

B = No

C = Don't Know

# Question 13

For those who answered “YES” to Question 12, is your PEO using data from client climate surveys to set priorities for HR services and training for the worksite:

A = Yes

B = No

C = Don't Know

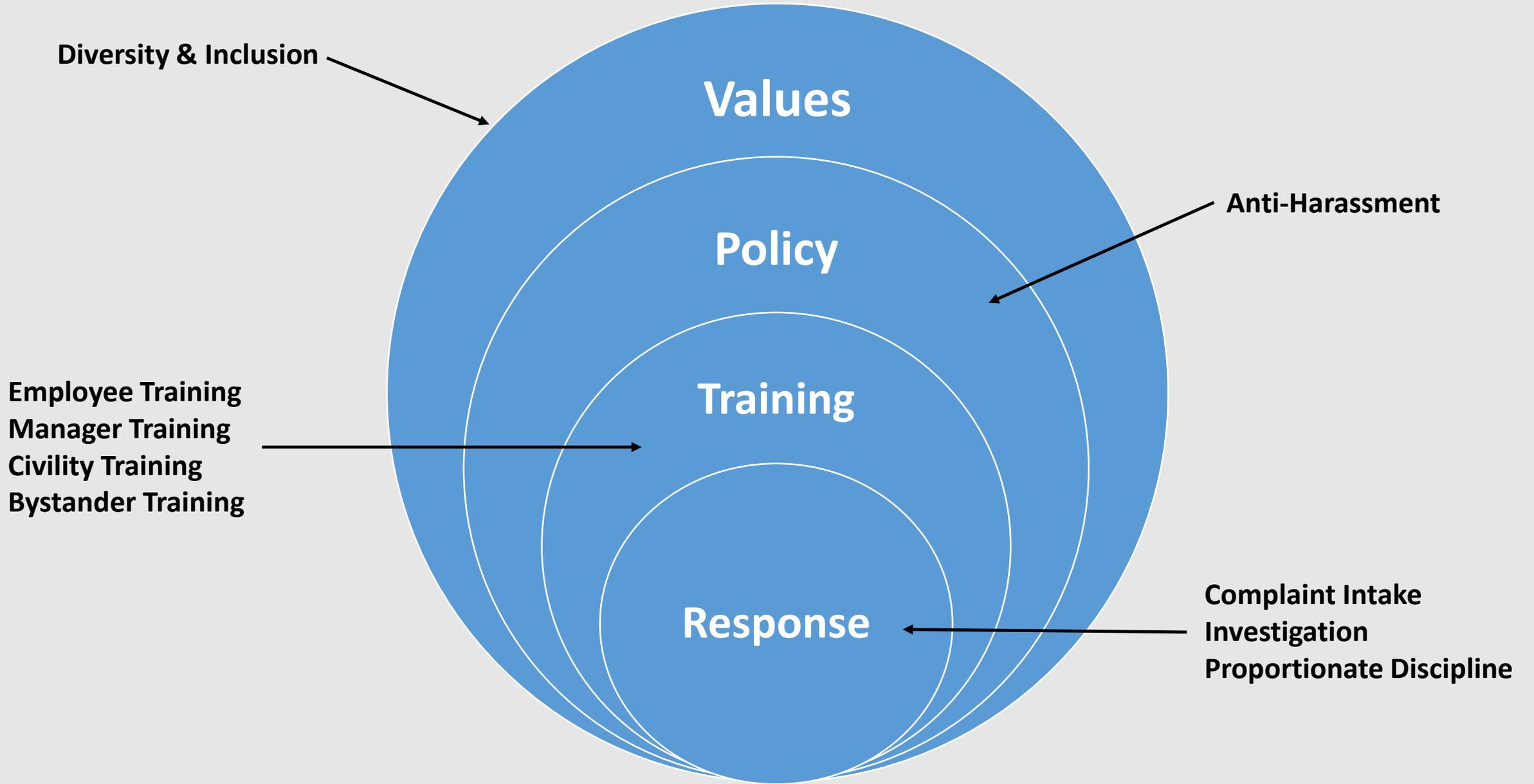
“The most important thing we learned from our study is that employers must have a holistic approach for creating an organizational culture that will prevent harassment.”

# Components of a “Holistic Approach”

- Cultures that promote respect and civility, with no room for harassment
- Assess and minimize risk factors associated with harassment
- “Climate” surveys designed to measure the harassment problem
- Resources dedicated to harassment prevention efforts
- Disciplinary action in response to harassment is prompt and proportionate
- Managers held accountable for preventing / responding to workplace harassment, through metrics and performance reviews
- Dedicated budget and strategy for harassment prevention

# Components of a “Holistic Approach”

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# Training for All Employees Should:

- Help employees understand the forms of conduct that are unacceptable in the workplace
- Be tailored to the *specific* realities of the workplace
- Take different levels of education into account
- Clarify what conduct is not harassment, such as performance feedback
- Make clear to employees *multiple* avenues for reporting
- Describe the formal complaint process, including what degree of confidentiality can be expected
- Re-affirm that those making complaints will not experience retaliation their use of the reporting process

# Training for Managers

- Managers and Supervisors should understand their accountability
- Focus on concrete actions required to:
  - Prevent harassment
  - Stop and remedy harassment when it occurs
- Stresses affirmative duties of managers to address harassment, even in the absence of a complaint

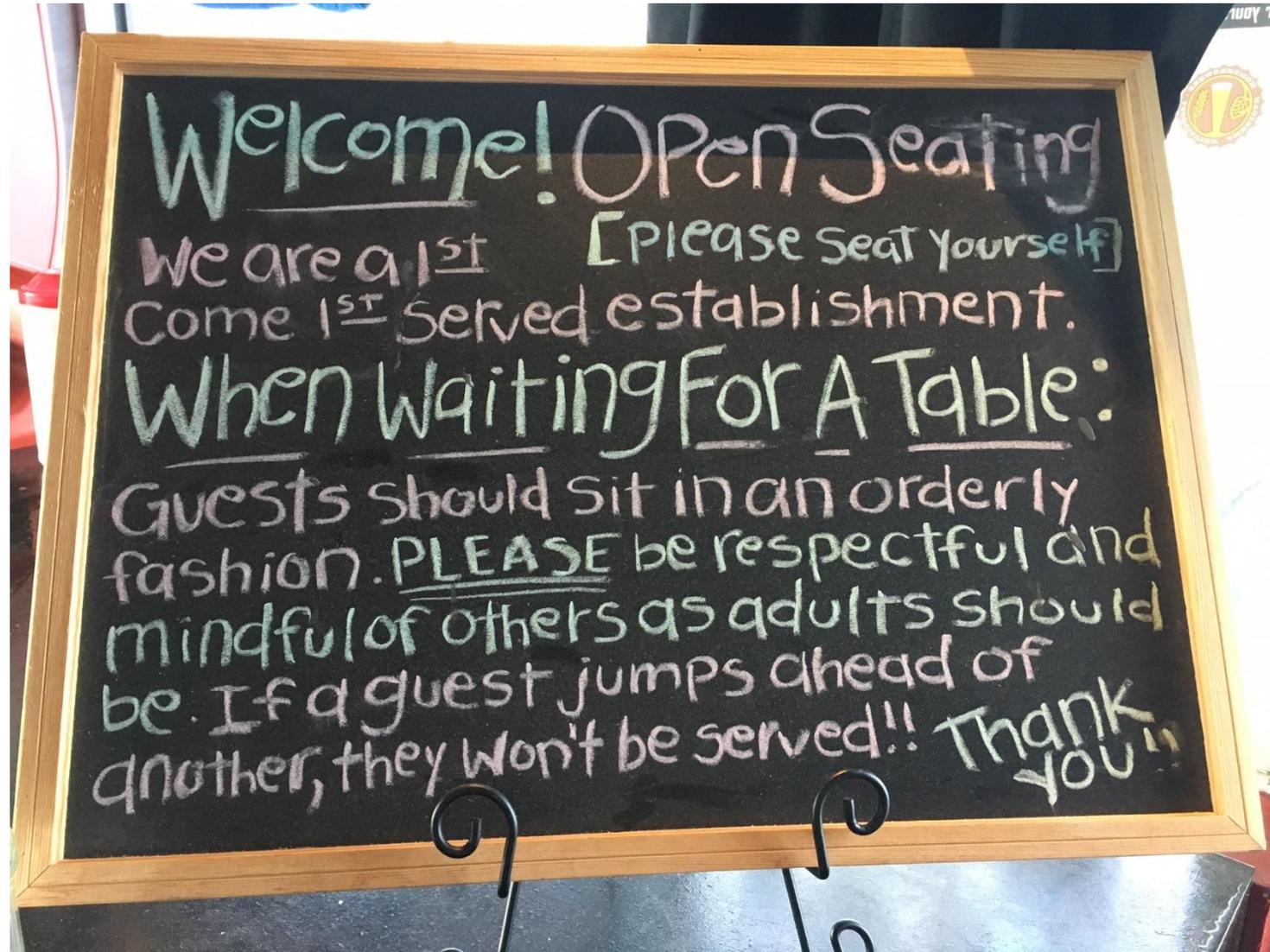


# Workplace Civility Training



- Often used in workplaces where bullying or conflict are common
- Designed to promote respect and civility across the board
- Establishes expectations for respect in the workplace, to prevent undesirable behaviors from spiraling into harassment
- Explores workplace norms, and incorporates skills training
- Focuses on what managers and employees *should* do

# From Freetail Brewery in San Antonio, Texas



# Bystander Intervention Training

- Traditionally viewed as a violence prevention strategy
- Changes social norms
- Four Strategies
  - Awareness
  - Sense of Collective Responsibility
  - Sense of Empowerment
  - Provide Resources
- “Three D’s”
  - Direct Confrontation
  - Distraction
  - Delegation



**A Word About...**

**IT'S**

**IT'S ON**

# Kick the Can



# Risk Factors for Harassment



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# Customize for the Workplace



- Take the time to customize for the audience
- If you have a shortage of resources, customize for managers
- Use a combination of industry-specific examples with information gathered in your risk assessment
- Where possible, incorporate results from the company's own reports and resolutions of harassment complaints

# The Structure of Successful Programs

- All Trainings should be supported from the highest levels in the Company
- Training should be conducted and reinforced on a regular basis for all employees
- Training should be conducted by qualified, live and interactive trainers
- Training should be routinely evaluated

# Your Turn - Audience Participation



# Question 14

When conducting harassment training, we spend time on specific conduct and behaviors that are relatable to the workforce we are training.

A = True

B = False

# Question 15

Our PEO maintains a anonymous reporting hotline to receive complaints of harassment and other violations of our policies and/or code of conduct.

A = True

B = False

# Question 16

Our PEO makes a anonymous reporting hotline available to our client companies and worksite employees.

A = True

B = False

# Question 17

Do you conduct formal evaluations of your harassment training programs?

A = Yes

B = No

# Question 18

Are you concerned that opening the conversation with your clients on harassment in their workplaces will cost you business?

A = Yes

B = No

# Question 19

As you leave us today, do you intend to revisit your company's current harassment training with HR, Legal and/or your CRMs?

A = Yes

B = No

# Start with a Conversation



- Talk with your HR leaders, your Legal Counsel, and survey your CRMs or Client Liaisons to get a sense for your PEO's experience with harassment
  - Try to gauge the extent of non-reporting
  - Consider an audit or review of the reports you have received
- Ask your training vendors how they are incorporating the EEOC's findings and the 12 Risk Factors into their products
  - Determine what content remains viable, and what needs a reboot
- Contact your EPLI Carrier or your Broker to discuss the trends in your claims experience and ask about resources they are developing in response to the EEOC Findings

# Remember Why it's Worth It

- Tremendous direct and indirect costs associated with harassment in the workplace
- We can all agree that providing employees with a workplace free of harassment is desirable for everyone
- EEOC will seek terms and conditions in its future settlement, conciliation and consent decrees that
  - Require training in line with the Task Force's Findings
  - Permit researchers come into the workplace to assess the climate, the level of harassment, and effectiveness of the training offered
  - Set forth the manner in which your company implements reporting systems, investigation procedures and proportionate discipline

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