



Sexual Harassment: Protect Your Company and Your Employees

- Slides and resources: staffingworld.net/materials2018
- Hold an ASA credential? Scan your name badge before each workshop to earn CE
- Rate this session on the mobile app! Create your profile first—enter to win Staffing World 2019 registration!

American Staffing Association



Use Your Tech Park Radio for This Workshop Tune to Channel: E5

- Listen while eating your lunch or exploring the expo hall.
- Tech Park radios available near entrance of Idea Lab.



Tech Park radios sponsored by

American Staffing Association

THE WAGNER LAW GROUP

David G. Gabor, Esq.
The Wagner Law Group

The Challenge Continues

- The percentage of women who experience sexual harassment in the workplace ranges from 25% to 54%, and even higher
- 75% who spoke up experienced retaliation
- Most workplace harassment is unreported
- More than 25,000 sex discrimination cases filed with the EEOC
- The EEOC recovered \$140 Million in 2015

4

THE WAGNER LAW GROUP

A Revolution

- The entertainment industry
 - Politics
 - Executives
 - The United States gymnastics team
- The impact
- More people will speak up
 - New legislation is pending

5

THE WAGNER LAW GROUP

The Agenda

- I. Understanding sexual harassment
- II. Modify culture
- III. Look for technical and people skills
- IV. Improve training
- V. Be prepared
- VI. Communication and perception
- VII. Gabor's top ten list

6

THE WAGNER LAW GROUP

I. Understanding Sexual Harassment

- Severe or pervasive
- Quid pro quo
- Gender neutral
- Be expansive- include sexual orientation, etc.
- Harasser can be....
- Focus on the act and not intent

7

THE WAGNER LAW GROUP

II. Modify Culture

- People know right from wrong
- Think of traffic and criminal laws
- Current culture fosters inappropriate behavior while discouraging reporting
- Perception

8

THE WAGNER LAW GROUP

III. Look For Technical And People Skills

“Approximately 50% of new hires fail in the first 18 months. People quit people, not companies.” Amanda Scott, Solution Harbor. amanda@solutionharbor.com

- Focus on people skills as well as technical
- Turnover caused by devaluing people skills
- Frame questions to elicit candid responses

9

THE WAGNER LAW GROUP

Great Opportunity

Opening: Supervisor, Outside Sales.

- 10+ years experience in sales and marketing
- Strong familiarity with....(list of technical skills)
- BA in marketing or related field
- Extensive travel
- Strong computer skills (list programs)
- EEO Employer

10

THE WAGNER LAW GROUP

Hello Willy

Willy Loman is hired to fill the position.

Willy possesses all of the technical skills.

Willy is happy traveling all throughout the land.

He was not screened based on people skills. Now he has extensive contact with employees and customers, even during overnight travel.

11

THE WAGNER LAW GROUP

Willy Or Won't He...

Let's twist this....the position is Manager, Sales and is an internal promotion. Willy has the best numbers and gets the position.

What if the primary criteria also include:

- Collaboration
- Mentorship
- Coaching
- Good no, great teamwork

12

THE WAGNER LAW GROUP

IV. Improve Training

- Faragher and Ellerth are 20-year-old cases
- Nevertheless, harassment continues
- Far too many employees don't oppose it
- Question the focus of training
- Question the message received by employees

13

THE WAGNER LAW GROUP

Training Techniques

- On line training
- Distracted attendees
- Unable to answer questions
- Unable to talk through scenarios
- Unclear expectations
- Motivation for employer (liability) compared to making it a great place to work

14

THE WAGNER LAW GROUP

What If....

- Tailor the program to the company and audience
- Interactive
- Introduction by C-Suite and HR and participation
- Collaborative, work through scenarios together
- Shift the focus- employees part of the solution
- Teach respect and foster the desired culture
- Preparedness and encourage use of voices

15

THE WAGNER LAW GROUP

V. Be Prepared

- Stop for the red light and do not proceed until....
- Managers are the eyes and ears
- Gain trust through actions
- Want people to confide in managers
- Train on what to look for
- Train on how to respond if they see something or receive a complaint

16

THE WAGNER LAW GROUP

Compare

Bad

Boys will be boys
Oh my, that is the worst...
HR will call you in 10 minutes
I don't think that is harassment
I know Billy. He would never do that
Protect your job. Don't complain

Good

Thank you for bringing this to my attention
We take these matters very seriously
I will reach out to HR immediately
You can also reach out to HR directly
We don't tolerate retaliation
Reach out to me if you need to. I am here for you

17

THE WAGNER LAW GROUP

Good Teamwork

- Tell HR exactly what you experienced
- No gossiping!!!
- Earn a reputation for trust and integrity
- Swift investigation – focus on the act
- Avoid a conflict of interest- use 3rd party if need be
- Consider discipline – if warranted
- If appropriate, use ADR
- See this as an opportunity

18

THE WAGNER LAW GROUP

VI. Communication And Perception

"You must complete training on X-Z software, HIPAA, sexual harassment, and privacy by 11/7/18. Each training is 30 minutes."

- Consider the perception of employees
- Consider how reports of harassment are made
- Is the message that the program is designed to protect the company or is it designed to make this a great place to work?

19

THE WAGNER LAW GROUP

Perception

- Opposing harassment is scary
- The message should ease that fear
- Consider the current culture and climate objectively
- Remove the layers of fear through actions and words
- Shift the perception
- Disseminate a new and improved message – this may include how reports are made

20

THE WAGNER LAW GROUP

The Power Dynamic

- Reports are not made due to a lack of trust/fear
- Part of the message is to give employees a voice
- Promote top-down buy-in for training and the process
- The employer wants this to be a great place to work
- The employer wants employees to have and use a voice
- HR needs to have the power to act, regardless of who the alleged harasser is. Consider the reporting structure

21

THE WAGNER LAW GROUP

VII. Gabor's Top Ten List

- 1 The audience must relate to the training
- 2 If it is not possible to have live training, work on the message and hold town hall style meetings
- 3 Assess existing culture- promote the desired culture starting with interviews and continue....
- 4 Top-down support. Use training as an opportunity to reinforce a new culture, vision, and brand
- 5 Make decisions for the right reasons

22

THE WAGNER LAW GROUP

Part 2

- 6 Make sure managers are ready in advance
- 7 Follow up with a person who reported harassment-this builds trust and minimizes the risk of retaliation
- 8 Define "relationship" because dating happens and the stakes can be high
- 9 Focus on the act and not intent
- 10 Early resolution, coaching, training, and mentoring

23

THE WAGNER LAW GROUP

Thank You!

Thank you for attending the program today.

David G. Gabor
The Wagner Law Group
99 Summer Street, 13th Floor
Boston, MA 02110
Tel: (617) 357-5200 Fax: (617) 357-5250
dgabor@wagnerlawgroup.com
www.wagnerlawgroup.com

24

THE WAGNER LAW GROUP

Use the App to Rate This Workshop!

1. Log into your Profile.
2. Click Agenda on the app home screen.
3. Choose the workshop to rate.
4. Click "Rate This Now."

Create your profile first and enter to win Staffing World 2019 registration with each rating!



 American Staffing Association
