

October 16, 2017

5 TIPS TO PREVENT WORKPLACE SEXUAL HARASSMENT

Sexual harassment in the workplace can take a serious toll on the victims, and can throw a company into turmoil – especially when the harasser is a high-level employee such as a founder or CEO. The latest in a string of high-profile examples is Harvey Weinstein, who founded and ran the entertainment company that fired him after allegations surfaced in the news that he sexually harassed female employees and other women in the film industry over decades.

Here are five steps your company can take to prevent and address sexual harassment in the workplace and the problems that stem from it:

1. Implement a zero-tolerance policy against sexual harassment and encourage employees to come forward to report misconduct – *even when* persons at the top of the company are implicated. Employees at all levels should have confidence that they can report workplace harassment without fear of retribution and that their complaints will be taken seriously. The policy should have multiple avenues for reporting, so employees can go to their manager, human resources, or other trusted company leaders when problems arise. Also, consider an anonymous hotline to encourage reporting by employees who may be uncomfortable making a complaint directly.
2. Train all employees about sexual harassment, including managers, top-level executives, and CEOs, without exception. Remind them that juries can and do award damages not only against the company, but also against the harasser, putting their personal pocketbook on the line. Be sure to comply with state-specific training requirements, such as in California where companies with 50 or more employees must provide harassment training to supervisors every two years. If needed, provide training in multiple short sessions to accommodate executives' busy schedules. Your top-level employees have enormous potential to influence the company's culture and expectations; their visible participation in training will send a message that the company and its leaders are serious about harassment prevention.

SF Office

111 Sutter St.
Suite 700
SF, CA 94104
t 415.464.4300
f 415.464.4336

LA Office

11845 W. Olympic Blvd.
Suite 910W
LA, CA 90064
t 310.943.8500
f 310.943.8501

millerlawgroup.com

3. Clearly communicate to supervisors, managers, and leaders – all the way up to the board of directors – that they are required to enforce the company’s policy against sexual harassment to immediately report any harassment of which they become aware.
4. Encourage employees to report harassment, even if they are not the ones being harassed and even if the harassment did not occur in the company’s offices. The claims made about Harvey Weinstein illustrate these circumstances: Weinstein Company employees brought non-employees to Mr. Weinstein’s hotel room and left them there, where Mr. Weinstein allegedly sexually harassed them. Some of these employees have since said that they thought Mr. Weinstein was acting improperly, but didn’t report their concerns or suspicions to the company.
5. Take all complaints seriously, investigate and act promptly, circle-back with the complaining employee, and document all your efforts – regardless of the title or position of those involved. Try to maintain confidentiality, but make sure that employees know that some information may need to be shared to fully investigate and address the issues raised by the complaint. If the investigation substantiates the allegations, take immediate action to ensure that it doesn’t happen again – and don’t turn a blind eye or fail to take appropriate action because the harasser is a company leader.

Sexual harassment exacts a serious cost on the person who is harassed, the person who is accused of harassment, others in the workplace, and the company itself. An ounce of prevention is worth a pound of cure, and no one gets a free pass no matter how powerful they are.

Miller Law Group exclusively represents business in all aspects of California employment law, specializing in litigation, wage and hour class actions, trials, appeals, traditional labor, compliance advice, and counseling. If you have questions about these developments or other workplace obligations, please contact us at (415) 464-4300.

This Alert is published by Miller Law Group to review recent developments in employment law. This material is designed to provide informative and current information as of the date of the Alert, and should not be considered legal advice.