

Welcome to the SIG University Webinar

Best Practices for HR Professionals in Light of #MeToo

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Today's Webinar

During the webinar, feel free to email or text Richard if you have additional questions that you would like to have addressed.

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BEST PRACTICES FOR HUMAN RESOURCES PROFESSIONALS IN LIGHT OF #METOO

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Presenters



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#MeToo

- ▶ 2006 – Began on MySpace to draw attention to sexual assault and abuse
- ▶ 2017 - Popularized by celebrities in wake of the allegations related to Harvey Weinstein
- ▶ Message includes awareness of sexual assault, sexual harassment and support for survivors

Sexual Harassment

- ▶ Sexual Harassment consists of unwelcome conduct, whether verbal, physical, or visual, based on a person's gender (or sexual orientation) that interferes with the employee's ability to perform job duties.
- ▶ Includes behaviors of customers and clients

Sexual Harassment Includes:

Unwelcome sexual advances (of either a heterosexual or homosexual nature), requests for sexual favors, and other physical, verbal or visual conduct based on sex constitute sexual harassment when:

1. Submission to the conduct is an explicit or implicit term or condition of employment
2. Submission to or rejection of the conduct is used as a basis for an employment decision
3. The conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment (e.g., leering, making sexual gestures, displaying of sexually suggestive pictures)

Hostile Work Environment

A hostile work environment is one that a reasonable person would find hostile or abusive. A hostile environment is determined by looking at all of the circumstances, including the frequency of the alleged conduct, its severity, whether it is physically threatening or humiliating, and whether it unreasonably interferes with an employee's work performance.

Discrimination is Not:

- ▶ Personality differences or conflicts
- ▶ Management's responses to an employee's poor performance, bad behavior, attendance or other policy violations

Workplace Policies and Procedures

Workplace Policies

- ▶ Handbook policies
- ▶ Stand-alone policies
- ▶ Written receipt
- ▶ Management training
- ▶ Employee training

Written Policies

- ▶ Must define sexual harassment
- ▶ Should provide examples of impermissible conduct
- ▶ Must have clear procedures for employees to report harassment
- ▶ Must explain investigation process

Other Policies to Consider

- ▶ Dress codes
- ▶ Workplace conduct
- ▶ Fraternization
- ▶ Alcohol use/social activities
- ▶ Use of cell phones and email for personal use at work

Social Media Policies

- ▶ Cannot prevent employees from engaging in “concerted protected activity”
- ▶ Defined very broadly

Investigation Best Practices

Investigations - Confidentiality

- ▶ Confidentiality should be maintained **to the extent possible**
- ▶ Confidentiality cannot interfere with an effective investigation
- ▶ How to address the final determination with complainant and other investigation participants

Investigation – Step 1

Questions to ask when someone reports sexual harassment:

- ▶ When did the incident occur?
- ▶ Is the harassment ongoing?
- ▶ Are there specific witnesses who should be interviewed?

Investigation – Step 2

As the HR Professional, ask yourself the following questions:

- ▶ Is the claim timely?
- ▶ Does this require immediate intervention?
- ▶ Should I get outside counsel involved?
- ▶ Who is the claim against – do I need to get someone higher up involved?

A Note About Timeliness

A claim does not need to be timely under Title VII
to create an internal or external public relations problem!

Investigation – Step 3

- ▶ Interview target of complaint to determine whether there is a dispute
- ▶ If disputed, identify and interview key witnesses identified by complainant and respondent

Investigation – Conclusion

- ▶ Written/Unwritten Finding
- ▶ Disciplinary action
- ▶ Other remedial actions

Strategies to Avoid Retaliation

- ▶ Warning to all employees about non-retaliation
- ▶ Possible reassignment
- ▶ Managerial support for determination
- ▶ Documentation of future workplace violations
- ▶ Monitor gossip and co-worker relationships

Questions?

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SAVE THE DATE!
UPCOMING HR ROUNDTABLES

APRIL 25TH: State of the Industry: 2018 Pharmacy Trends and Predictions
Speaker: Cory Easton, Founder, HORIZON Health Ventures, LLC

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SIG University - Webinars

APRIL 11TH, 12 PM – 1 PM EST

How to Prepare for a Department of Labor Welfare Plan Audit

APRIL 25TH, 12 PM – 1 PM EST

Preventive & Disease Management Strategies

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IF YOU ARE A MID ATLANTIC EMPLOYER WITH 50 OR MORE EMPLOYEES, THEN YOU ARE INVITED TO PARTICIPATE IN THE 2018 MID ATLANTIC BENCHMARKING SURVEY

By completing this survey, you will be able to find out:

- How your employee benefits compare to other employers in the Mid Atlantic
- The types of strategies other employers are using in this health care reform era
- If your wellness and disease management plans are on par with your peer
- The prevalence of high-deductible health plans in your area
- Cost control strategies other employers are utilizing

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Thank you for Attending

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