



**Hirschfeld
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Building an Effective Harassment Prevention, Response and Training Program

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Presented by
Aura K. Adams



Key Issues Exposed by the #MeToo Movement

- *Quid Pro Quo* is alive and well – we thought it was dead...
- We wrongly thought that with internal complaints being down, that there were fewer problems...
- Significant fear of retaliation
- Brotopia culture
- Gender Pay Inequity
- Ongoing Harassment, Bullying, and Sexual Assault
- Some misconduct goes back many years
- **Lack of Confidence in HR**





Impact on the Workplace

- Divisiveness within the work environment
- Creates loss of respect for peers and those in a position of authority
- Creates fear
- Reduces productivity and morale
- Hurts recruiting
- Absenteeism and turnover
- **Tarnishes the company's brand**
- Results in costly and unnecessary administrative and legal proceedings



Lessons Learned from ELA Survey

- Language, jokes, and teasing most prevalent
- Email and texts most common method
- Alcohol plays significant part
- HR not competent to conduct investigations
- High-level executives must be investigated by third-party neutrals

Lessons Learned from ELA Survey
(Go to ELA.law)

Lessons Learned from ELA Survey

- Rush to judgment – lack of due process
- Pressure to publicize investigation results and discipline
- Concern about backlash on women
- Pence Rule = Sexism = Sex Discrimination
- Online training isn't impactful





How can HR be Proactive?

- 1. Review your policies (SH, bullying, alcohol, fraternization)**
- 2. Improve and publicize reporting options**
- 3. Consider a privileged pay audit**
- 4. Address any needed change in culture – speak up**
- 5. Get your resources lined up (PR and inside and outside investigator)**



Train for Real Impact

- Get the budget to do face-to-face training
- Quality training that speaks to your specific work environment
- Train beyond legal requirements:
 - *Ownership/board*
 - *Executives and managers*
 - *Non-supervisory employees*
 - *More frequently*



How Should HR Respond to a Report?

- Recognize duty to investigate
- Promptly respond
- Determine if complaint needs to be reported to Board
- Get PR/Crisis Management expert involved early
- Ensure you have selected the right person to conduct investigation – trained, neutral, defensible
- Avoid rush to judgment/take interim action if necessary
- Determine appropriate discipline/response and close the loop

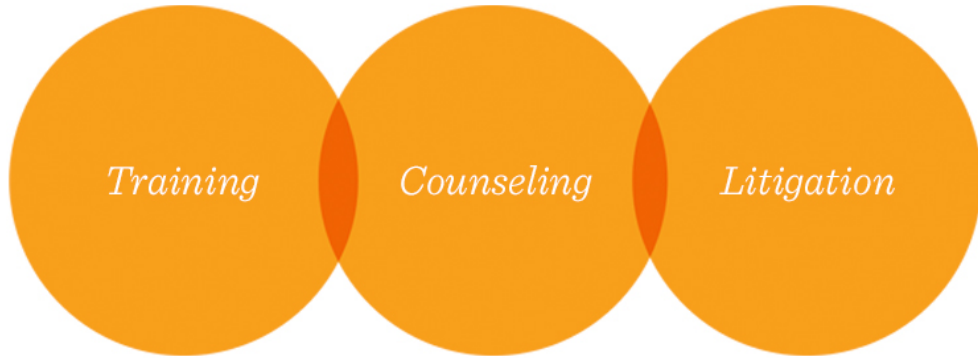


Conclusion and Q & A



Hirschfeld Kraemer

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Hirschfeld Kraemer LLP

Northern California

505 Montgomery Street, 13th Floor
San Francisco, CA 94111
(415) 835-9000

Southern California

233 Wilshire Boulevard, Suite 600
Santa Monica, CA 90401
(310) 255-0705

Wine Country

1040 Main Street, Suite 103
Napa, CA 94559
(707) 241-9760

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Aura K. Adams

(707) 241-9760

AAdams@HKemploymentlaw.com

www.hkemploymentlaw.com