



## #MeToo: Addressing allegations of sexual harassment in the workplace and shaping company culture

December 1, 2017

Sexual harassment claims are making headlines at an unprecedented rate, with new allegations being made nearly every day. Just this week, NBC News announced that it fired Matt Lauer, the face of the Today Show for over two decades, following complaints that he engaged in inappropriate sexual behavior in the workplace.

While sexual harassment claims aren't new, the allegations against film producer Harvey Weinstein in October 2017 and the ensuing #MeToo social media movement have empowered more individuals to speak out. A countless number of women and men have shared their personal accounts of sexual harassment on social media over the past several months as part of the #MeToo movement. And they aren't alone. Almost 30 percent of the 91,500 complaints received by the Equal Employment Opportunity Commission (EEOC) in 2016 included an accusation of sex-based workplace harassment or discrimination. That number is likely to rise. Additionally, while sexual harassment is not a basis for a workers' compensation claim, Ohio workers' compensation laws permit psychiatric conditions where the employee's psychiatric conditions have arisen from forced sexual conduct.

What should employers be doing?

- Review your sexual harassment policy and update it, if necessary. The policy should include examples of prohibited conduct, an assurance of no retaliation and a clearly described complaint process that provides multiple avenues to report harassment.
- Investigate allegations of misconduct. Approximately three out of four individuals who experience harassment will not

report it, and employees are often reluctant to make internal complaints. Whether there are whisperings in the breakroom or rumors on social media, do not wait until a formal complaint is filed with the EEOC to investigate.

- If warranted, take action. No matter who the harasser is, take the necessary steps to investigate the issue. As the Weinstein and Lauer firings demonstrated, no matter how important the individual's contribution is to the company, sexual harassment cannot be tolerated.

Most importantly, invest in diversity and inclusion. If your company culture does not emphasize respect in every aspect of its business and at all times (from daytime meetings to after-hour gatherings), you are at an increased risk of legal exposure. Shutting out women or excluding them from business opportunities, however, is not the answer to increased allegations of sexual harassment. If employees don't feel connected to and valued by the company, you are at an increased risk of those employees not making use of internal reporting mechanisms when concerns arise and of increased attrition.

Employers should invest resources in training and raising awareness at all levels, including with board and C-suite leaders, and create expectations and accountability around diversity and inclusion, including gender diversity. To be effective, those efforts should be measured and evaluated on an ongoing basis. As research continues to show, companies that embrace diversity and inclusion in all aspects of their business not only reduce their legal risks but also improve business performance.

# Authors

---