

How to Effectively Train for Harassment Prevention and Respectful Workplaces

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HOW TO EFFECTIVELY TRAIN FOR HARASSMENT PREVENTION AND RESPECTFUL WORKPLACES



Reasons Employers do Training

- Puts employees on notice of expectations for workplace conduct
- Sets a positive tone
- Prevention of liability
- Compliance with 1980 EEOC guidelines for harassment prevention through anti-harassment training
- Nod to Farragher and Ellerth cases which note employers who actively seek to prevent harassment can better defend in court.
- May be part of a settlement



Recommendations for Training

- 2016 EEOC Select Committee on Harassment
 - Little research has been done on effectiveness of compliance training
 - Compliance training can be useful for education regarding behavior which constitutes sexual harassment
 - Training can also amplify pre-existing biases
 - Training focused on civility and bystander intervention recommended
 - Training as part of comprehensive strategy (not considered preventative)
 - Training should be supported by leadership in words, actions and initiative – otherwise more damaging than no training



The Basics: Employee Anti-Harassment Training Should Include:

- | | |
|---|---|
| <ul style="list-style-type: none"> □ An explanation of the employer's policy □ Definitions that support the employer's policy and clarify prohibited behavior □ Examples of behavior that could be harassing and the impact of such behavior on targets and organizations □ Instructions about how to respond to harassment and how to report | <ul style="list-style-type: none"> □ A discussion on the consequences for unlawful conduct □ Discussion of non-retaliation □ Hypotheticals for discussion □ Explanation of the investigative process □ Outside resources for those who feel harassed |
|---|---|



The Basics: Supervisory Anti-Harassment Training Should Include:

- Everything required in employee training, plus:
- Information on obligations of supervisors when they become aware of possible harassment
- Steps to take to respond to an employee complaint and how to document
- How to work with human resources
- The importance of setting the tone and responding to lower level behaviors



A Higher Ambition: Training to Promote a Respectful Work Environment.

Key Principles: Evidence, Engagement, Shared Understanding, Tools, Practices and Positivity



Evidence

- Understand that studies do not show that compliance training reduces the incidence of sexual harassment - some show they can trigger or enhance existing biases
- Look to research supporting that employee engagement/positive business outcomes are associated with safe, fair, respectful workplaces



Engagement

- Positive engagement and relatability to content leads to higher level of learning retention and use of information
- People generally don't believe they hurt others with their words or actions
- People want to believe they are important to their employer
- Focus on a culture of fairness, respect and safety



Shared Understanding

- Focus on how to demonstrate respect and civility, and the emotional and psychological benefits of each.
- Help employees develop shared understanding of helpful behavior vs. counterproductive behavior to create baseline for acceptable behavior

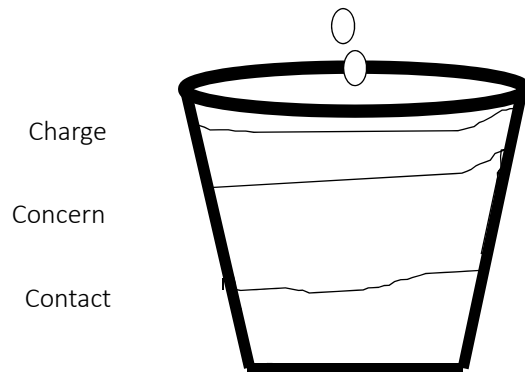


Tools

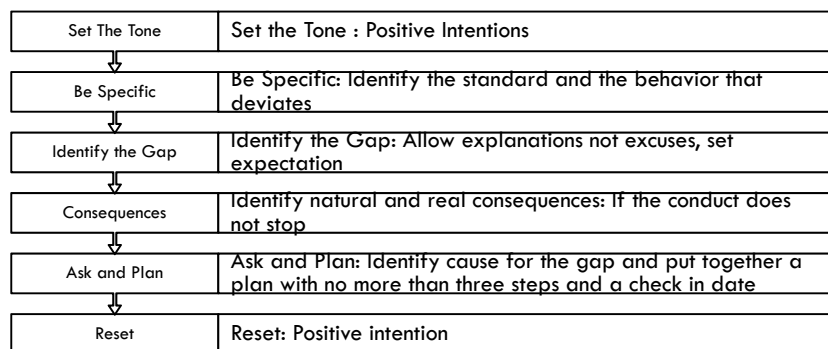
- Tools can be helpful when coaching an employee about unhelpful behavior:
 - Models
 - Scripts
 - Documents
 - Structures
 - Goals
- Tools help turn training into behavioral reality



Cumulative Conflict



Coaching Model



Practice

- Once tools are introduced, it is essential to provide training on how to use them
- Skills practice promotes confidence and competence
- Problem solving, providing feedback in the moment, coaching, bystander assistance



Positivity

- Humor and positivity help to engage learners
 - Be sure not to use humor that contradicts purpose
- Focus on human foibles, rather than misconduct
 - Example: How comfortable are we giving feedback?



Poll Question

- I have heard humor during training on this subject that was
 - Cringeworthy
 - Bawdy
 - Spot on and appropriate
 - All three



Beyond the Principles: Training That Gets the Message Across



Case Studies

- Use hypotheticals or scenarios for discussion of proper resolution
- Customize scenarios for plausibility and resolvability
- Consider real norms and challenges for work setting, i.e.:
 - Is there limited diversity so someone might be the “only” member of a protected class and subjected to negative behavior?
 - Are certain job classes viewed as higher status than others?
 - In a professional firm is there a perception that the producers and subjected to different standards than the back office?
 - Do people socialize or does everyone go home at the end of the day?



Note

Scenarios need to be “sufficiently resolvable”



Personal Sharing

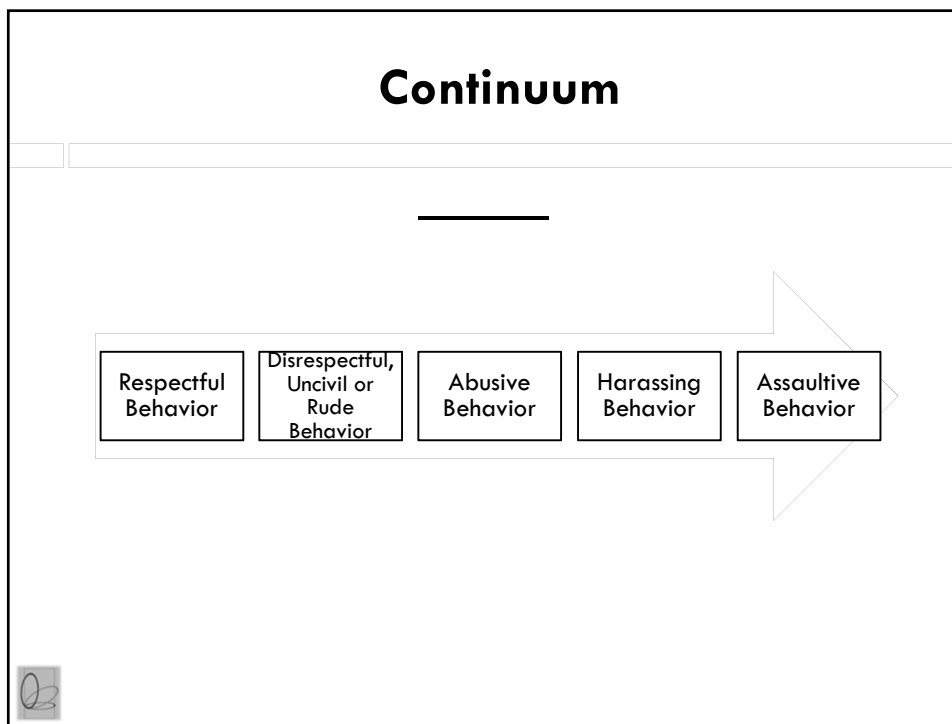
- Nothing is more powerful than trainee's own stories
- Example: Take four minutes to share with your neighbor a time you were treated unfairly at work.
- Colleague to colleague stories most powerful
- Always provide opt-out or alternate (if you don't feel comfortable talking about a work situation, think of one outside of work.)



Continuum Approach

- Helpful to talk about different shades of behavior as eroding or eliminating respect
- Helps to put severity of protected-class harassment in perspective
- Legally prohibited behavior seen as extension of set of counterproductive, unwanted, destructive behavior
- Make abundantly clear that definition of unlawful conduct is NOT the standard for organizational action





Poll Question

- The training I/My employer is currently offering (As many as apply)
 - Spends time identifying and discussing safety, respect and/or fairness
 - Includes a discussion of rude or uncivil behavior
 - Helps employees understand the importance of recognizing when respect is beginning to erode

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Bystander and Ally Skills

- Significant value pointing out that everyone can be part of creating safe, respectful work environment
 - ▣ Offering help/support privately
 - ▣ Disrupting behavior publicly
 - ▣ Providing feedback to peer
 - ▣ Confronting bits of inappropriate behavior publicly
- Can result in earlier reporting or extinguishing behavior rather than escalation



Conversations and Feedback

- Solutions to low-level problems are important in helping employees feel knowledgeable and empowered
- Ask trainees: If you were engaging in behavior that annoyed or bugged your coworker, would you rather they report you, or tell you?
- Provides platform to note challenge of telling someone their behavior is problematic
- Navigation tools helpful to normalize conversations



Poll Question

- If you were engaging in behavior that annoyed or bugged your coworker, would you rather they
- report you, or
- tell you?



Practice Tip

Always preface self-help and feedback skill building with a reiteration of the information that if someone is uncomfortable with someone else's behavior they are never **REQUIRED** to tell them, but can report it to management or HR for assistance.



Supervisory Skills

- Know how to respond appropriately to reports of harassment
 - Determine type of response needed
 - Confirm employee is being taken seriously
 - Avoid diving into interrogation mode
 - Demonstrate emotional intelligence
- Be aware of hazards of reflexively making statements that appear to disbelieve or blame
- Distinction between intake and investigation



Poll Question

- What is the worst thing a supervisor can say to a complaining employee?
 - Why are you just bringing this forward now?
 - What was your part in it?
 - Why didn't you tell them to stop?
 - Are you sure you want to go through with this complaint?



Retaliation

- Give broad examples that are not limited to firing, demoting, cutting pay or failing to promote
- Emphasize “appearance of...”



Cement The Learning

- With follow up articles, newsletters, communication from leaders

