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Creating a Culture of Awareness

The #MeToo and #TimesUp movements have encouraged millions of people worldwide to share stories of sexual harassment. Organizations are grappling with how best to learn from past mistakes and redefining strategies to prevent harassment.

BY MARGERY WEINSTEIN



Whether it's a manager who jokes repeatedly about an employee's appearance and personal life, or a colleague who engages in unwanted touching and advances, sexual harassment in the workplace is unfortunately more common than not. The freedom to put in a day's work at the office without fending off unwelcome "romantic" advances, or even physical assault, hasn't been a given for everyone. The question is how to make it better. Sexual harassment training has been provided for at least two decades, but organizations still struggle with reported harassment.

Some 21 percent of Americans say they have experienced sexual harassment in the workplace, according to the Edison Research study, "Sexual Harassment in the Workplace: #MeToo, Women, Men, and the Gig Economy." Some 27 percent of women and 14

percent of men surveyed say they have experienced sexual harassment at work. But only 25 percent of women who experienced sexual harassment in the workplace strongly agree they could report an incident to their employers without fear versus 41 percent of men. Likewise, 30 percent of women, versus 53 percent of men, strongly agree their employer handled the incident properly.

When seeking to interview companies for this article, many hesitated to share their experiences and strategies. Many organizations appear to be fearful that whatever they say will be misinterpreted, or, if you're cynical, some still don't want to acknowledge sexual harassment is a problem that needs to be addressed.



To help organizations confront the challenge of sexual harassment, six consultants share tips based on their experience as corporate learning professionals and specialists in sexual harassment prevention.

Are Your Company's Leaders Beyond Reproach?

"Do as I say, not as I do," is a common motto among all different kinds of leaders, whether corporate or political, and sexual harassment is no exception. After all, in the last year, how many of society's leaders in politics, media, entertainment, and beyond have faced sexual harassment allegations?

Skillsoft CMO Tara O'Sullivan says that while sexual harassment training is important, the first place to look is an organization's leadership. If a company's leaders aren't modeling appropriate workplace behavior, there is little hope the rest of the company will follow suit. "We need to be careful

QUICK TIPS

- **ENSURE COMPANY LEADERS MODEL ANTI-HARASSMENT BEHAVIOR**, and speak out about the importance of maintaining a respectful work environment.
- **PUT ANTI-HARASSMENT TRAINING INTO CONTEXT**, making it clear you're interested in more than just avoiding lawsuits—you and the company's leaders want to create an ethical and safe workplace.
- **FOCUS ON BEHAVIOR, NOT REGULATIONS**. Most employees don't need to know the law; they need to know what to do and what not to do, and what harassing behavior looks and feels like.
- **CREATE A SAFE ENVIRONMENT FOR REPORTING HARASSMENT**. Break down barriers to reporting, such as eliminating fear of retaliation. One way is to create a hotline employees can call to anonymously report harassment.
- **FULLY INVESTIGATE**. Don't simply ask employees to fill out a form and then file the form away, feeling you've done your duty. You have an obligation to follow up on all claims of harassment. You can ask employees to fill out a form in order to report, but you can't require them to do so.
- **LEVERAGE TEACHABLE MOMENTS**. When harassment has been revealed, talk about it with staff, including discussing why the behavior was inappropriate, and how to avoid it happening again.
- **CREATE 360-DEGREE ACCOUNTABILITY**. Everyone who works with an employee, including supervisors, colleagues, subordinates, vendors, and customers, should be held accountable for harassing behavior.

and not point to training as the reason for failure, or as the single solution to prevent harassment. To make a real difference, an organization must take a comprehensive approach that starts with leadership. Leaders must be engaged and committed to the prevention of harassment," O'Sullivan says. "Leaders must demonstrate by example through their communication and actions that they believe in fair treatment, and that harassment will not be tolerated."

O'Sullivan says corporate leaders can use training as a forum to communicate the importance of actively preventing harassment. She recommends that leaders:

- Support regular, multi-modal training that includes the company's anti-harassment policy; complaint system; and surveys to monitor culture, progress, and effectiveness.
- Create and share a video of the CEO clearly and unequivocally stating harassment is prohibited.

Part of leadership is putting the need to prevent harassment into context: to explain to employees why it's important from an ethical standpoint and that it's about more than avoiding lawsuits. "If your employees understand the company isn't just keeping itself safe from lawsuits by having this training, and realize the company actually cares about its employees, it evokes confidence in the organization. And, in turn, employees will want to see the program succeed," O'Sullivan says.

Creating a Culture of Awareness

Focus on Behavior, Not Regulations

Indeed, the trouble may be that too many organizations focus on not violating harassment laws, versus the proper and ethical way to treat colleagues. “Few employees need a comprehensive understanding of the laws and regulations that work behind the scenes of this issue. Focusing on the laws instead of setting clear expectations for behavior is boring and makes people tune out,” says Jeff Morgenroth, instructional designer for MediaPRO.

As you think about the kind of training that can get the point across to employees about why it’s unacceptable to harass co-workers, keep in mind that most will never be self-aware enough to acknowledge they may be the harassers themselves. The training you create should avoid leaving learners with the impression that harassment is something they will only see but never be guilty of themselves.

PROPER RESPONSE

By *Kathleen M. Connelly, Partner, Lindabury, McCormick, Estabrook & Cooper, P.C., Westfield, NJ, (www.lindabury.com)*

All too often, employers apply a “head-in-the-sand” strategy when faced with complaints of inappropriate workplace conduct. This can be a costly misstep because liability for workplace harassment often turns upon the employer’s response to the allegations of misconduct and the actions it took to eradicate such behavior from the workplace. Thus, properly responding to these allegations is the most critical component of any defense to unlawful harassment claims. Regardless of the gravity of the alleged offense or the position held by the accused, employers must face these claims head on and initiate a prompt, good faith investigation into whether the claims have merit.

The individual selected to investigate the claims must possess the necessary skill set to fairly and properly conduct the investigation. This includes:

- Experience in interviewing individuals and asking the right questions/follow-up to elicit the relevant information
- Knowing where to find direct and circumstantial evidence
- Making credibility determinations and findings of fact that are supported by sufficient evidence
- Preparing a defensible written investigative report

If internal resources lack these skills, a third-party investigator should be seriously considered.

Although not required in a non-governmental setting, private-sector employers nevertheless should adhere to notions of due process to ensure a fair process for both the complainant and the accused. The complainant, the accused, and all other individuals who may have relevant information should be interviewed, and re-interviewed if necessary, in a secure setting that will not draw attention to the investigation. All persons interviewed should be assured protection against retaliation for having participated in the investigation, and encouraged to keep the matters discussed confidential.

Immersive simulations could be a solution. “Training needs to put learners ‘in the action,’ as much as that’s possible, pushing their comfort level and showing—instead of telling—as if they were participants,” Morgenroth says.

Create a Safe Environment for Reporting Harassment

No matter how hard you try, there’s a good chance sooner or later there will be a need for an employee to report harassment. Focus on finding ways to make reporting as stress-free as possible. “Reporting sexual harassment can be especially challenging for those who fear retaliation or retribution. Through policy, protocol, or training, employees should know their rights if they are the victim of and/or report harassment,” says Colleen Huber, director of E-Learning Design and Development for MediaPRO. “Rights and protections for victims of sexual harassment can vary by state, but Equal Employment Opportunity laws prohibit retribution for employees who engage in what the EEO calls ‘protected activities’...and that includes reporting sexual harassment.”

Huber says companies don’t have to choose between breaking down barriers for employees to report harassment and ensuring those accused are given a fair hearing. “Those two options—taking harassment seriously and providing fair mediation—are not mutually exclusive. It is possible to have a serious discussion about sexual harassment without placing blame,” she says. “In fact, placing blame on either party is a surefire way to alienate someone and put them on the defensive...and neither of those contribute to a productive discussion or resolution. Instead, focus on the behavior in question and how the environment contributed to that behavior. Ultimately, sometimes the best way to arbitrate between parties is to use a third-party mediator.”

Investigate and Offer an Open-Ended Way to Report

In the not-too-distant-past, it was easy to imagine organizations discouraging and burying sexual harassment complaints by requiring those with claims to complete a long and arduous form. The organizations might have reasoned that few would want to go through that process—and put it in writing—so few would report. Today, there is an understanding that dismissively asking an employee with a harassment complaint to fill out a form is not adequate. Kathleen M. Connelly, partner, Lindabury, McCormick, Estabrook & Cooper, P.C., in Westfield, NJ, says an organization needs to fully find answers to the major questions that arise whenever a claim is filed: who, what, where, when, why, and how. You can ask employees to fill out a form to provide that information, but you can’t require them to do so under the threat that otherwise their claim will be dismissed. “Employers may use a form to elicit this information, but may not insist upon it as a condition precedent to initiating an investigation, as some employees may not be comfortable completing the form,” says Connelly. “Moreover, the duty to investigate is triggered whenever and however the employer

learns of an incident of workplace misconduct, including an ‘off-the-record’ discussion, a second-hand account, an anonymous complaint, or any other facts that give the employer reason to know an incident may have occurred.”

Optimize Teachable Moments

When a sexual harassment claim has been filed and investigated, and an employee has been found to be at fault, there should be a conversation at the company about what went wrong and how to prevent it from happening again, says Connelly. “These situations are an opportunity for the employer to send a general reminder to employees about its commitment to its anti-harassment policies, and that harassment will not be tolerated in the workplace,” she says. “Reissuing a copy of the company’s anti-harassment and complaint procedures to employees will help to push home that corporate message. If repeated or systemic incidents of offensive workplace harassment are identified, additional workplace anti-harassment and sensitivity training for all employees is advisable.”

The resolution of harassment situations can form the basis of real-world, on-the-job anti-harassment training, says Christine Andrukonis, president and founder of Notion Consulting. “Every company should use these situations to build real-world scenarios and case studies as part of their mandatory anti-harassment training,” she says. The best companies also will go the extra mile, she notes, and use these situations to help teach leaders and employees how to create a safe and trusting workplace environment at five critical moments in their careers, including:

- Start of a job
- Performance review time
- First promotion
- Major life events (and the professional decisions we make during these events)
- Entry into leadership

360-Degree Accountability and Awareness

If sexual harassment prevention is going to work, the awareness and efforts have to come from more than one side. Everyone who interacts with employees has to be aware of and accountable for preventing harassment, and not participating in it themselves. “Companies must proactively build a culture of trust and respect, ensuring that everyone—the board, executives, and employees at every level (and even vendors and customers)—are expected to be self-aware and respectful. This requires the right leadership, talent, policies, training programs, and accountability mechanisms,” says Andrukonis.

Organizations should talk about what a “culture of awareness” means to its leaders and employees. “A ‘culture of awareness’ means understanding everyone has different identities, experiences, and perspectives, and certain words and actions can make others feel uncomfortable even if they don’t come with premeditated intent to make others feel that way,” says Georgene Huang, co-founder and CEO of Fairygodboss (<https://fairygodboss.com>). She notes that part of awareness is understanding harassment can be so subtle many may not

MORE WORK TO BE DONE

A global survey by Globoforce’s WorkHuman Analytics & Research Institute, “Social Impact in the Human Workplace,” examines how movements such as #MeToo and #TimesUp, along with record low unemployment, are driving a power shift in the workplace. People want—and expect—their voices to be heard. But there is still much work to be done, the survey of more than 3,600 people in the United States, United Kingdom, Canada, and Ireland found. This is especially true with regard to pay equity and psychological safety:

- The survey found men are more likely to agree they are paid fairly (70 percent), compared to women (61 percent), and more women than men report not receiving any monetary bonuses.
- Some 82 percent of workers say they feel a sense of belonging in the workplace, the survey reveals. But when workers were asked if they feel safe offering a dissenting or unpopular view at work, only 65 percent agreed. Women are less likely to feel safe speaking up (60 percent), compared to men (70 percent). And individual contributors are much less likely to feel safe speaking up (59 percent) than senior management (81 percent).

“The forces shaping our societal landscape—calls for fairness, equity, transparency, and trust—are driving an awakening in the workplace,” notes Derek Irvine, Globoforce senior vice president of Client Strategy and Consulting. “It is unacceptable to treat men and women differently at work. This year’s employee survey tells the story of a workforce ready to make an impact—but unwilling to stick around if inequity and bureaucratic processes get in the way. Organizations that provide a positive culture for their people will see renewed commitment, engagement, and strengthened relationships that fuel the backbone of their business and their bottom line.”

For more information, visit; <https://resources.globoforce.com/papers/social-impact-in-the-human-workplace>

realize it has even occurred. She calls these small, but impactful, forms of harassment micro-aggressions. “Micro-aggressions are more subtle, and may not rise to the level of legally defined harassment at work, but they still can create an uncomfortable work environment,” she says. “Micro-aggressions are usually verbal, such as a slight or a snub (intentional or otherwise), because of your gender.”

Also, she stresses, be aware of how hard it is to feel safe when reporting harassment. “Some companies have anonymous hotlines for reporting things that are uncomfortable for victims to associate their names and reputations with, such as sexual harassment,” says Huang. “In our research (<https://fairygodboss.com/research/sexual-harassment>), we know women believe that better, clearer policies to protect victims and address perpetrators, and anonymous helplines, are three ways companies can help prevent incidences of sexual harassment.” **1**