



# Record Demand for Anti-Harassment Training

MANAGEMENT CONNECTION



Training can help educate employees, hold managers accountable, and improve company culture

*Strike when the iron is hot. When it rains, it pours. Better late than never.*

Many clichés come to mind when thinking about how the plethora of newsworthy sexual harassment cases have impacted workplaces in the past year.

Harassment in the workplace is not a new topic. HR Source, for which I am President & CEO, has been providing services to support employers with compliance and prevention for decades. However, the demand for advice, policy reviews, investigations, and training sessions has skyrocketed as of late. Employers concerned about harassment in their workplaces are stepping up their

efforts and taking meaningful action. They are doing so not only to minimize their legal exposure, but also to educate their employees, hold their managers accountable, and improve their cultures.

Our HR Hotline regularly fields calls dealing with harassment-related concerns, but the call volume has definitely increased. Some of the issues are relatively straight-forward, and others are extremely complex. Our attorneys and HR professionals work with member organizations to assess their policies and practices, determine the nature of the claim, and then provide advice and counsel.



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While we—and the Equal Employment Opportunity Commission (EEOC)—recommend having an outside professional conduct the training, that's not always feasible. So, what should you do if you're tasked with this training?

Sonal Shah, JD, who serves as our Senior Employment Counsel, shares two effective how-to strategies for sexual harassment training.

First, while you want to ensure all employees receive training, don't just do one big quick program. Shah advises that you conduct small interactive sessions of no more than 25 employees at a time. Smaller sessions help ensure that participants are engaged, and they encourage more communication and questions. She recommends that you don't rush through the training to try to get it all done as quickly as possible. Show employees that this is an issue you take seriously by spending the time and effort to address it fully.

Second, Shah advocates conducting separate training for employees and supervisors. The employee session should review the definitions of discrimination and harassment and discuss

all their various types (not just sexual harassment). Then, talk about behaviors that are inappropriate in the workplace, as well as those that are unlawful, she says. Review your anti-discrimination and harassment policy, and discuss what employees should do if they see or experience such conduct. Explain how discrimination and harassment claims will be handled, and remind employees they will not be subject to retaliation. Importantly, throughout the presentation, make

mentioned above, as well as the legal liability for both individuals and the organization for engaging in and/or not properly addressing discrimination and harassment. Let managers know what they must do if they see or receive a complaint of discrimination or harassment and what their involvement will be in the process.

Our organization has seen increased demand for anti-harassment training from member employers. In addition to public programs

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sure to provide examples from real cases, Shah says. This is what brings the presentation alive and makes it real to employees.

Shah advises that in the session with supervisors, you make sure your c-suite (top senior executives) are in attendance. You want to show that they support the training, consider it important, and do not see themselves as "above the law." During the training, discuss everything

and conference sessions, our team has been asked to speak at events for a wide variety of organizations, to serve on or facilitate panel discussions, and to deliver on-site sessions at member locations for their managers and employees.

While training may not prevent all discrimination and harassment, it does help prevent some. According to Shah, "It

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sets the standard for the organization and lets employees know you have a culture that does not tolerate discrimination or harassment, takes all claims seriously, and responds with appropriate action when such conduct occurs.”

There is no question that the recent explosion of high profile cases in concert with the #metoo movement has heightened employer awareness and caused employers to invest

in training more than ever before.

### SUMMING IT UP

There’s a good chance that your organization has already developed and implemented a strong policy and effective practices to deal with harassment. But if you have been waiting for the storm to pass or making hope your strategy, I encourage you to take a more proactive approach. You need a real plan to reduce your risks and improve your culture. **E**

## AGE DISCRIMINATION

### Another Form of Harassment



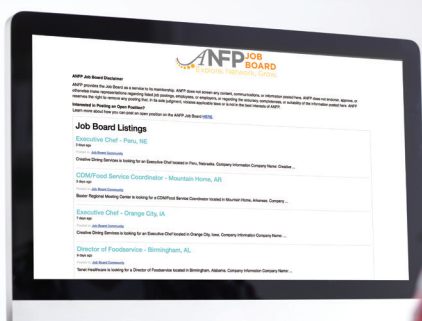
Sexual harassment isn’t the only type of harassment that employees face in the workplace. As part of a study conducted pursuant to the 50th anniversary of the Age Discrimination in Employment Act (ADEA), the EEOC found that age discrimination may be more prevalent than employers realize.

Kelly A. Hayden, JD, who is Chief Legal Counsel for HR Source, dissected the report and shares the following interesting points:

- More than six in 10 workers age 45 and older say they have seen or experienced age discrimination in the workplace. Over 90 percent of workers say it is somewhat or very common. And in a 2015 survey, more than three out of four older workers believed that age was an obstacle to finding a job.
- In 2010, for the first time, women were more likely to file a charge of age discrimination than men, and that trend continues. Also, the number of age discrimination charges filed by African-Americans and Asians has more than doubled since the 1990s.
- The age at which workers say they are discriminated against has also increased. In 1990, a charge was most likely to be filed by a worker in the 40-54 age group. Now, workers in the 55-64 age group are the most common complainants. Since the 1990s, the percentage of charges has also doubled in the over 65 category.
- Of significance in the report were hiring practices. Specifically mentioned were job postings that preferred “digital natives” and online application forms asking for birth dates and graduation dates that could not be bypassed.

Hayden says that anti-harassment training should always address age as a protected class and provide examples of appropriate/inappropriate behavior in the workplace. However, with hiring practices specifically mentioned, employers should review their methods to confirm they comport with the ADEA, and make sure that anyone conducting interviews has had training in the legal aspects of this important employment process.

### Looking for Employment?



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*This Level II article assumes that the reader has a foundation of basic concepts of the topic. The desired outcome is to enhance knowledge and facilitate application of knowledge to practice.*

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1. Sexual harassment training is best done
  - A. In one comprehensive session to cover all facets
  - B. In a large group session so no one feels singled out
  - C. In small interactive sessions with no more than 25 employees at a time
2. Smaller training sessions
  - A. Help ensure all participants are engaged
  - B. Encourage more communication and questions
  - C. Both A and B
3. Training for employees and supervisors should be conducted
  - A. Separately
  - B. Together
  - C. On weekends, so as not to disrupt the workweek
4. Providing real-world examples of harassment cases
  - A. Cannot be allowed, due to legal implications
  - B. Brings a presentation to life and makes it real to employees
  - C. Gives litigious employees more ideas for lawsuits
5. During training sessions, the trainer should
  - A. Explain how discrimination and harassment claims will be handled
  - B. Remind employees they will not face retaliation if they make harassment claims
  - C. Both A and B
6. The EEOC has found that age discrimination is
  - A. More prevalent than employers realize
  - B. Less prevalent than employers realize
  - C. Is currently at a 50-year low
7. Today, workers in what age range are the most common complainants when it comes to age discrimination?
  - A. 40-54 years old
  - B. 55-64 years old
  - C. 60-66 years old

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