

Memo

The following are suggestions for a comprehensive plan to prevent or eliminate workplace harassment.

Hiring

- Ideally, an employer would be best served by avoiding hires of those who would potentially pose problems in the workforce.
- Some additional safeguards, dependent on available resources or effective outsourcing:
 - Ask references for additional reference sources (less likely to be “prepared” for reference request).
 - Try to get to co-workers, subordinates or CEO contacts at former places of employment (less likely to understand policy limiting reference information).
 - Review any public social media posts (may need to verify/confirm content of detrimental/negative post with candidate).
 - Google candidate. (In one situation, an employer would have avoided hiring a white supremacist. Of course, procedures must be used to ensure that protected activity is not taken into account in making a hiring decision.)
 - Confirm all degrees, certifications (even when unnecessary for the job). This is often more effective than an honesty test.
 - Confirm that background check release allows for above investigation (and FCRA-compliant release if third party is involved).

Onboarding

- Incorporate commitment to respectful workplaces, prevention of harassment.
- Introduce anti-harassment, anti-discrimination policy, relate to Code of Conduct.

- Demonstrate leadership commitment.
- Begin to incorporate theme in employer communications.
- Especially important for younger employees and employees with first or second job, consider proper workplace behavior resources.

Climate Surveys

- Consider longitudinal climate surveys to assess effectiveness of leadership messages and training (measure retention/turnover, employee satisfaction, employee engagement).
- Devote time and resources to identification of risk factors present in employer’s workplaces (identified in STF Report at pp. 25-30).
 - Consider proactive actions to eliminate or diminish effect of risk factors.

Performance Management/Evaluation

- Employees and managers held accountable.
 - Acting respectfully, with civility and modeling that behavior is noticed and rewarded.
 - Specific goals (ex. – attend [protected characteristic]-supportive event).
 - Recognize skill acquisition from training.

Supervisors

- Encouraged and rewarded for coaching, sponsoring and mentoring others to engage in these behaviors.
- Engage senior leaders, culture champions, early adopters, “most popular.”
- Specific goals (ex. – attend specific types of training).
- Require goals to demonstrate commitment.
- Develop and implement budgets with allocations for inclusion efforts, activities and training.
- Calendar and schedule reflects time devoted to these initiatives.
- Communicate common theme and leadership commitment.

- Models respectful, civil, tolerant behavior.
- Acts firmly, swiftly and proportionately to address disrespectful and/or inappropriate behavior (ex. – demeaning comments or humor or retaliation).
- Is as transparent as possible regarding problem behaviors.
- Take complaints seriously, regardless of how old.
- Remedy substantiated complaints.
- Includes prohibition against retaliation in disciplinary documentation and follow up.

Evaluate Leadership Message

- Shadow of the leader
- Articulate a clear vision, own it and lead it; common theme in communications.
- Strongly, publicly endorse the training.
- Continuous communication (comment on current events).
- Participate in training to extent possible (one advantage of webinars – this can be easily accomplished).
- Contribute resources (money, time, accountability).
- Hold managers accountable.
- Set example (behavior at social events, relationships with subordinates).
 - Relationship/dating rule.

Anonymous Reports on Ethics 800# Hotline

- Identify trends/risk factors.
- Confirm disclaimer clearly explains that if anonymous, may not be able to identify/address situation.
- Review coworker.org, Labr and similar apps for other reports, issue-spotting.
- Monitor for retaliation when action is taken.

Policy Review

- Confirm that it is written in relevant, understandable language for specific workplaces, no legalese.
- Conduct reading level analysis.
- Consider whether ESL applicants and/or employees would benefit from translations.
- Highlight (and enforce) anti-retaliation provisions.
- Clearly address social media and potential for harassment, prohibitions.
- Include disclaimer in reference to anonymous hotline – may not be able to identify or address situation.
- Consider how policy is disseminated, add new modes of communication, increase frequency and ensure effectiveness.
- Continually discuss and remind employees of aspects of policy.
- Should include language regarding what targets should do and what bystanders should do to report inappropriate conduct, but be careful to avoid imposing responsibility on victims to confront harasser.
- Periodically “test” reporting system.

Investigations

- EVERY allegation should result in an investigation, no matter how old, or how reported.
- NO allegation should result in retaliation.

Training

- Continue compliance training.
- Add continuous follow up:
 - Include as agenda item in regularly scheduled meetings 5-10 minutes to discuss current event or an aspect of employer policy that is relevant to department or group.
 - Include discussion at employee gatherings.

- If resources are limited, focus on middle managers, the “front line,” but only with demonstrated leadership commitment.
- Add brief refreshers at various levels, relevant to current events and workplace-specific.
- Add brief interactive, skill-building sessions at various levels; recognize skill acquisition in performance evaluations.
- Solicit new and different ideas for training from employees themselves – offer incentives/prizes (ex. – creatives).
- Add bystander/upstander training modules with realistic, actionable methods for co-workers.
- Supervisors’ training should include understanding of legal responsibility, role-play scenarios to develop appropriate actions and responses.
- Use more subtle examples of inappropriate conduct; help supervisors address the most difficult situations.
- Consider who would benefit from implicit bias training.
- Add advanced training modules (micro-inequities, micro-aggressions, backlash, avoidance, intersectionality); recognize skill acquisition in performance evaluations.
- Add or enhance training for investigations (ensure that those conducting training have authority):
 - More limited investigation training for managers who need to understand the process but have more limited role.
 - Extensive training for those responsible for investigation (responsiveness, take complaints seriously, preserve dignity, protect from retaliation, remain objective).
- Develop “Train the Trainer” sessions, solicit volunteer trainers, and recognize this in performance evaluations.
- Continually evaluate and improve training, but not immediately following sessions; wait to see what worked/didn’t work, what left lasting impression, what changes made over time.

Online Training

- Multiple-choice questions; always provide explanations for wrong answers.

- Second chances to answer correctly.
- Subsets (for example, 10 of 100 randomly selected questions, so answers can't be shared).
- Repeat if greater than a certain number or percentage wrong.
- Incorporate micro-learning modules.

Aspirational

- Implement workplace civility/respectful workplace training (potentially the EEOC training, up to 35 per group, trainers available from Chicago district office) and bystander intervention training.
- Consider holding suppliers accountable by contracting only with those who agree to prohibit sexual harassment and sexual assault in their workplaces. (See Fair Food Program, STF Report, p. 36).
- Include compensation and/or bonus component based on assessment of relevant skills or discretionary.
- Utilize outside researchers to determine efficacy of policy, complaint procedure, investigations and training. Consider collaboration with other employers to aggregate non-competitive, non-proprietary data.