

# Harassment training continues to evolve in response to #MeToo

The #MeToo movement has resulted in a sharp increase in the number of employers doing preventative training to head off sexual harassment claims, says a Bloomberg Law report. Law firms are also reporting an uptick in investigations into employee complaints, as #MeToo forces employers to take all complaints more seriously.

In addition to basic sexual harassment training, more law firms are training employers on the “nuances” of harassment cases, including complaint procedures.

“You don’t want your managers sending the message to employees of ‘Don’t go to HR, we’ll handle things in-house,’” says attorney Deborah Adams of Frost Brown Todd in Cincinnati. “You want people to come forward with complaints so you’re dealing with a fender-bender, not a head-on collision. And that takes some manager training.”

Some management-side law firms that handle sexual harassment issues have begun hiring more attorneys, paralegals and other staff to handle additional cases. More are reassigning attorneys to provide client training designed to prevent #MeToo claims. Some firms have created special #MeToo task forces to deal with investigations and training.

*Another legal twist:* Corporations looking to acquire other companies are looking into the potential exposure to #MeToo claims as part of their due diligence research.

## Managers hold key to stopping harassment

Employers have an affirmative obligation to prevent sexual harassment (and other forms of harassment, too). The front line of the anti-harassment battle sits at the spot where managers interact with their subordinates.

That means it is imperative for all bosses to understand that they must immediately report any harassment they become aware of—whether an employee reported it or because it’s something they themselves experienced.

Employers whose managers tolerate being personally harassed don’t stand a chance of eradicating harassment in the rest of the organization. When managers don’t have the courage or the will to report their own harassment, the environment becomes toxic.

**Case in point:** Consider a recent settlement between the EEOC and Flash Market, a chain of about 90 gas station convenience stores operating under the Citgo, Phillips, Conoco and Shell brands.

The EEOC obtained \$100,000 for a cashier who was fired shortly after she filed a sexual harassment complaint with the commission. She complained to the EEOC only after she told her supervisor that their regional manager had propositioned her for sex, inappropriately touched her several times and made frequent sexual comments to her.

She grew frustrated when her boss confessed that the same area manager was sexually harassing her and that

she could offer no help to the cashier.

In addition to paying the money, the settlement also requires Flash Market to revamp its sexual harassment policies and train all managers on appropriate reporting. Flash Market will also add questions about sexual harassment to all exit interviews to gauge the extent of the problem within the company.

This settlement shows that the EEOC still sees sexual harassment as a major workplace problem.

**Online resource** Find EEOC resources on stopping sexual harassment at [www.eeoc.gov/eeoc/task\\_force/harassment/report.cfm](http://www.eeoc.gov/eeoc/task_force/harassment/report.cfm).

## **New laws require more sexual harassment training on the horizon**

California was one of the first states to mandate sexual harassment training in the workplace. But the law only mandated regular training for supervisors at large companies. All that changed on Jan. 1, when Senate Bill 1343 went into effect.

The law amended the California Fair Employment and Housing Act to require anti-harassment training for all workers at any organization with at least five employees. Employees must now receive at least an hour of instruction on workplace sexual harassment within six months of being hired at a new job and every two years after that.

The training requirement is greater for managers and supervisors, who must complete two hours.

Employees and supervisors alike must receive training by Jan. 1, 2020.

Online resource Find employer resources on the new training requirements at [www.dfeh.ca.gov/wp-content/uploads/sites/32/2018/12/SB\\_1343\\_FAQs.pdf](http://www.dfeh.ca.gov/wp-content/uploads/sites/32/2018/12/SB_1343_FAQs.pdf).