KILPATRICK TOWNSEND

5 KEY TAKEAWAYS

Don't Be a Headline: How to Prevent and Address Workplace Discrimination and Harassment in the #MeToo Era

2017 was the dawning of a new era for workplaces everywhere. Employees are talking about harassment more than ever, and employers who do not act quickly to catch up in light of the #MeToo movement will lose talent and face mounting legal risks. Kilpatrick Townsend hosted a CLE titled "Don't Be a Headline: How to Prevent and Address Workplace Discrimination and Harassment in the #MeToo Era" presented by Atlanta attorneys Katie Barton and Flora Manship. The course focused on (1) understanding what workplace conduct constitutes sexual harassment, (2) why sexual harassment should be prevented in order to establish a company's culture and mitigate legal risks, and (3) how sexual harassment can be prevented. It also explored how mitigating legal risks and encouraging employees to speak up are compatible goals, and reviewed best practices for savvy employers to accomplish both, with an eye towards healthy, inclusive workplaces for all employees.

Key takeaways include:

1. **Respect is key.** Old-school notions about what legally constitutes sexual harassment are no longer very useful tools for training your employees. Effective, modern training programs should be conducted by experienced HR professionals or outside counsel and should focus on the "gray areas" – ones that employees are actually likely to encounter – including social media issues. Consider separate training programs aside from just harassment prevention, such as unconscious-bias training. And most importantly, encourage respect as the cornerstone of your workplace.

2. **Know (and work on) your culture.** Harassment-prevention will take different forms at different companies and in different industries. Take a hard look at the existing strengths and weaknesses in your company to determine areas of focus.

3. **Managers have to be the "grown-ups" in the room.** Remind managers of their responsibilities to refrain from inappropriate behavior and to report it when it occurs. Managers must be role models. If managers or star-performers violate policy, they must be treated the same as lower-level or brand new employees.

4. **Prompt and effective investigations are essential.** Ensure you have plans of action in place for when complaints arise – they're likely to come up at the most inconvenient times. Conducting thorough, effective investigations promptly is critical to (1) ensuring a safe workplace for employees and (2) mitigating risk later on. Promise no retaliation for making a complaint or participating in an investigation and enforce it.

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View the #MeToo movement as an opportunity – embrace #NotHere. Preventing harassment and bullying and increasing inclusivity will only benefit your company and your employees' productivity and collaboration in the long run.

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