Let's Talk About Sex(ual Harassment Prevention)

Presented by
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Legal Background

1. Why important to act
   a. Legal
   b. Fairness
   c. Productivity
   d. Public/firm/employee relations
   e. #metoo
Legal Background

2. Two types of unlawful harassment
   a. Quid pro quo
   b. Hostile work environment on account of any protected group

HR/Administrator/Management Responsibilities

1. Refrain from
   a. Unlawful discrimination, harassment and retaliation
   b. Other unacceptable conduct, even if not unlawful
   c. Don’t focus on what’s harassment or discrimination – legal terms ultimately a court or jurors will decide
      i. Focus on appropriate vs. inappropriate behavior
2. Report all complaints of unlawful discrimination, harassment or retaliation or other unacceptable conduct to Human Resources/Administrator even if employee:
   a. Requests that nothing be done
   b. Asks for absolute confidentiality
   c. Does not use “legal buzz words”
   d. Is speaking with you as a friend
   e. Concerns appear minor

3. Respond proactively to possible unlawful discrimination, harassment or retaliation or other unacceptable conduct, even in the absence of a complaint
   a. Silence equals tacit support
   b. Consult with Human Resources/Administrator to discuss corrective action
HR/Administrator/Management Responsibilities

4. Remedy unlawful discrimination, harassment and retaliation and other unacceptable conduct (even if not unlawful)
   a. Consultation between HR/Administrator and management to determine what corrective action is appropriate under circumstances
   b. Correction action may include discipline up to and including discharge
   c. Focus on inappropriateness not illegality (conduct does not have to be unlawful to result in corrective action)

5. Refrain from unlawful retaliation
   a. Applies not only to complainants but also to witnesses and others who participate in the investigatory process
   b. Covers not only tangible employment actions but also:
      i. Other material terms and conditions of employment
      ii. Retaliatory comments (expressed or implied)
      iii. Retaliation independent of the workplace
   c. Fact that complaint lacks legal merit is not a defense to unlawful retaliation
Thank You!

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Your opinion matters!

Please take a moment now to complete the evaluation.

Thank You!