Now More Than Ever: Law Firm Harassment Prevention in the #MeToo Era

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Mistakes We’re Making in 2019

1. Ignoring non-defenses
   a. Focus on intent
   b. Not directed at anyone
   c. Just a joke
   d. Just how he/she/they are
   e. Equal opportunity offender
   f. Very important person
Mistakes We’re Making in 2019

2. Assumption of knowledge of what others are thinking
   a. Worked together long time
   b. Friends
   c. Situations change instantly
   d. Touching

3. No one complained so I didn’t do anything
   a. Obligation to respond, proactively
   b. Silence equals tacit support
   c. Condoning or complicity
Mistakes We’re Making in 2019

4. Inaction when a complaint includes request for inaction
   a. Talking as a friend
   b. Don’t want you to do anything
   c. Keep “off the record”

5. Not investigating when it’s required
   a. Investigate if:
      i. Employee brings complaint directly to HR
      ii. Manager/supervisor reports (as required) a complaint made to him or her by employee
      iii. Employee reports complaint by co-worker
      iv. Anonymous complaint capable of investigation
      v. Constructive discharge allegations
      vi. Complaint upon involuntary termination
      vii. Complaint filed with administrative agency
Thank You!