

GROWERTALKS

Cover Story

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Getting a Handle on Harassment

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You may think politics or the new tax plan—or even the new iPhone X—is the No. 1 topic in the media today, but sexual harassment has taken over as the news du jour. You can't turn on the TV or scroll through Facebook without seeing breaking news about another celebrity or politician resigning or getting fired because of misconduct allegations. It seems that once Harvey Weinstein's behavior became public, it started a tsunami of other famous people and their alleged bad behavior and I'm sure there'll be more.

So what does this mean for you as a business owner or manager? You're now living in an extraordinary time that's redefining business interactions and acceptable workplace behavior. This means that we must take responsibility for our behavior and its impact on others. We must check our egos at the door and realize to feel big we don't have to make others feel small. We can no longer use our barometer as a measure of acceptable workplace behavior.

Sexual harassment is a form of sex discrimination as defined by Title VII of the 1964 Civil Rights Act, which prohibits discrimination based on race, color, sex, religion and national origin. If sex (gender) is protected, then the recent incidents in the news represent a violation of this law.

There are two types of sexual harassment:

- **Quid Pro Quo** includes unwelcome sexual advances and requests for sexual favors in exchange for something else; i.e., promotion, not losing your job, increase in pay, etc.
- **Hostile Work Environment Harassment** has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

When behavior is unwanted, not requested, and repeated, it may be considered sexual harassment. A single request would not be considered sexual harassment unless it's severe, as evidenced by some of the allegations recently surfaced in the media. Repeated requests after a person has indicated they're not interested may also constitute sexual harassment. Tone of voice and physical proximity should always be considered.

One sexual joke or off-hand remark isn't considered illegal conduct, but repeated conversation about your weekend escapades or a person's appearance and so on could be. Just because a person doesn't state that a joke or comment is inappropriate, doesn't mean that it's okay to let that type of behavior continue.

What about the work world has led people and organizations to believe that this type of behavior is acceptable in the workplace—or for that matter anywhere in 2017? Why have people put up with this inappropriate, unprofessional behavior for such a long time?

When you don't feel you can take steps to resolve a situation because you're afraid to take those steps, or you're afraid of the consequences of taking them, you keep your mouth shut. The Hollywood harassment allegations were the first cracks in the foundation and now icons are tumbling, and it appears that no one is safe. The good news is sexual harassment is now in the public eye; change happens when a spotlight shines upon an issue.

What should you do?

So what's the bottom line on this topic?

In the workplace, it means you must address issues NOW, when you see or learn about them. The incidents in the media have shown us that there's no statute of limitations for bad behavior. The year may change, but the person who owns the behavior is the same.

You may have an employee come to you and say, "[Male co-worker] touched me inappropriately two years ago at the Christmas party—what are you going to do about it?" You would typically think, "If it was that egregious, why did you wait so long to bring this to our attention?" But now the cat is out of the bag. The employee may have been afraid of retaliation or may have believed that nothing would be done about it. Now, it's your responsibility to act.

Acceptable business interactions and relationships are changing right before our very eyes. Companies are scrambling to understand and communicate what harassment is and isn't to protect their employees, customers and suppliers in the workplace. What should a company do?

- Communicate your values to your employees and stakeholders. Leaders need to walk the talk and ensure that they're the model for appropriate behavior in the workplace.

A popular leadership principle is "Shadow of the Leader"—behaviors of employees are, in part, a reflection of the shadow of the leaders. Employees tend to look upwards for cues as to expectations, norms, habits, strategies and techniques. When the manager is late, the employees are late. When the leader doesn't follow procedures, the employees now have license to do the same. When you make "comments or jokes," they make comments and jokes. When you ignore bad behavior, so do the employees.

Years ago, I devised a definition of culture as the gap between what you say you do and what you really do. This definition came because of experiencing that culture gap and witnessing the lack of trust that resulted with employees when this didn't occur.

Here's an example: Early in my human resource career, a sexual harassment situation was brought to my attention and I needed to investigate and make a recommendation on how to deal with the alleged harasser. I talked to all individuals involved and found that the supervisor acted very inappropriately with a woman on his team and his bad behavior was common knowledge.

When I completed my investigation, I brought the situation and my recommendation to the attention of the CEO. I naively believed this would be resolved in alignment with the positive and humane company values that were communicated on Day 1 of orientation. Instead, the CEO said, "You know him—he's a ladies' man and was probably just kidding. Besides, he's happily married and we cannot afford to remove him from his position. He makes a lot of money for the company."

As far as he was concerned, case closed. That was the day I developed my own definition of the word culture: "It's the gap between what a company says it does and what it really does." In other words, does the company "walk its talk"? I've seen both ends of the spectrum and this erodes trust, and ultimately, impacts engagement.

- You need a clear policy and plan regarding what to do and who to go to if harassment occurs in the workplace and include this in your employee handbook. (If you don't have a handbook, you need to create one.)

The handbook should be reviewed during new hire on-boarding and when policies are updated and introduced. A policy lets the employee know that you're serious about the topic and that you're proactive in your approach to solving problems.

- Train employees regarding appropriate behavior in the workplace. Remember, different generations, genders and ethnicities may perceive this topic differently based on their business and life experience. A good way to communicate this is to use what I call "The Mom Rule:" If you wouldn't say it or do it in front of your mothers, you shouldn't do it in front of other people's mothers.
- Be proactive by communicating that you have an "open-door" policy, so that people aren't as reluctant to report cases of harassment. Thank people for stepping forward and let others know that it's important for them to do the same if they witness something inappropriate.
- Once a harassment situation is brought to the attention of a manager, you must immediately investigate the situation. Ask yourself if you can be objective in the situation? Sometimes our feelings about the person reporting harassment or the alleged harasser are clouded based on past situations or performance. Determine if/when you need support.
- Do a thorough investigation to protect the employees and the company to help you make the right and appropriate decisions. Don't jump to conclusions without a full proper investigation. Minimize the parties' contact and get both sides. Do your due diligence so that if there are any legal issues later, you know you did the right thing. I always say that I would rather do the right thing slowly than the wrong thing quickly.
- Some organizations may have fraternization policies that prohibit dating between co-workers. Based on the type of organization, employee and culture, you may consider adding this to your employee handbook.

These situations aren't easy to deal with and emotions and history get in the way; these are the times when you can rely on an outside third party to provide objective feedback. If you're uncertain what to do and how to investigate a harassment situation, reach out to an HR professional or attorney for guidance to ensure you take necessary steps and come to the right conclusion for the employee and the company. The rule of thumb is to quickly "Do the Right Thing" with compassion, professionalism and confidentiality. **GT**

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