

Combatting Sexual Misconduct in the Workplace

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Objectives

- How to better understand the extent and effects of sexual misconduct.
- How to raise awareness about what constitutes misconduct and how to prevent it.
- How to get your C-suite to champion your efforts.

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Introductions

J Rollins, CEO & Founder ETHIX360



Stephanie Jenkins, CCO ETHIX360



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12,428

Number of sexual harassment charges in FY2017

Source: Equal Employment Opportunity Commission (FY2017). Report of the Co-Chairs of the EEOC Select Task Force on the Study of Harassment in the Workplace. Retrieved from https://www.eeoc.gov/eeoc/task_force/harassment/report.html. Top453686297.

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Alleging Sex-Based Harassment

(Charges filed with EEOC FY 2010 - 2017)

	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017
Receipts	12,695	12,461	12,569	12,379	12,146	12,573	12,860	12,428

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\$698.7MM

The amount paid out to employees alleging harassment through the Commission's pre-litigation process alone.

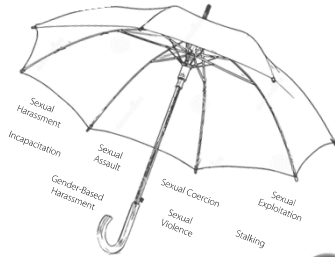
Source: Equal Employment Opportunity Commission (FY2017). Report of the Co-Chairs of the EEOC Select Task Force on the Study of Harassment in the Workplace. Retrieved from https://www.eeoc.gov/eeoc/task_force/harassment/report.html. Top453686297.

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What Is Sexual Misconduct

"A broad term encompassing any **unwelcome** behavior of a **sexual nature** that is committed **without consent** or by **force, intimidation, coercion, or manipulation.**"



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What Do You Think Sexual Harassment Is?

Top 10 as Viewed by Men and Women

	Women	Men
Touching or Gropping	96%	86%
Being Forced to do Something Sexual	93%	83%
Someone Touching Themselves Intentionally / Masturbating	89%	76%
Having Someone Flash or Expose Themselves to You	89%	76%
Making Sexual Comments About Looks / Body	86%	70%
Sharing Intimate Photos of Someone Without Their Permission	85%	71%
Being Shown Sexy or Sexual Pictures You Did Not Want to See	84%	70%
Sexually Explicit Emails or Texts	83%	69%
Pinching or Poking	77%	68%
Pushing Against You in a Public Transport	70%	52%

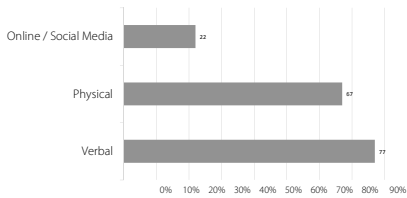
Source: <https://www.banix.com/research/behaviors-americans-count-as-harassment/>

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What Was the Nature of Your Sexual Harassment?

Adults Who Have Been, Have Witnessed or Know Someone Who Has

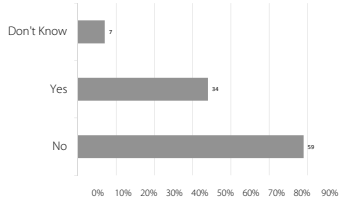


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Coming Forward About Sexual Harassment

Did You, or They, Report the Sexual Harassment?

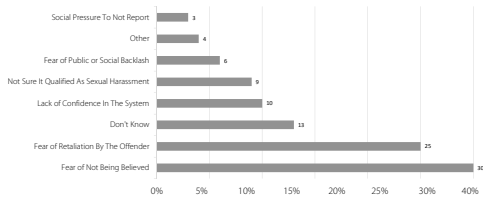


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Coming Forward About Sexual Harassment

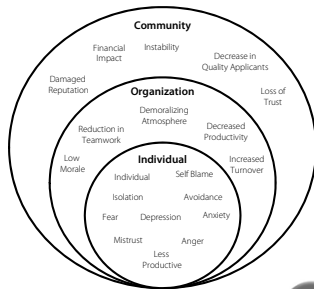
Why Don't People Report Sexual Harassment Claims?



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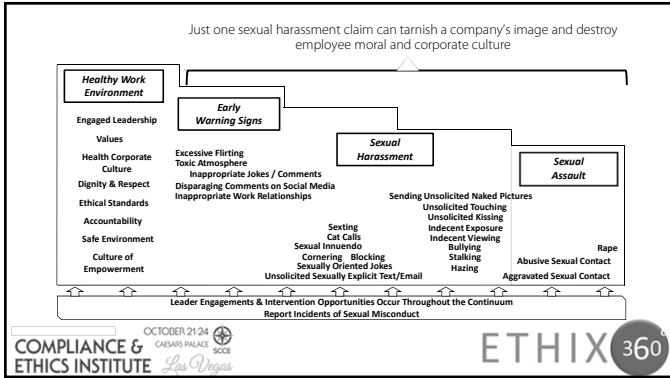
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THE DIRECT & INDIRECT COST OF SEXUAL MISCONDUCT CAN CAUSE SERIOUS DAMAGE TO YOUR EMPLOYEES AND YOUR ORGANIZATION



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The EECO describes a respectful workplace as:

"one where all employees are treated fairly, difference is acknowledged and valued, communication is open and civil, conflict is addressed early and there is a culture of empowerment and cooperation."

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Culture Is Your Best Defense Against Sexual Misconduct

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Applying Pressure to Sexual Misconduct



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How do you combat something undefined?

4 Pillars of Pressure

DEFINE

Clear Policies & Expectations



EDUCATE

Reinforce the organization's standards of conduct



COMMUNICATE

Essential tool in achieving productivity and maintaining healthy corporate culture



ENFORCE

Maintain a culture that is fair, transparent, unbiased and does not tolerate retaliation

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Define

"The beginning of wisdom is the definition of terms."
Plato

Policy is the intersection of regulation and behavior

Using policy to drive corporate climate and culture

Review policy to keep it relevant

Leveraging data to measure policy effectiveness
Understanding trending and benchmarks

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7 Elements of a Sexual Misconduct Policy



- Clear Definition
- Expectations for Tolerance
- Duty to Report
- Bystander Expectations
- Retaliation
- Complaint procedure
- Confidentiality

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Educate

- Effective training cannot occur in a vacuum it must be part of a holistic culture of
- Equality
- Respect
- Acceptance
- Empowering the Bystander
- Encourage Civility
- Train Seriously and Often

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7 Elements of Good Harassment Training



- New Hire & Annually
- Interactive & Engaging
- Provide Realistic Examples
- Go beyond laws & rules
- How does it affect the person
- Recognize Confusion
- Include bystander awareness programs

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Communicate

The role of your compliance program's communication efforts are to influence your stakeholders' behavior and to help create a bond with them.

Six Key Communication Elements



- Make it part of E&C Marketing/ Communication Strategy
- Make them Relevant and Real so they Resonate!
- Management reinforcement (and not just the CEO annual letter)
- Give management the tools to talk about it
- Take the pulse of your employees
- Monitor social media channels

Tone At The Top

The importance of leadership cannot be overstated — effective harassment prevention efforts, and workplace culture in which harassment is not tolerated, must start with and involve the highest level of management of the company

Tone At the Middle

To create an organizational culture in which employees believe that the organization will not tolerate harassment, managers, and supervisors must receive clear messages of accountability and be given the resources on how to respond to different levels and types of offensive behavior, and clear instructions on how to report harassing behavior up the chain of command.

Manager's Resources Library Ideas



- Guide for speaking about sexual Misconduct
- Weekly or monthly talking points (video/ written)
- Procedure/ form for recording employees concerns
- Consensual Relationship Agreement Form
- FAQ Document
- Where to go for guidance

Enforce

FAIR, CONSISTENT & UNBIASED AS POSSIBLE

Consistent application and enforcement is the responsibility of compliance, human resources, supervisors and managers. The consequences of applying workplace policies inconsistently can jeopardize business success. Companies that pick and choose which policies to enforce when are setting themselves up for failure.

How to Effectively Enforce



- Creating workplace discipline policies
- Define the purpose of the policy
- Ensure rules are clearly stated, fair, and accurate in the Employee Handbook
- Ensure that expectations and consequences are clearly stated
- Classifying misconduct
- Misconduct or Serious misconduct
- Determine type of discipline to be used

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Real People Real Lives - Scenario

19 year old single mom tells Human Resources during her in person exit interview that she is leaving the company because she found a job closer to home that pays better. However this was not the truth. The young mom was selected to participate in an anonymous 3rd party exit interview and it was uncovered that her married manager was pressuring her to date him. And the reality was she left for a job that paid less and was further from home, but like many she didn't speak up for fear of retaliation and not getting a good reference for her new job.

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Real People Real Lives - Scenario

A female employee goes to her supervisor about another male employee who continues to make lewd jokes and suggestive comments about her appearance. "I would sure like to see you wearing a bikini behind that desk, then I would..." type comments. Her manager tells her, "Oh, that's just Derek you have to just realize that in his culture, he is flirting with you."

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219
celebrities, politicians, CEOs, and
others who have been accused of
sexual misconduct since April 2017

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Thank You

<p>J Rollins Founder, Chief Executive Officer ETHIX360 Inc. 202-445-1850 jj@ethix360.com</p> <p>ETHIX 360</p>	<p>Stephanie Jenkins Chief Compliance Officer ETHIX360 Inc. 704-299-1788 stephanie@ethix360.com</p> <p>ETHIX 360</p>
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