

# #MeToo & Organizational Responses

Society for Corporate Compliance & Ethics  
Regional Conference 2018

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## Let's (Not) Talk About Sex

- ▶ Is it Even Possible to Discuss #MeToo without discussing sex, politics and gender bias?
- ▶ From the Harvard Business Review 8-part series called "Managing #MeToo":

**"If your business is serious about eliminating the risk of sexual harassment — and it should be — you need to approach the problem comprehensively. This means recognizing that sexual harassment is part of a continuum of interconnected behaviors that range from gender bias to incivility to legally actionable assault. All these kinds of misconduct should be addressed collectively, because sexual harassment is far more likely in organizations that experience offenses on the "less severe" end of the spectrum than in those that don't."**

Andrea S. Kramer and Alton B. Harris, *How Do Your Workers Feel About Harassment? Ask Them*, Harvard Business Review, January 29, 2018, available at <https://hbr.org/2018/01/how-do-your-workers-feel-about-harassment-ask-them>.

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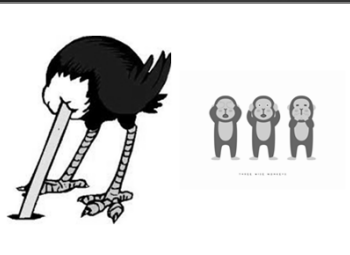
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## First Responses

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## Some Recent Responses

In September 2018, CBS announced that it would be donating \$20 million of former Chairman Les Moonves' severance to #MeToo. Moonves was forced to step down after numerous sexual misconduct accusations.

From a recent Business Wire press release: [The Company] announced today that the Board of Directors has terminated the employment of its Chief Executive Officer, effective immediately, for reasons relating to his engaging in and failing to report a consensual relationship with a subordinate employee.

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## Recent Press Accounts of #MeToo Responses

"Mr. Rubin was one of three executives that Google protected over the past decade after they were accused of sexual misconduct. In two instances, it ousted senior executives, but softened the blow by paying them millions of dollars as they departed, even though it had no legal obligation to do so. In a third, the executive remained in a highly compensated post at the company. *The New York Times* October 24, 2018, *How Google Protected Andy Rubin, the 'Father of Android'*, by Daisuke Wakabayashi and Katie Benner.

"As many as 48 people have been fired from Google over sexual harassment allegations over the past two years, Pichai said, 13 of whom were senior managers and above. "None of these individuals received an exit package," he wrote in the memo. *The Washington Post* October 24, 2018, *The Switch* by Brian King.

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## Plus Ça Change...

- ▶ What's the Same and What's Different?
  - ▶ Generational Coping & Responses
  - ▶ Social Media's Impact – the time crunch
- ▶ What Does Your Company Stand to Gain or Lose?
- ▶ What is Your Role?

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## Voices in the Crowd

"We've never seen something like this before," said Joan Williams, a law professor who studies gender at the University of California, Hastings. "Women have always been seen as risky, because they might do something like have a baby. But men are now being seen as more risky hires."

Tarana Burke, Founder of the #MeToo movement: "Where's the self-reflection and accountability?" she said. "Perhaps if we saw some evidence of that, then we can have a more robust conversation about the road to redemption."

The New York Times October 23, 2018. #MeToo Brought Down 201 Powerful Men. Nearly Half of Their Replacements are Women. by Audrey Carlsen, Maya Salam, Claire Cain Miller, Denise Lu, Ash Ngu, Jugol K. Patel and Zach Wichter.

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## Rule No. 1: Know Your Culture

Is Your Workforce  
Unique?  
  
What Does Your  
Code of Conduct  
Say? Does Anyone  
Actually Read It?

Do You Already  
Have Issues  
Exacerbated by  
MeToo?  
  
Any Collective  
Bargaining  
Impacts?

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## Have You Done Your Training? Of Course You Have

Show of Hands –  
How Many of  
You Put Training  
on Everyone's  
Calendar After  
the Weinstein  
News Broke?

Did You  
Experience an  
Uplick in  
Complaints?

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## If It's Time to Revisit Your Policies

How Has Your Workforce Changed?



Should Generational Differences in Your Workplace Influence the Content of Your Policies?

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## Traditionalists

2% of the Workforce

Lived through the Great Depression & World War II

Work is a Privilege

Prize Loyalty in their Employer

Just get me to Retirement!

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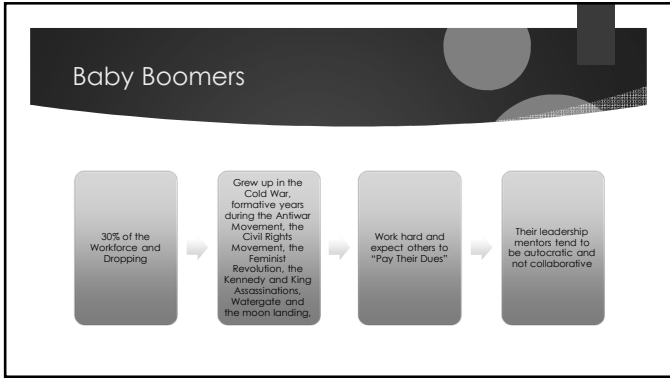
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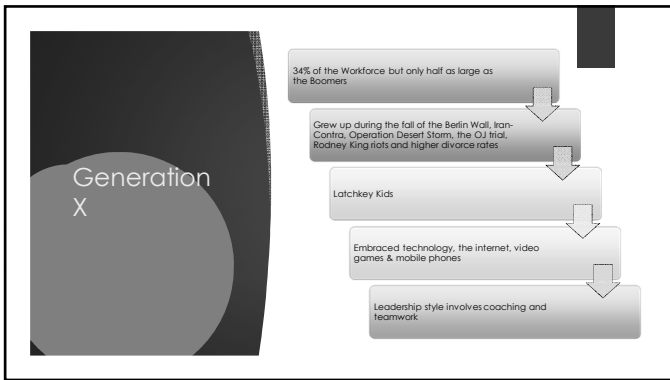
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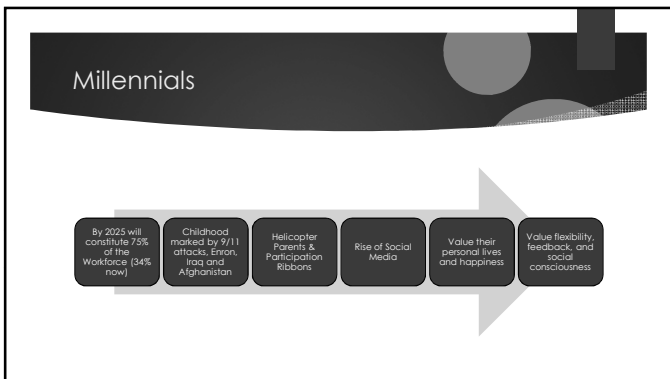
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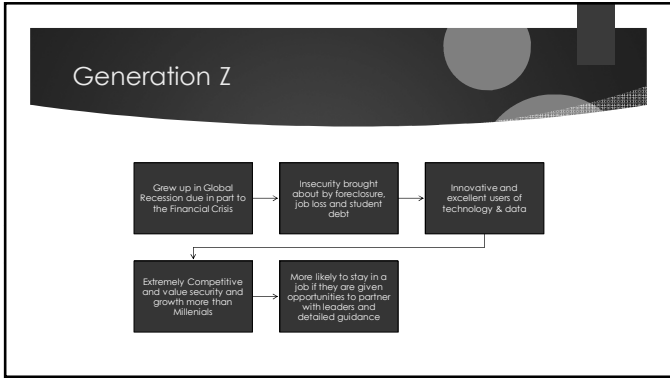
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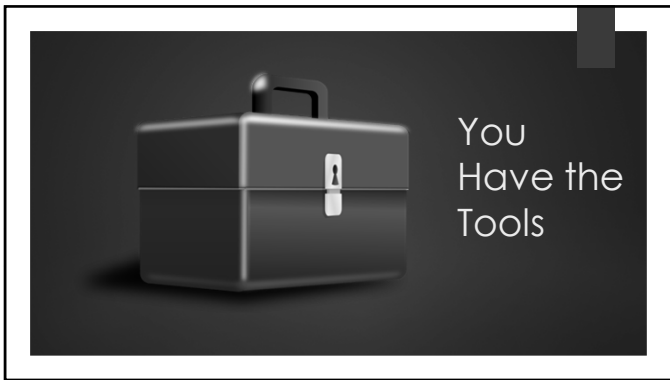
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## Open the Toolbox

- ▶ Are You Consistent In Application of Your Policies and Code of Conduct?
  - "Google's sexual harassment policy states that violators may be terminated - but it was flexible in how it enforced the rules."
- ▶ Do You Have a Code of Conduct for Contractors and Vendors?
- ▶ Who are your Partners?




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## Embrace the Opportunity

- ▶ Rewrite Your Code of Conduct & Policies in Plain Language
- ▶ Find New Ways to Communicate & Socialize
- ▶ Reward Positive Behavior Aligned with Company Values

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## Employee Engagement & Communication

- ▶ How many of you have Employee Engagement as a corporate goal?
- ▶ How are companies supposed to appeal to the 5 Generations with a uniform message?
- ▶ What are the risks of getting it wrong – disengagement, turnover and litigation



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## Other Means of Communication

- ▶ Have You Asked Your Employees How They Feel? Is That a Good Idea?
  - ▶ Surveys may be appropriate depending on the culture
  - ▶ Does your company have a Culture of Communication? Can you create one?
  - ▶ Impact of Social Media on Decision-Making

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