An 8-Step Model To Eliminate Workplace Sexual Harassment

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2018 saw an unprecedented amount of media coverage on the prevalence of workplace sexual harassment and an equally unprecedented amount of legislation to combat it. With several states and localities, including New York state and New York City, now requiring employers to conduct annual interactive sexual harassment training, human resources professionals have a unique opportunity (read: responsibility) to respond to this changing legal and cultural landscape. Namely, they can aim to minimally comply with the legislative changes or they can use the momentum of this hot-button topic to proactively attempt to transform their workplace. While the task of transforming an organization's "boys club" culture into a gender-inclusive, respectful, harassment- and retaliation-free workplace may be daunting, many need it.

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More than 20 years ago, change management guru Dr. John Kotter introduced an eight-step change methodology to help business leaders transform their workplace through change. Here is one way to apply Kotter's eight steps of change management to a transformation focused on sexual harassment eradication and prevention.

1. Create a Sense of Urgency

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Kotter hypothesized that for any culture-change project to succeed, 75 percent of the leaders must be on board. You must convince your organization's leaders that sexual harassment prevention efforts must be a priority this year.

Gather key decision-makers to hear your pitch. If possible, have your organization's top official introduce you to sponsor and show support for your idea at the very top. You should explain why the organization must focus on sexual harassment prevention now and what value these efforts will have. Explain that you hope to begin an honest dialogue about how sexual harassment affects your workforce; and ask for your leaders' support and engagement as your organization implements strategies to generate change.

Items to help create urgency may include:

- Statistics from the U.S. Equal Employment Opportunity Commission on increased sexual harassment claims nationwide.[1]

- News articles about anti-sexual harassment legislation exploding nationwide (and relevant due dates if you are affected).

- News articles about senior leaders who have been ousted over allegations of sexual harassment claims[2] or large judgments/settlements paid by companies to settle

sexual harassment or retaliation allegations.

- Data from your own legal and human resources departments that reveal ways that sexual harassment hurts your business: number of complaints, claims substantiated, amount of time reacting to claims, exit interviews data, employee surveys, law suits or demand letters initiated, etc. While you may not want to share specific findings with senior management for confidentiality or other reasons, you should dig deep into these sources of information internally in the HR department to identify shareable patterns in frequency or locality of claims (departmental, in/out of office, etc.), correlations with decreased productivity, lost revenue, increased turnover or decreased length of tenure.

- Legal fees and settlement amounts you have paid to defend or settle recent sexual harassment claims.

- Employee "feedback" on external platforms, like Glassdoor or Yelp. Departed (or anonymous) employees may be more candid about on-the-job harassment suffered.

Be prepared to hear from nonbelievers: Some may argue that women are taking advantage of the #MeToo movement. Some may deny that a problem exists in your workplace. No one will admit to holding a gender bias. Here are some ways to respond without getting political:

- **Appeal to your leaders' self and business interests:** Reassure your audience that your presentation of this data is not to assign blame but to support the business by mitigating various types of risk — legal, financial, publicity-related and talent-related. No one wants to be a sexual harassment headline or an EEOC statistic, and you have a proposed plan to decrease the chances of this unwanted exposure.

- **Connect to your organization's most deeply held values:** If your organization has a corporate values or mission statement that includes things like "community," "inclusion" or even "continual improvement," use this language in your presentation to demonstrate how addressing sexual harassment prevention is in harmony with your organization's guiding purpose or principles. Senior leaders are likely to agree with you when you "speak their language."

- **Connect positive employee relations to your organization's bottom line:** Employees who witness or who are victims of unlawful harassment are less likely to recommend your workplace to outside talent and could be looking to leave themselves. Replacing good employees is disruptive and expensive, and diminishes morale among the employees that remain. In contrast, employees who feel your organization cares for them and is willing to address issues will go the extra mile and will contribute to talent pipelines.

2. Build a Guiding Coalition

Once you've gotten large-scale buy-in, form a committed, diverse work group of about five to eight people spread out over all business lines. These individuals should have the combined energy, drive, talent, credibility, political capital and will to support this initiative.

This work group will help you sharpen and plan organizational changes, provide honest feedback and identify unanticipated barriers to your plans. They will help communicate messages, and ensure any needed support for initiatives.

At your first work group meeting, ensure that all members understand their roles and responsibilities. Identify any missing constituencies in the work group and identify any other key influencers or stakeholders who should be included. Be sure to include a representative of human resources, training and/or other communications or operations departments, and key frontline managers, who will be responsible for supporting this culture change in all areas of the business.

3. Form a Strategic Vision and Supporting Initiatives

If you build your initiative to eliminate sexual harassment exclusively on eliminating unwanted behaviors you will miss an opportunity to encourage positive behaviors. Remember, you're not just aiming for "harassment-free," you want a "safe, respectful, civil and inclusive" workplace. Concretize the vision by asking your work group "If we had a safe, respectful, civil and inclusive workplace, what kinds of employee behaviors would we see? What kinds of behaviors would be gone?" Brainstorm, and then prioritize which behaviors would have the biggest impact in helping come closest to your goals.

The initiatives you undertake will be determined by the patterns you identified regarding how sexual harassment impacts your business. Examples of several initiatives include:

- Revising and distributing your handbook or other anti-harassment and discrimination policies.

- Ensuring posting and distribution requirements are met.

- Strengthening your sexual harassment training program to all employees (and nonemployees as appropriate).

- Initiating (or refining) training for HR and frontline managers, in how to respond to allegations of sexual harassment.

- Auditing your organization's reporting, investigation and discipline practices, and considering how each "link in the chain" contributes to a safe and respectful work environment, and what aspects of those practices could be improved to support culture change.

- Consider establishing criteria for when an investigation is best performed by an outside investigator or legal counsel, or when your legal department should get involved in claims or a discipline decision surrounding harassment and retaliation claims.

Whatever your initial vision and initiatives are, they should be positive, compelling and explainable in a few minutes or less. The initiatives should be concrete and measurable. It's ok to keep your list of initiatives small at first — those add up, and each victory will build momentum over time.

4. Communicate the Vision

Communicating and reinforcing your vision of a safe, respectful workplace culture requires saturation through many modalities. Your training program will be your employees' first impressions about your organization's commitment. Consider:

- ***How the employee learns about the training:*** A message from the CEO (or other top manager) encouraging training has a more significant effect than an announcement from an HR staff member.

- ***What information the training will convey:*** To be effective, training should provide participants with the information to:

  - Understand what constitutes harassment;
  - Understand the company's policy on prohibited harassment and retaliation;
  - Identify harassment and retaliation when they see it;
  - Engage in appropriate, safe bystander intervention;
  - Report any perceived harassment or retaliation promptly, and through the correct channels;
  - Cooperate with HR throughout the investigative process;
  - Understand and abide by confidentiality expectations; and
  - If they are a manager or an HR professional, respond appropriately when a complaint is received.

- ***How the training will be delivered:*** From an employee engagement perspective, an in-person training is preferable to an online training. Bringing in an outside consultant or employment lawyer to conduct the training communicates your organization's commitment to this change management effort. If in-person training is not feasible or cost effective, a combination of videos, webinars and other e-learning tools are available.

- ***The kind of participant involvement:*** However training is delivered, it should be interactive and require participation. For instance, the training can require participants to complete a quiz, or submit questions to a specialist and receive prompt feedback. Effective training should authentically help participants internalize that people experience the world in different ways — and consequently understand that one person's perception of an "innocent" joke could be perceived by another as gender-based harassment. Consider accelerating these realizations by role playing or using small group exercises to help employees build skills and create a "safe space" to ask questions, share anxieties and receive answers.

- ***The consequences of training noncompliance:*** Organizations should have a discussion around the appropriate sanctions for noncompliance, and your change management work group members must largely agree on those sanctions. For instance, tying eligibility for year-end raises or promotions to completion of training sends a strong message that sexual harassment must be taken seriously.

- *Managers' expected involvement:* Managers should be responsible for their employees completing training; it should not fall to HR alone. In addition to discussing sanctions for employees' failure to participate in training, discuss appropriate sanctions for a manager who fails to reinforce to his or her employees the importance of completing the training.

- *No single training will instantly transform your workplace into a safe and respectful place:* Employees must see the organization's commitment to safe and respectful workplaces shine through in other places, and must witness management take swift, consistent and proportional action against employees whose behaviors violate the new norms. But by ensuring that the efforts and vision are communicated frequently and transparently — such as at town hall and staff meetings, at new hire orientation, at employee appreciation/culture celebration events, and the like — sexual harassment prevention will become a part of the common dialogue, and so too will it be reinforced that success at the organization depends on promoting a safe and respectful workforce.

5. Enable Action by Removing Barriers

The unwritten rules of organizational culture often work to undermine cultural transformations, so institutional barriers must be addressed. No amount of lip service paid to these efforts will convince staff to treat one another one way, if they see their managers do the opposite. Senior-level executives need to understand that what they do, more than what they say, sets the expectations for those they manage, too.

- A common barrier that suppresses reporting of inappropriate workplace behavior is an underlying fear of retaliation. If your company has a culture of retaliation (real or perceived), this can be a huge struggle to responding to and addressing sexual harassment.

- Another barrier may be historically ineffective mechanisms for responding to alleged — or substantiated — sexual harassment. HR should examine its investigatory and client service procedures to ensure both that employees who report claims feel supported, and employees accused of violating the sexual harassment policy feel treated fairly. Part of this will be ensuring that employees understand what a prompt, thorough and objective investigation looks like, and that not every substantiated claim will result in termination.

- Ensure your HR department has the means and tools to conduct thorough, objective and prompt investigation of alleged harassment. Particularly if you're being tougher now on violators than you may have been in the past, you must maintain a consistent application to all employees engaging in similar behavior. Nothing will undermine your stated commitment to eradicating sexual harassment more than if you can't follow your own investigative procedures, or if a senior-level executive is treated more favorably for the same infraction than a frontline manager.

- One final barrier that employees have in talking about or addressing sexual harassment they see at work is that they don't want to seem "uncool" or "the morality police." If this

is a problem in your organization or with certain segments of your workforce, then sexual harassment training needs to help people talk about the subject differently. Employees can be trained with neutral responses to communicate discomfort they experience or notice other people feeling without making it "about them." For instance, "I think Susie said 'no', Dan." or "That's not funny." They need the tools to stay present in the moment, particularly when they sense discomfort, rather than avoiding the situation. It is important for employees to understand that their involvement promotes respect, safety and professionalism for themselves and others.

6. Generate And Communicate Short-Term Wins

At first, short term wins will be easy to measure — Revised the policy? Distributed to all staff? Trained all employees? Check, check and check. If reaching 100 percent distribution/training is posing a struggle, solicit feedback from managers, and have them take responsibility for following up with lagging employees.

The next "wins" will be in the consistent day-to-day work of HR folk — investigations completed, employees warned, disciplined or terminated for violating the policy. Share how any revised policies or practices — think: a standard complaint form, a new intake procedure — have contributed to an increased number or the quality of resolved investigations. Share positive feedback employees or managers may have sent to HR about the training. Highlight any anecdotal accounts of employees who used bystander interventions promoted in training sessions to successfully deescalate uncomfortable situations.

Report up those measures of success and share with managers. Be sure to publicly recognize anyone who helped you achieve the plan's initial goals, and build upon that initial success to reenlist them in achieving the next victory. Building a safe and respectful workplace is undoubtedly more qualitative than quantitative, so don't let the lack of "hard data" prevent you from measuring and sharing "soft" successes too.

7. Sustain Acceleration/Consolidate Gains

Don't declare victory just yet. Eradicating sexual harassment will require constant vigilance; by the time you've completed a round of organization-wide training, it will be time to start the training cycle over again for the next annual training!

- Keep the momentum alive by monitoring the rates of activity related to sexual harassment complaints you first looked at when you were "creating urgency." What has changed? Why? You may notice an increase in the number of claims you receive at first: this may be a (positive) indication that your employees trust HR to handle their concerns.

- Aggregate the employee feedback you receive — including feedback about your training program, and about new procedures of investigating and responding to complaints, and anything relevant you see in exit interviews or engagement surveys — and bring them to your work group for discussion.

- Engage in continued quality improvement by analyzing both the success stories, and the not-so-successful stories. Then monitor and try again next year.

Several "phase two" initiatives that help further embed your commitment to gender inclusion and respect into your workplace may include:

- Initiating or revising questions in an existing employee engagement survey or exit survey to monitor employee feelings and experiences.

- Conducting a pay equity audit (under attorney-client privilege).

- Organizing a peer-to-peer recognition program for employees to "reward" each other for commendable, respectful, behavior that embodies the organization's commitment to respect and inclusivity.

8. Institute Change/Anchor Change in the Corporate Culture

Now that you've earned your employees' trust, you need to keep it. Here are some ways to build sexual harassment prevention into your corporate culture and ensure it stays top of mind:

- Designate a recurring time for HR to present to senior leaders, and perhaps the entire workforce, on the ways the organization is cultivating an ethos of safety and respect. If you instituted a peer-to-peer recognition system, report regularly on those efforts.

- Revise job descriptions to embed responsibility for monitoring and addressing the sexual harassment prevention activities into HR and managerial functions.

- Consider candidate selection criteria and interview questions to better select for candidates predisposed toward inclusiveness and respect for others.

- Consider revising performance evaluations and promotional decisions to include demonstrated commitment to organizational values of respect and professionalism.

- If you don't already have them, consider workplace policies around internet usage and fraternization/dating for vulnerabilities. Many employers prohibit using company internet for pornography or monitor their employee's internet usage, or set up reporting requirements for work romances.

- Consider how workplace-sponsored activities could be modified to prevent common sexual harassment scenarios. Is there sufficient lighting? Are substantial foods and nonalcoholic options being offered alongside alcoholic offerings? Is there sufficient transportation home from late night events?

Conclusion

Changing ingrained and possibly unconscious patterns of behavior takes time and persistence. The ideas above for effecting cultural change within Kotter's eight-step change

management framework is just one way to set you on the path to success. With the right dedication, commitment to continuous evaluation and improvement, and the humility to confront the problems, you can begin to turn the tide and create a safer, more respectful workforce, for your employees.

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[1] https://www.labordaysblog.com/2018/10/eeoc-releases-preliminary-fiscal-year-2018-statistics-on-sexual-harassment-claims/

[2] https://www.nytimes.com/interactive/2018/10/23/us/metoo-replacements.html