

#MeToo and Its Impact on the Workplace

Presented by Ryan J. Munitz

November 2, 2018

Agenda

- Brief History of #MeToo Movement
- Impact of #MeToo in the Workplace
 - How Have Workplace Harassment Claims Changed?
 - How Are Employers Responding to #MeToo?
- Best Practices for Handling Sexual Harassment Allegations in the Workplace

The #MeToo Movement Timeline

- 2006: Tarana Burke coins “Me Too”
- October 5, 2017: New York Times article on Harvey Weinstein
- October 15, 2017: Actress Alyssa Milano tweets “#metoo”
- Numerous accusations of sexual assault/harassment follow
- December 18, 2017: #MeToo “Silence Breakers” named Time Magazine Person of the Year
- January 1, 2018: Time’s Up

#MeToo Impact In The Workplace

- A Pew study of over 6,000 adults conducted in February-March 2018 found that 59 percent of women had experienced unwanted sexual advances or sexual harassment
 - 69 percent of these women reported experiencing this at their workplaces [Source: Pew Research Center, April 2018]
- Recent statistics from the EEOC:
 - Sexual harassment charges with the EEOC increased by over 13% from the previous calendar year; the first increase in year-to-year harassment complaints in a decade.
 - Sexual harassment lawsuits filed by the EEOC increased by 50% over 2017.
 - “Reasonable Cause” findings in sexual harassment investigations jumped by 23%.
 - Successful EEOC conciliation (or mediation) proceedings rose by 43%.
 - EEOC website traffic—specifically the Agency’s sexual harassment page—more than doubled over last year.
 - Total recovery for sexual harassment complainants in 2018 jumped to approximately \$70 million from \$47.5 million in 2017.

#MeToo Impact In The Workplace

- One study found that over 400 executives and employees across various fields and industries have been publicly accused of harassment in the last 18 months
 - 193 were fired or left their jobs
 - 122 have been put on leave, suspended or are facing investigations
 - 69 no apparent repercussions

(Temin & Co. study, 9/18)

#MeToo Impact In The Workplace

- How have sexual harassment allegations changed after #MeToo?
 - Assertion of older claims
 - Targeting high-profile executives
 - Reporting only “severe or pervasive” misconduct?
 - Greater risk of retaliation claims?
 - Reputational harm
- Employer responses
 - Public relations strategy/policy
 - Better training
 - Reviewing investigation procedures

Sexual Harassment Investigations

- Importance of an investigation
- Source of complaints
- Who should conduct the investigation?
 - Attorney-client privilege considerations
- Confidentiality
- Investigation from various perspectives
 - Bystander
 - Informed of sexual harassment
 - Supervisor/manager

Best Practices for Handling Sexual Harassment Investigations

1. Timely
2. Prevention of continued harassment
3. Protect against retaliation
4. Conduct a thorough investigation
5. Keep an open mind
6. Create a written summary?
7. Be careful with emails and texts
8. Protect documents
9. Determine what action should be taken against the accused
10. Follow-up with complainant

Takeaways