

# CHICAGO LAWYER®

## WOMEN@WORK

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att Lauer. Harvey Weinstein. Roger Ailes. For the past few months, it seems like a day doesn't pass without hearing

about startling new allegations of sexual assault or harassment against another prominent executive, elected official or media or entertainment personality. Allegations of sexual assault and harassment have taken over the headlines.

And yet, sexual harassment has been prohibited for more than 30 years. Sexual harassment was first recognized by the U.S. Supreme Court as a prohibited form of sex discrimination under Title VII in 1986, 22 years after Title VII was first enacted. While the last three decades have been punctuated with allegations of sexual harassment against a handful of well-known individuals, the issue has not received significant attention, until now.

With the revelation of graphic allegations against Weinstein and the proliferation of the #MeToo campaign, droves of women are coming forward and sharing their experiences of sexual harassment on social media; it has had a domino effect. This movement has been so significant that *Time* magazine named these women (and some men) — “The Silence Breakers” — as its 2017 Person of the Year.

We are witnessing a “sea-change moment.” Sexual harassment will never be viewed in the same way. Individuals who believe they have been harassed and those who witness it are more likely to come forward; organizations that tolerate it will be called on the carpet by employees, business partners, clients and the media.

Regardless of whether you believe that each and every allegation is true, and regardless of whether you view particular allegations as actionable “harassment,” harassment in the workplace cannot be permitted to quietly flourish. It is now part of daily discourse and an issue that needs to be proactively addressed by every organization.

While the spotlight thus far has been primarily focused on prominent national figures in a few high-profile industries, this increased attention eventually will trickle down and focus on lesser known individuals in other professions and industries. Many of our clients will feel the effects. And, of course, the legal profession will not be immune from this new reality.

So, as a profession, what should we do?

We exert our best efforts to get out in front of the issue of workplace harassment — whether the workplace is a law firm, company, law school or courtroom. We do this by taking proactive steps to prevent harassment from occurring and promptly and properly address it when allegations of ha-



## DAY OF RECKONING

### Steps to address workplace harassment

By CAMILLE KHODADAD

arrassment surface. To that end, we should consider adopting the following practices:

- Genuinely and expressly commit to maintaining a harassment-free workplace.
- Foster a culture where individuals who feel they are being harassed and bystanders who witness harassment feel comfortable coming forward.
- Distribute and post an up-to-date and effective harassment-free workplace policy.
- Conduct harassment compliance training for all employees, including employees with supervisory responsibilities and in leadership roles.
- Properly investigate and respond to allegations of harassment.
- If claims of harassment are substantiated, take prompt and appropriate remedial action tailored to the nature and severity of the offense.
- Create an environment that condemns retaliation against anyone who makes a good-faith complaint or participates in an investigation.

Critical to the success of these practices is buy-in from the top levels of leadership, because leadership typically dictates and models acceptable workplace conduct.

In a workplace where harassment is condemned and results in appropriate consequences, employees are less likely to engage in bad behavior for fear of losing their job and/or being denied promotion opportunities or other employment perks. In workplaces where harassment is

accepted or condoned without consequence, employees are more likely to engage in harassing behavior or remain passive about it.

As we are witnessing firsthand, there are numerous reasons to take action to prevent and address harassment. First and foremost, it is the right thing to do. Organizations should strive to foster a work environment where employees feel safe and respected.

Second, harassment can lead to decreased productivity, employee attrition and poor morale. Third, organizations that tolerate harassment will be publicly shamed. This unwanted publicity can directly impact the bottom line as clients and customers look for alternate business partners.

Finally, harassment claims can lead to significant liability for organizations that do not take appropriate steps to prevent it and/or do not promptly and properly address it when it does occur.

Times have changed. The days of *Mad Men* are long gone and while certain behavior may have been accepted (or even encouraged) in the past, it certainly won't be in the future. Taking proactive measures now can help each of us — and our clients — avoid becoming the next headline. CL

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