



EBOOK

Sexual Harassment

Why an Uncomfortable Problem Needs an Uncomfortable Solution



Enterprise Training
Solutions™

SEXUAL HARASSMENT IS STILL ALIVE AND WELL

Since the start of the #MeToo movement, 52% of companies have reviewed and revised their sexual harassment policies,¹ however, has the issue gotten worse? According to recent data from the U.S. Equal Employment Opportunity Commission (EEOC), there's an increase in sexual harassment allegations. In 2018, the EEOC received 7,609 sexual-harassment complaints, up 13.6% on the previous year, while other types of workplace harassment decreased. 2

In the same year, sexual harassment charges, including those alleging harassment, filed with the EEOC surpassed 3,000. Prior to the noticeable increase in 2018, the number of charges from 2010–2017 remained relative flat. 3

Attitudes towards harassment are not exactly improving. Behavioral changes in the workplace are not occurring. A revision to an existing sexual harassment policy—or the creation of one—is ineffective if it doesn't correct negative behavior and produces an environment where employees continue to feel victimized.

THE THREAT TO ORGANIZATIONS AND EMPLOYEES

Sexual harassment is highly disruptive and can lead to loss of productivity, team performance, and high turnover and transfer costs. Victims of harassment experience extreme stress at work and cannot fully focus on their job, reducing their productivity and contribution to the organization. Harassment victims also miss work more often, further diminishing the overall productivity of the organization. 4

If sexual misconduct is tolerated and not taken seriously, the consequences could be costly and devastating to organizations. From 2010 to 2018, approximately \$400 million was paid to settle sexual harassment claims. 5

The financial impact of sexual harassment doesn't just end at costly settlement claims. According to research, companies with high instances of sexual harassment underperform in the U.S. stock market by almost 20% 6 —the fact that these figures haven't pushed all CEO's to rethink their approach to sexual harassment is shocking.



From 2010 to 2018, approximately \$400 million was paid to settle sexual harassment claims.

1 “#MeToo Survey Update: More Than Half of Companies Reviewed Sexual Harassment Policies” Challenger, Gray & Christmas, Inc., July 10, 2018.

2 “Why workplace sexual-harassment complaints keep climbing.” Andrew Keshner, MarketWatch, April 29, 2019.

3 “Charges Alleging Sex-Based Harassment (charges filed with EEOC) FY 2010– FY 2018.” U.S. Equal Employment Opportunity Commission 2018.

4 “Sexual Harassment and Assault at Work: Understanding the Costs. Elyse Shaw, M.A., Ariane Hegewisch, M.Phil., Cynthia Hess, Ph.D., Institute for Women's Policy Research, October 15, 2018.

5 “Charges Alleging Sex-Based Harassment (Charges filed with EEOC) FY 2010 – FY 2018.” U.S. Equal Employment Opportunity Commission, 2018.

6 “The real cost of workplace sexual harassment to businesses.” Shiu-Yik Au, Phys Org, September 4, 2019.

SOCIAL ACTIVISM CALLS FOR WORKPLACE REFORM

Social movements can have damaging effects to a company's brand, image and overall reputation in an instant. No company is immune to the negative impact, even companies with a history of happy employees. The consequences for a company that allows misconduct without appropriate repercussions, can be catastrophic. For example, for a company that allows misconduct without appropriate repercussions, can be catastrophic. For example, in protest of a quietly discharged executive who was given a \$90 million severance package.⁷

The predominate voice of modern social activism are from millennials. As they continue to dominate the global workforce as the largest demographic at work,⁸ and continue to utilize social media for their activism efforts, the time The predominate voice of modern social activism are from millennials. As they continue to dominate the global turnover and negative brand reputation.

What would happen to your company if 20% of your workforce walked out? How would you salvage your brand effective—they have the power to disrupt companies of all sizes.



⁷ "Is Time Really Up for Sexual Harassment in the Workplace? Companies and Law Firms Respond." Hannah Hayes, American Bar Association, January 17, 2019.

⁸ Millennials are the largest generation in the U.S. labor force. "Richard Fry, Pew Research Center, April 11, 2018

SEXUAL HARASSMENT LAWS AND PENALTIES VARY BY STATE

Some state governments and localities have signed more stringent training requirements into law regarding the content, frequency and the kind of training needed in the workplace.⁹ As states continue to rapidly change their specific laws and regulations, companies must be aware and be able to adapt quickly to stay compliant.

Differing state laws present challenges and complexities as it pertains to developing a sufficient and effective sexual harassment training program. Furthermore, as the issue of sexual harassment continues to be in the public spotlight, organizations must seriously ask themselves the following questions when developing such a program:

- How are we keeping up with new and changing regulations?
- How do we govern employees in multiple jurisdictions?
- How do we train employees in multiple jurisdictions who are subject to different training requirements?

CHECKING THE BOX IS NOT ENOUGH

The days of sexual harassment training being a box-checking, regulatory step of onboarding are over—it is time to invest in training that changes behavior on an organizational level. Effective sexual harassment training should help in creating a healthy company culture that does not allow inappropriate behavior. It should present sexual harassment as a “problem of personal ethics and integrity” and show how disruptive it is to the workplace.¹⁰

At a very minimum, effective training to should encompass three areas:

1. Definitions..Employees should be able to identify victims and the legal criteria that establishes unlawful harassment. They should also be able to discern instances of sexual harassment that fall short of unlawful harassment but is otherwise unacceptable to the organization.

⁹ “ Sexual Harassment Training Laws.

¹⁰ “Combatting Ineffective Sexual Harassment Training: Creating a Culture of Respect and Empathy.” Ron Zamir, Training Industry, January 3, 2018

2. **Recognition.** Through real-life examples, employees should be able to recognize unlawful sexual harassment whether they find themselves victims, onlookers, supervisors or even those who may be behaving inappropriately. Training should also expose unconscious biases that could lead to unintended discriminatory behavior.
3. **Response.** Finally, the training should help those who feel they're being harassed address the issue, from talking to the harasser, to seeking the help of a manager or HR, to understanding their right to seek redress with an outside agency, such as the EEOC.

WHAT ARE QUALITIES OF EFFECTIVE SEXUAL HARASSMENT TRAINING?

Effective harassment prevention training requires eliciting an emotional response from employees. "Functional MRI neuro-imagery shows powerful human response to emotions. Stories and scenarios are impactful on learning and retention because they generate emotional engagement in the learner."¹¹ Legal jargon and low-quality production retention because they gen

Narrative tension, real-life scenarios and movie-level production developed around brain science research, grab learner attention and assists in their ability to identify with the characters. By utilizing these qualities, effective sexual harassment fully immerses the learner in the incident being portrayed.

Since the incidents of sexual harassment are highly uncomfortable, sexual harassment training in and of itself should be uncomfortable for authenticity. Not only should it make the learner uncomfortable, but it should also reinforce disgust with the harasser's behavior. This captures the learner's attention and sparks conversation, which ultimately dictates a company's ability to foster an inclusive and safe workplace.

¹¹ " "Storytelling in Video-based Leadership Training and Development." Heide Abelli, Skillsoft, 2018.

SEXUAL HARASSMENT IS EMOTIONAL, PORTRAYALS SHOULD BE TOO.

Sexual harassment training shouldn't be dry and boring—it should change behavior and make people aware of the severe consequences and life-long trauma, sexual harassment can cause. Content revolving around this topic should embody the incidents with realistic portrayals of harassment situations—they should be relatable, believable and well-written.

Additionally, compliance content will often “bury the emotional, physical and even organizational impact of sexual harassment beneath a lot of business and legal jargon.”¹² Yes, there are legal ramifications of poor behavior, but should training for this topic focus on just the punitive consequences of sexual harassment, or should it encourage a culture of compliance and respect towards coworkers?

Explaining the legal ramifications of non-compliant behavior is important, however, it is just the start. Effective anti-harassment training should spark respectful dialogue of what behavior(s) is not appropriate by providing an emotional relation to the examples presented in the training.

SEXUAL HARASSMENT TRAINING SHOULD ENGAGE THE WHOLE ORGANIZATION

Regardless of rank, sexual harassment training is for everyone in the organization. Being transparent and vocalizing that an organization's sexual harassment prevention policies apply to all levels is particularly important—sexual harassment is often pegged as an act of lust but in reality, it is more times than not, an abuse of power.

According to the EEOC, retaliation is the most common issue among harassment claims¹³ and cases like Harvey Weinstein's sexual misconduct show that people in positions of power will threaten career derailment if their nefarious demands are not met.¹⁴

By communicating that everyone in the organization must partake in effective sexual harassment training is one of the first steps to changing behavior and mitigating risk. No one is above the law and an organization's sexual harassment training should explicitly communicate a zero-tolerance policy that protects victims from unfair and unethical retaliation for speaking out against harassers.

Effective Sexual Harassment Training Captures Learner Attention By:

- Utilizing high-caliber production .
- Depicting real-life, uncomfortable scenarios .
- Evoking an emotional response.

¹² “Combating Ineffective Sexual Harassment Training: Creating a Culture of Respect and Empathy.” Ron Zamir, Training Industry, January 3, 2018.

¹³ “Facts About Retaliation.” U.S. Equal Employment Opportunity Commission.

¹⁴ “Harvey Weinstein scandal: Who has accused him of what?” BBC News, January 10, 2019.

SEXUAL HARASSMENT TRAINING SHOULD BE DIVERSE

Though widely accepted statistics show that the majority of sexual harassment victims are women, the offense is gender neutral. Sexual harassment affects women, men and folks of non-binary gender identity. The training should reflect the diversity of our protected classes, including sex, sexual orientation, race and religion.

The combinations and scenarios are endless; sexual harassment comes in all shapes and sizes and the training given to employees should reflect realistic and diverse scenarios of sexual harassment. When learners are shown honest portrayals of diverse victims of sexual harassment, it opens up broader conversations about how we view others who are different from us. In our global economy, all employees now have to be culturally competent, manage their unconscious bias and maintain sensitivity to diverse people and situations.

Cultural competence: Sexual harassment training should reinforce behaviors and attitudes that promote respect and open-mindedness towards other cultural perspectives.

Sometimes people do not realize they've said or done something offensive out of ignorance. Though ignorance is no excuse for negative behavior, if people are not properly trained, there is a good chance conflict will arise and offense will be taken.

Effective training should demonstrate cultural competence by having values and principles that promote behaviors, attitudes and structures that enable employees to work effectively and cross-culturally. It should also communicate the value of diversity, the importance of self-assessment and how employees personally manage differences among co-workers.¹⁵

15 "

¹⁵ "Cultural Competence." Centers for Disease Control and Prevention, March 11, 2015.

Unconscious bias management: Everyone holds learned stereotypes—sexual harassment training should unpack common unconscious biases, explain why they are detrimental, and encourage learners to unpack their own.

Most people believe they are good at making unbiased decisions about others; however, unconscious bias affects our ability to make decisions regarding our judgement of others in numerous ways: ¹⁶

- “Our perception—how we see people and perceive reality.
- Our attitude—how we react towards certain people.
- Our behaviors—how receptive/friendly we are towards certain people.
- Our attention—which aspects of a person we pay most attention to.
- Our listening skills—how much we actively listen to what certain people say.
- Our micro-affirmations—how much or how little we comfort certain people in certain situations.”

Sensitivity: At the end of the day, the topic of sexual harassment is a highly personal and sensitive topic. Sexual harassment training should promote sensitivity to how different people handle this topic and the specific situations that could happen.

In the U.S., 81% of women and 43% of men have experienced some form of sexual harassment/assault in their lifetime ¹⁷—sexual harassment causes great emotional, psychological and physical trauma. Sexual harassment training should communicate that there is a good chance a co-worker has been a victim of harassment in their lifetime. It should also put the learner in the victim’s shoes and build empathy and sympathy—without an emotional connection to victims of sexual harassment, this isn’t easily attainable.

In the U.S., 81% of women and 43% of men have experienced some form of sexual harassment in their lifetime.



¹⁶ “ How Unconscious Bias Impacts Women and Men.Men.” Audrey Nelson, Ph.D., Psychology Today, June 25, 2018.

¹⁷ “ 2018 Study on Sexual Harassment and Assault. Stop Street Harassment, February 21, 2018.

THE SKILLSOFT SEXUAL HARASSMENT SOLUTION

Enterprise Training Solutions Workplace Harassment Prevention Solution enables organizations to more easily meet business and regulatory requirements related to harassment prevention. Through a library of captivating, Hollywood-quality videos, the solution presents realistic scenarios over a range of workplace settings. Host-driven instructional content supports key learning objectives.

Enterprise Training Solutions' proven instructional design and brain science research come together to create meaningful, memorable learning experiences that resonate with learners for lasting impact. We know from our brain science research that learners need three things for an optimal learning experience:

- Relevance
- Meaning
- Emotion

Our intentional design incorporates real-world scenarios that foster a linkage between emotion and cognition. This synergistic connection ensures that the learning experience is “seen” through the learner’s eyes. Utilizing narrative storytelling and scenarios within our courses helps generate an emotional engagement that strengthens learning and retention.

MODULAR DESIGN THAT’S SIMPLE AND COST-EFFECTIVE

The modular design structure makes configuring courses a simple, cost-effective process. Interchangeable scenario video content provides unprecedented flexibility to target both white-collar and blue-collar employees. This provides diverse and relatable depictions of harassment to fit the variety of demographics that may be employed in your organization.

RELIABLE SUBJECT MATTER EXPERTISE

Skillssoft partners with law firms and industry leaders to serve as our subject matter experts in the development and maintenance of our legal and ethics compliance content. We select experienced, practicing lawyers who specialize in confronting challenging compliance issues every day. This allows us to keep current with changes in the law, all while bringing a real-world, practical approach to promoting a lawful and ethical workplace culture.

**Innovative and impactful content
that resonates with learners.**

STATE-BY-STATE WORKPLACE HARASSMENT PREVENTION TRAINING

Our Compliance Solutions offer a suite of compliance training courses to help educate both employees and managers on their role in preventing discrimination and harassment in the workplace. With specific state and multi-state editions, we provide organizations with the necessary training needed to meet current federal and state requirements, including states such as:

- California
- Connecticut
- Delaware
- Illinois
- Maine
- New York and New York City