



HUMAN
RESOURCES

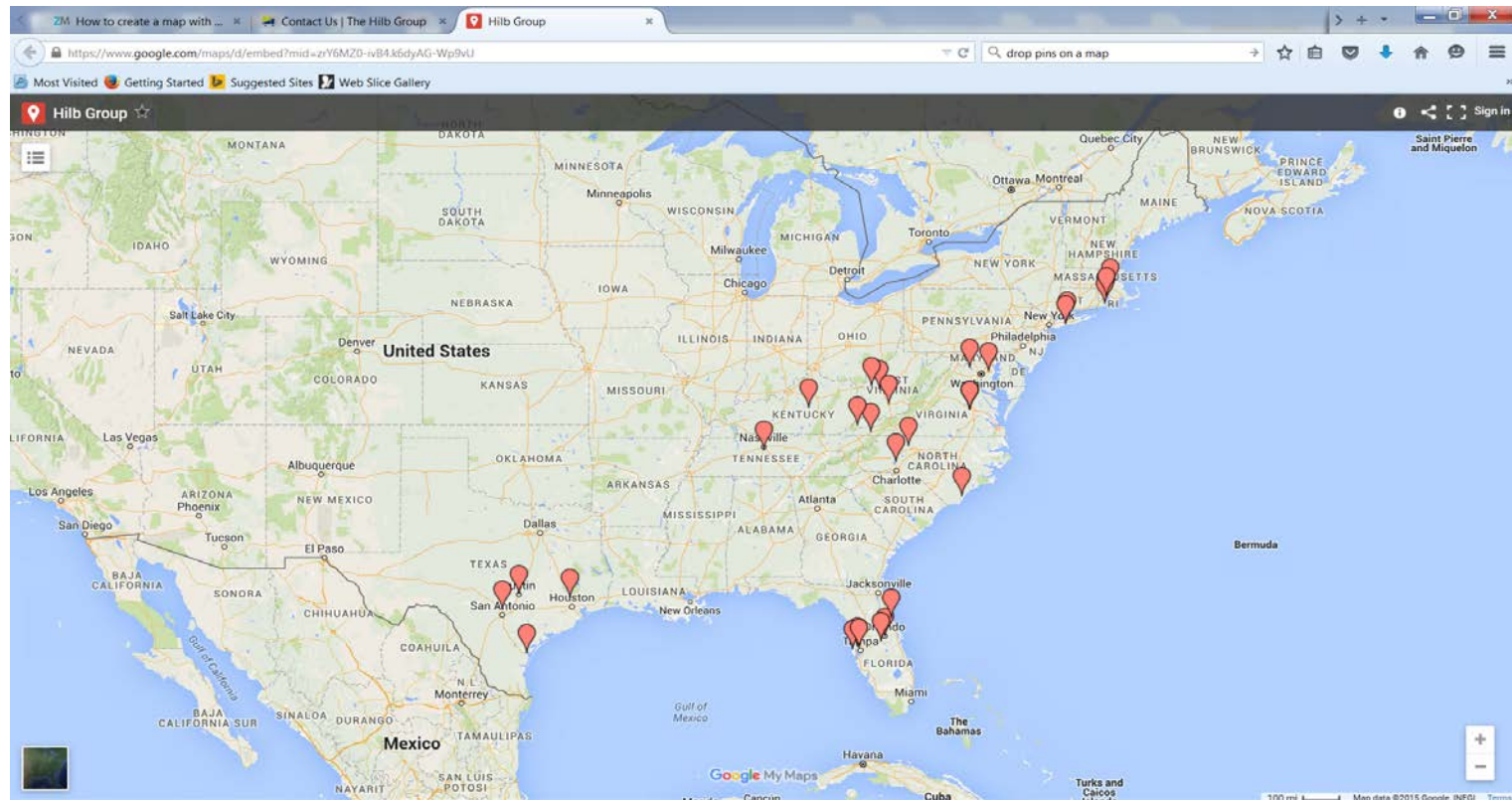
SEXUAL HARASSMENT AND DISCRIMINATION TRAINING FOR MANAGERS & SUPERVISORS

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Hilb Group Human Resources
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Firm Background

- 2015 Joined The Hilb Group (national firm)
- 42 Offices in 11 States
- 750 professional staff members
 - ERISA Attorney
 - Actuarial/Underwriting
 - SPHR and PHR level HR Consultants
 - Communications
 - Call Center
 - Benefit Administration
 - Property & Casualty
 - EPLI
 - Workman's Compensation
 - 401k Advisory and TPA services
- Working with middle market companies in all industries

Hilb Offices



HR Service Offering

		HR ESSENTIALS®	HR PARTNER®	HR RESOURCES®
HUMAN RESOURCE SOLUTIONS MATRIX	CONSULTING <i>(via phone or e-mail)</i>	●	●	●
	CONSULTING <i>(on-site)</i>		●	●
	HR AUDIT	●	●	●
	BENCHMARKING	●	●	●
	COMPLIANCE	●	●	●
	HR SUPPORT CENTER	●	●	●
	CRISIS EAP	●	●	
	EMPLOYEE ASSISTANCE PROGRAM			●
	EMPLOYMENT POSTERS		●*	●
	BACKGROUND SCREENING			●
	STAFFING MANAGEMENT		●	●
	EMPLOYEE HANDBOOK			●
	TRAINING		●*	●
	STRATEGIC LEADERSHIP & DEVELOPMENT			●
	DEPENDENT AUDITS			●
	ORGANIZATIONAL DEVELOPMENT		●	●
	MANAGEMENT COACHING			●

* Restrictions may apply

Introduction

Four reasons why you must learn about sexual harassment:

- Lawsuits result in costly damage awards
- Automatic employer liability for harassment by managers
- Managers who don't stop sexual harassment cause liability and can be personally sued

Costly Lawsuits

Victims may be entitled to:

- Back wages
- Compensatory damages
- Punitive damages
- Reinstatement or future wages
- Attorneys' fees

Automatic Employer Liability

- Vicarious liability requires no knowledge of your harassment
- No defense if tangible job action was taken
- Personal liability

You Must Stop Sexual Harassment

- Inaction is viewed as an endorsement of sexual harassment.



Your Responsibility

- Serve as a role model
- Avoid offensive behavior
- Swiftly address sexual harassment
- Take allegations seriously
- Set high standards
- Require respect in the workplace

Two forms of sexual harassment

- Quid Pro Quo is “something for something”
- Hostile, offensive environment is:
 - Severe and pervasive
 - Unreasonably interferes with an employee’s ability to do his or her job or
 - Creates an abusive environment

Frequently Asked Questions

- Whose viewpoint is considered in determining whether harassment has occurred?
- What does it mean for conduct to be “severe and pervasive”?
- Does sexual harassment only occur in the workplace?
- Can a compliment on one’s appearance be sexual harassment?
- If a person joins in “sex talk” at work, can he or she be a victim of sexual harassment?

Relationships at Work

Problems can develop when:

- The relationship is not welcome
- Intimate actions occur at work
- The relationship ends for one person, but not for the other
- Preferential treatment is given to the subordinate

Scenario 1

- [Sam is sitting at his desk. Linda walks in.]
- Linda: It's been a long day.
- Sam: Yeah, it has. [Linda starts rubbing Sam's neck.]
- Linda: Oh, here, let me help you out with that. You really look tense.
- Sam: Yeah, I'm all right. No really, you don't have to bother. That's okay.
- Linda: Oh, come on, Sam. You really need to loosen up. You have a nice build on you. You must be working out.

Scenario 1

- Sam: Yeah, I mean I do, you know a couple days a week, whenever I can.
- Linda: How about I loosen up that tie so that I can get to the tight spots.
- Sam: No, really, it's okay. You don't have to bother with that.
- Linda: Oh, it's no bother. Let me give you this massage, and when I'm done I'll let you return the favor.
- What should Sam do?

Scenario 2

- John: Hey, what's up?
- Megan: John, he's at it again.
- John: Who's at what again?
- Megan: Lewis.
- John: Our team leader, Lewis?
- Megan: Who else? Last night while taking inventory, he started talking about how "hot" I was looking and how I needed to break up with my boyfriend and start hanging out with him.
- John: Sounds like he likes you.

Scenario 2

- Megan: No, it's worse than it sounds. He started putting his arms around me to help pick up boxes. Eww, I can still feel him breathing down my neck.
- John: Is that the first time he's done that?
- Megan: Sort of. The last few times I went to his office, he tried to get me to sit down next to him on his couch. And, if I didn't want to do that, I could join him later for drinks.
- John: What did you tell him?
- Megan: I told him I was busy. What else was I supposed to say? He's my boss.

Scenario 2

- John: Well I think you should go to the Director. Just tell them what you told me.
- Megan: No, I couldn't do that. No one would believe me. Besides, Lewis would find out and make my life miserable. Promise me, you won't say anything?
- What should Megan do?
- What should John do?

Your Policy

Key policy provisions:

- Harassment prohibited
- Respect is key
- Report improper conduct
- Reports kept confidential
- Do not fear retaliation
- Violators will be disciplined
- Supervisor's role
- Prompt investigation
- Notice of resolution

Guidelines

- Understand what sexual harassment is.
- Communicate your policy against sexual harassment and other inappropriate behavior.
- Monitor the work environment and require employees to conform their behavior to high standards of professionalism.
- Respond appropriately to sexual harassment complaints.
- Report concerns or complaints of sexual harassment or other inappropriate conduct to the appropriate people.

Guidelines

- DON'T engage in inappropriate behavior.
- DON'T delay efforts to eliminate harassment; act immediately.
- DON'T allow retaliation to occur.
- DON'T ignore a complaint because you think the person complaining is being overly sensitive.
- DON'T let the person who brought the complaint walk away frustrated.

Employer Practice Liability Insurance

Protecting Your Organization from the Costly
Consequences of Accusations & Claims



Employment Practices Liability Insurance

- What is it?
 - Employment Practices Liability provides coverage against claims made by employees and former employees who allege that their rights as employees have been violated
 - The Employment Practices Liability Policy will reimburse businesses for the costs to defend a lawsuit in court and judgments and settlements
 - Employment Practices claims are excluded under standard General Liability coverage

Employment Practices Liability Insurance

- Responds to Lawsuits alleging:
 - Retaliation
 - Discrimination
 - Employment Harassment including Sexual Harassment, Bullying, & Hostile Work Environment
 - Wrongful Termination
 - Failure to Employ or Promote

Employment Practices Liability Insurance

- Breach of Employment Contract
- Deprivation of a Career Opportunity
- Defamation
- Negligent Evaluation
- Wrongful Discipline

Employment Practices Liability Insurance

- Who is Insured?
 - The Company
 - Officers & Directors
 - Executives
 - Employees

Employment Practices Liability Insurance

- When do I need it?
 - As soon as employees are hired

Employment Practices Liability Insurance

- Why do I need it?
 - Employment Practices Claims on the rise
 - Estimated 3 out of 5 firms will be sued by an employee
 - Vulnerable from pre-hiring process through exit interview even if Employee never hired or at company for only a matter of days

Employment Practices

Lawsuits

- According to the Edition of Jury Award Trends & Statistics
 - Employment Practices Median Awards
 - 2015 \$172,500
 - 2016 \$325,000
 - Probability of Plaintiff winning at trial averages 51%
 - Age 40%,
 - Disability 44%
 - Race 50%
 - Sex 64%

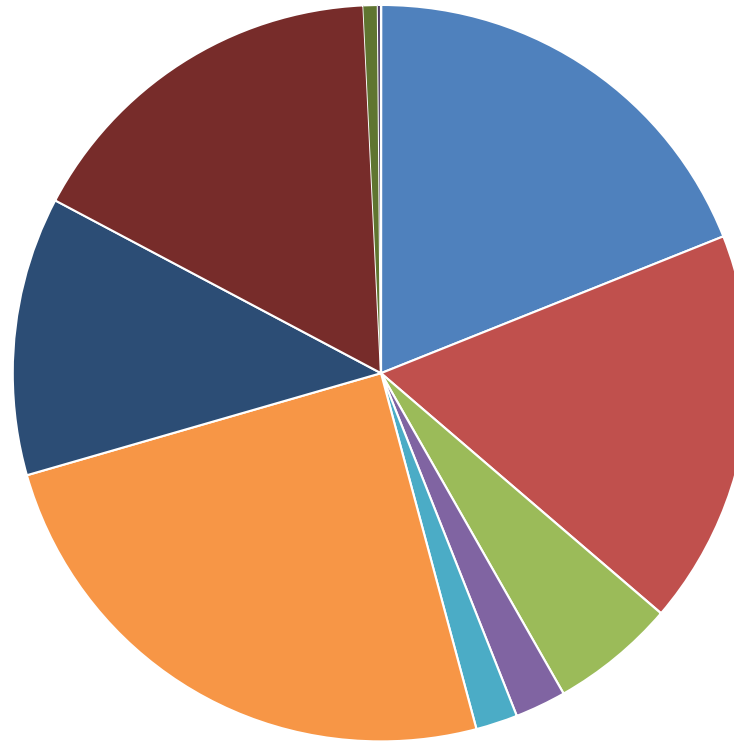
Employment Practices

Lawsuits

- According to 2015-2016 Edition of Jury Award Trends & Statistics
 - 46% of all EPLI claims brought against Employers with 10-150 EE's

EEOC Litigation by Charge 2016

EEOC Statistics 2016



■ Race ■ Sex ■ National Origin ■ Religion ■ Gender ■ Retaliation ■ Age ■ Disability ■ Equal Pay ■ GINA

Top Jury Verdicts

Two of the top 10 jury verdicts were employment practices-related lawsuits:

- #4 Record \$167.7 million awarded for sexual harassment
 - Largest verdict in US History to individual employment plaintiff, California Jury awarded \$167.7 million last February to a surgical physician assistant for sexual harassment and wrongful termination
- #5 Former Principal wins \$155.7 million
 - The former principal of a successful charter school won a disputed \$155.7 million verdict against the city manager for destroying her reputation

Employment Practices Consequences

- Tarnished Organization Image
- Dampened Employee Moral
- Harmful to Employee Recruiting & Retention Efforts
- If action is successful, encourage further claims
- Even if innocent, must tender costly defense
- Significant financial damage even with insurance coverage
 - Cost 150-250% of departing EE salary to replace and train

USOC Safe Sport Policies

- Athlete Safety Policy
- All Olympic and Pan-American National governing Body and Paralympic Sport Organization recognized by the USOC are required to adopt an athlete safety program

Safe Sport Policy Components

- Comply with USOC Policies
 - Required to investigate and resolve safe sport violations

Safe Sport Policy Components

- Adoption of the Policy - Each NGB must adopt a policy that defines and prohibits the following:
 - Bullying
 - Hazing
 - Harassment (including sexual harassment)
 - Emotional Misconduct
 - Physical Misconduct
 - Sexual Misconduct (including child sexual abuse)

Safe Sport Policy Components

- Criminal Background Checks - All NGB's should have a policy for and shall require criminal background checks, conducted every 2 years for:
 - Non-athlete individuals
 - All who have a position of authority over athletes
 - Have frequent contact with athletes
 - Any non-athlete who trains, resides or works at any Olympic Training Center.

Safe Sport Policy Components

- Education & Training - Required to provide education and training to Non-athlete individuals or a local affiliated organization formally authorizes, approves or appoints
 - To a position of authority over athletes
 - Has frequent contact with athletes
- *This training must be provided every two years.

Safe Sport Policy Components

- Reporting
 - Each NGB will have a procedure for people to report which will include an option to report to the NGB
 - Each NGB shall appoint a safe sport liaison to the Safe Sport Entity

Safe Sport Policy Components

- Communication and Implementation - Each NGB will establish a communications plan that identifies
 - What the program is
 - What the requirements are and who it applies to, conduct prohibited, and who must comply
 - Reporting Requirements
 - Where resources can be obtained
 - Who the designated safe sport liaison is
 - How the policies will be communicated

Safe Sport Policy Components

- Enforcement
 - Each claim falling within the exclusive jurisdiction of the Safe Sport Entity:
 - Shall be handled by the Safe Sport Entity
 - Each claim falling within the discretionary jurisdiction:
 - May be handled by the Safe Sport Entity
 - Handled by the NGB's grievance process
 - If the Ted Stevens Amateur & Olympic Sports Act applies, each NGB shall comply with the Act's requirements.

Safe Sport Policy Components

- Other
 - This policy may be amended
 - Principle that supporting the health and safety of its participants is key
 - Failure to comply may result in disciplinary action including withdrawal of high performance funding
 - Exceptions to the policy may be granted on a case by case basis.

Safe Sport Policy Components

- Annual Certification of Compliance
 - By December 31st of each year
 - Each NGB must submit to the USOC a written statement certifying compliance

Thank You

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