#Me Too in Town Hall

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Agenda

Sexual Harassment
Quid Pro Quo
Hostile Work Environment
Who is covered
Expected impact from Recent Reports
Proactive Measures
Damages
Sexual Harassment

- Quid Pro Quo “this for that”
- Hostile Work Environment
"Quid pro Quo"

When:
- an individual’s submission to or rejections of unwelcome sexual conduct.
- is used as a basis for employment decisions affecting the individual.

Including:
- hiring, firing, promotions, awards, transfers, or disciplinary action

Strict Liability
“Hostile Environment”

Occurs when unwelcome sexual conduct unreasonably interferes with an individual’s job performance or creates an intimidating, hostile, or offensive working environment.

This form of harassment, whether engaged in by a manager or an employee can constitute discrimination, even if there are no tangible economic job consequences.
Examples:

- displaying “pinup” calendars or sexually demeaning pictures;
- making sexually oriented jokes or offensive remarks; or
- subjecting another employee to unwelcome sexual advances or touching; or
- repeatedly asking someone out on dates.
Remember...

Intentions do not matter if a person feels harassed or humiliated.

Different people have different reactions to the same behavior and different interpretations.
Hostile Work Environment
Sexual Harassment

- Must be severe and pervasive
- Stray comment may not be enough
- Strict liability for supervisors
- Consensual relationships are legal
Who Is Covered?

- Employees protected from all forms of discrimination by anyone who enters the workplace
  - Other employees
  - Vendors
  - Customers
Impact from Recent Reports

- The #metoo campaign, Weinstein, Donald Trump 2005 Access Hollywood
- Use it as a teaching moment
- Hold employees accountable.
PROACTIVE MEASURES

- Anti-Harassment Policy
- Educate and Train Employees
- Monitor enforcement of anti-harassment policy
- Investigate all allegations of sexual harassment – anonymous, written, verbal
- Take corrective action
Damage Awards?

- Back Pay and Front Pay;
- Emotional Distress;
- Fines at the MCAD;
- Punitive damages in Court;
- Attorney’s fees;
- Costs;
- Interest 12%.
Conclusion

• Thank you and I hope this was helpful!