

#Me Too in Town Hall

Presented by Regina M. Ryan
781-910-0820



DISCRIMINATION AND HARASSMENT SOLUTIONS LLC

DISCLAIMER

This information is provided as a service by DHS. This information is general in nature and does not, and is not intended to, constitute legal advice. Neither the provision nor receipt of this information creates an attorney-client relationship between the presenter(s) and the recipient. You are advised not to take, or to refrain from taking, any action based on this information without consulting your legal counsel about the specific issue(s).

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.

“Hostile Environment”

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!