



# SEXUAL HARASSMENT POLICY: *best practice or avoiding the news?*

The #metoo movement left organisations around the world scrambling to update their sexual harassment policies. Now nearly two years later, executives are still trying to forge the right regulations. We take a look at some of the good, the bad and the ugly policies that have sprung up since, and the motivations behind them **e**

🕒 **In November 2017** Harvey Weinstein’s Hollywood film production empire was in flames and fresh sexual harassment allegations were surfacing almost daily. American broadcaster NBC had just fired one of the highest paid TV presenters in the country. Matt Lauer, host of the popular *Today Show*, was canned after the network received a detailed sexual harassment complaint from one of Lauer’s colleagues.

By December 2017, NBC had not only dropped its most popular anchor, but also introduced a raft of new sexual harassment policies. Employees were now operating under a strict behavioural regime, which didn’t sit well with some NBC insiders. One employee spoke to the media shortly after the regulations were imposed.

“There’s been a series of ridiculous rules issued on office conduct. One rule relates to hugging. If you wish to hug a colleague, you have to do a quick hug, then an immediate release, and step away to avoid body contact,” said the source. “Also, there’s strict rules about socialising, including not sharing taxis home and not taking vegans to steakhouses.”

As well as having to closely monitor their own actions at work, NBC employees were also instructed to report anything they thought might constitute a breach of the new rules. “Staffers have been told that if they find out about any affairs, romances, inappropriate relationships or behaviour in the office, they have to report it to human resources, their superior or the company anti-harassment phone line. Staffers are shocked that they are now expected to snitch on their friends,” the source said.

Karen Gately, *Chief of Staff’s* expert HR columnist, said this is a textbook case of trying to get the policy to do the work for you. Banning what many consider normal behaviour and forcing employees to report one another creates a secretive culture, and can prevent genuine complaints being made.

“It’s a naive controlling approach to making policy that isn’t going to add value, and in fact causes more problems,” Ms Gately said. “People are not necessarily going to make a

report because the policy says they have to. They are going to look for excuses if they don’t feel comfortable reporting.”

“One of the big fears for people is that their personal choices and their personal rights are being restricted unnecessarily. Some organisations try to be overly prescriptive and overly controlling by banning all personal relationships to avoid sexual harassment complaints or events.”

NBC’s policy was pulled together in the heat of a global movement and as a reaction to the Matt Lauer scandal, but perhaps their quick fix does more harm than good.

Fast forward to today. Executives and organisations are still grappling with sexual harassment policy. They are under immense pressure to revise or update their regulations, and face severe reputation damage if they don’t meet the public’s expectations.

### Unintended consequences

In January this year, the world’s most influential business leaders, politicians, religious leaders, and academics met in Davos, Switzerland for the annual World Economic Forum. Each year the snowy wonderland sets the stage for discussions on some of the most pressing issues of our time: war, populism, big data, privacy, the environment. This year, almost unbelievably, sexual harassment policy was on that same list.

Key business leaders attending the summit discussed how they now “have to think twice about spending one-on-one time with a young female colleague,” to minimise the risk of a claim being made against them.

A survey conducted by the workplace equality advocacy group, *LeanIn*, came to some surprising conclusions that support the concerns voiced in Davos.

“60 percent of managers who are men are uncomfortable participating in a common work activity with a woman, such as mentoring, working alone, or socialising together. That’s a 32 percent jump from a year ago,” the survey reads. “As for why this is happening, 36 percent of men say they’ve avoided mentoring or socialising with a woman because they

## Good policy

In November last year, Google made global headlines when 20,000 employees staged a walk-out in protest of the tech giant’s sexual harassment claim handling procedures. In response the CEO of Google’s parent company Alphabet, Sundar Pichai, committed to updating their policy.

“Going forward, we will provide more transparency on how we handle concerns. We’ll give better support and care to the people who raise them. And we will double down on our commitment to be a representative, equitable, and respectful workplace,” reads Pichai’s email to staff.

In April this year, Alphabet released an update that delivered several of the revised measures promised in November. The updated policy includes a dedicated complaint reporting platform,

increased care for complainants during and after the investigation, a clear outline of the investigation procedure, and a public broadcast of their policy.

This shares striking similarities with our investigation into best whistleblowing practice in the last edition. Alphabet’s new policy ticks all the boxes required by Australian law for an equally sensitive topic like whistleblowing. A workable, balanced framework that leaves room for corporate culture to do its job is much more attractive to executives than an overreaching and potentially damaging system like NBC’s.

Despite this, Google’s changes were heavily criticised in the mainstream media.

Read more on the next page on how executives have to balance best practice and PR in their sexual harassment policy.





were nervous about how it would look.”

These reactions have an impact on equal opportunities for men and women. Sexual harassment policy that is hastily put together to satisfy the media can leave employees—women in particular—at a professional disadvantage. These consequences have serious negative effects on the health of a workplace and its culture.

#### **The focus: creating culture**

According to global research, “Nearly 70 percent of executive leaders have either initiated or enhanced their sexual harassment complaint management training” in response to the scandals in late 2017.

A complaint should be the worst case scenario, and training an executive to manage a report, instead of creating a positive culture is like shutting the gate after the horse has

bolted. Instead, executives should establish a culture where workplace harassment in any form is unacceptable.

“A policy is not going to do the work for you. It’s there to educate and give people warnings. It’s up to the managers to intervene and coach their people on appropriate conduct if they go too far, well before it becomes a complaint,” Karen Gately said. “People’s thinking and decision making is guided by a culture, not controlled by policy.”

Rules don’t work when people don’t respect them. Compelling people to report and ‘dob’ on one another doesn’t foster a culture of respect that prevents sexual harassment. Instead it can either force people to hide misbehaviour or simply stop engaging with their colleagues altogether.

Managers and executives are responsible for setting this culture. They need to lead by example and invest themselves in the prevention of harassment. ❄

## **Best practice in the public eye**

*The Guardian* and other media outlets have continued to pull apart Alphabet’s policies. One article says Google “failed to pass several proposals to address sexual harassment ... as Alphabet faces growing pressure from shareholders and employees.”

The media’s attention is fixed on policy, leaving large organisations like Alphabet in a tricky spot.

On one hand, they have to satisfy the media’s hunger for overreaching policy to protect their share value and public image. On the other, they have a responsibility to develop good culture and a workable policy to protect their employees.

Small and medium sized businesses don’t generally fall under the media’s microscope, but they suffer a similar problem. Without an over-prescriptive policy, smaller organisations are more

vulnerable to expensive and potentially catastrophic lawsuits.

If executives should be more focused on developing corporate culture alongside workable policies, shouldn’t the media be focused on that too? While good policy is a necessary foundation for handling sexual harassment complaints, the development of corporate culture and thoughtful leadership is much more important.

Perhaps now business leaders should be more concerned with their employees’ well-being than headlines. If they continue to be good examples of policy and corporate culture, the public and the media’s opinions may even follow suit.



# Characteristics of a great EA

How well do you influence your executive's approach, or the standard of outcomes they achieve? Asks *Karen Gately*.



## THE EXPERT

Karen Gately, founder of Corporate Dojo, is a leadership and people-management specialist. Karen works with Leaders and HR teams to drive results through the talent and energy of people.

**If you're struggling** to play a bigger role, take comfort in the fact that you are far from alone. The range of impact EAs have on leadership and organisational success is undeniably broad. Some EAs are highly respected influencers, others struggle to play a significant role, often because the very people they support won't let them.

The extent to which any EA is able to influence and drive outcomes ultimately comes down to the depth of trust and respect they earn. The simple reality is, your ability to influence anyone is directly proportionate to their willingness to let you. Underpinning that willingness is the depth of trust and respect they feel.

Trust is driven by the beliefs people hold about both your character and competence. Belief in the strength of your skills and experience is just the starting point. What matters from there is that the people you work with trust and respect your character. That is the person you are, the values you hold, and the attitudes and behaviours you bring.

## Commitment

Taking ownership of your role and your executive's success is a first order priority. Focus placed on important priorities, demonstrated through investment of time and energy in driving essential outcomes, is what most senior leaders are looking for from their EA. Holding yourself accountable to baseline expectations on your role is non-negotiable. Holding yourself accountable to ambitious objectives is necessary if you want to be regarded as a great EA.

Fundamentally, the manager or managers you support need to believe that you are on their team and fully invested in supporting them to deliver to a high standard. The key stakeholders around them need to believe that you are operating at a pace and standard reflective of the demands of your boss' job.

## Collaboration

Reflect for a moment on how often you have heard an EA referred to as a 'gate-keeper'. Do you find yourself at times wearing that label as a badge of honour? If so, think carefully about the signals it sends to people you ultimately need to influence. The purpose of gate-keeping is to restrict access and keep unwelcome visitors out. That is hardly the position from which you are likely to earn the depth of trust and respect you need to be a great EA.

Of course, it matters that you control the demands on your executive's time. At times that will mean saying no, or delaying people for longer than they would like. However, if you are typically seen as someone who is a team player and supportive of collective team outcomes, most people will be comfortable with the decisions you need to make to bring order to your boss's world.

## Integrity

While integrity means different things to different people, common definitions include operating with honesty, fairness and good intention. Strong moral principles of decency, sincerity and truthfulness lead to trust and respect from most people. In the role of EA, you have endless opportunity to earn or lose respect based on the depth of integrity you bring to your role.

For example, most EAs have access to private information and are privy to sensitive conversations and goings-on. Your ability to maintain confidentiality and be discreet is fundamental to your ability to earn and maintain trust.

## Emotional maturity

Let's face it, no one likes working with someone who is emotionally unpredictable, and likely to have a meltdown if things don't turn out the way they want them to. Reflect on your own emotional maturity. How well do you take on board constructive feedback, deal with challenging people in a calm and rational way, or simply process frustrations that are holding you back?

While none of us is perfect, having a reputation for being a mature professional who is capable of responding to challenge with composure is key. Great EAs bring order to chaos, they don't make themselves a part of the problem. ❌

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