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- Former Asst. Prosecutor & Asst. Attorney General for Ohio.
- Employment Litigator with over 30 years of trial experience!
- A requested speaker on employment policies and manager training.

A photograph of the Houston skyline, featuring several prominent skyscrapers. In the foreground, there is a river with a bridge and some greenery. The image has a semi-transparent overlay.

# Developing a New Approach to Harassment Prevention in the Era of #MeToo

THE HOSPITALITY LAW CONFERENCE: SERIES 2.0 - HOUSTON

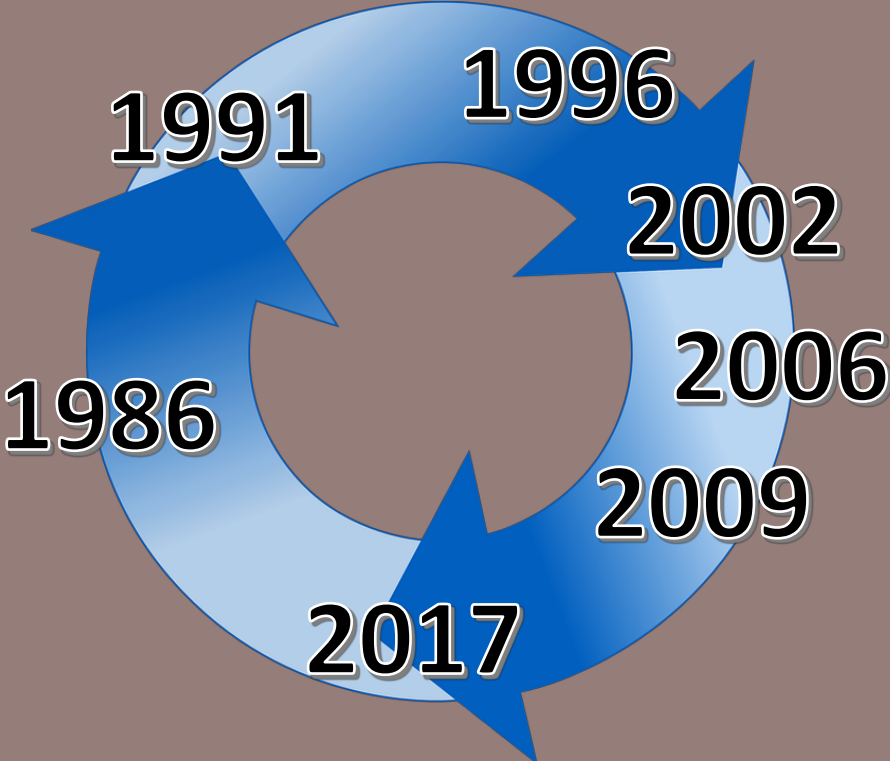
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# What is Happening!

Total Mentions about #MeToo (1 – 17 Oct 2017)



# What is Happening?



# Gender Relations At Work

- ❖ 38% of workers date a coworker at least once\*
- ❖ Almost 20% of workers admit to having dated their direct supervisor;
- ❖ More than 30% of workplace romances end in marriage\*
- ❖ Some studies show half of all affairs begin in the workplace\*\*

Sources:

\* CareerBuilder

\*\* Rockinmarriage.com

# Disturbing National Trends

In the last 10 years Title VII filings have increased by 700%

The average jury verdict in a sexual harassment case is nearly \$400,000

Employers lose in front of juries 70% of the time

Supervisors are personally sued in discrimination cases 90% of the time (based on our case history)

The average punitive damages awarded in employment cases = **\$2.7 Million**

# Four Categories of Harassing Behavior



*Verbal*  
harassment



*Physical*  
harassment



*Visual*  
harassment



*Sexual favors*

# Hostile Working Environment

Most harassment cases involve claims of *hostile working environment*, which is:

- Unwelcome behavior;
- Offensive to the reasonable man or woman;
- Severe or pervasive; and
- Alters working conditions to create an abusive working environment.



# Training Protocols For Managers



- Project Aristotle – Effective Teams
- As commerce becomes increasingly global and complex, the bulk of modern work is more and more team-based.
  - ✓ **Psychological safety** “A sense of confidence that the team will not embarrass, reject or punish someone for speaking up.”

# Training Protocols For Managers

- 1) Developing an employee “how can I help you” culture;
- 2) Techniques to project empathy or at least the appearance;
- 3) Routine steps to handling any employee concern;
- 4) Managing the unexpected;
- 5) Using the most respectful language possible with random acts of kindness; and
- 6) Bystander training.