

RISK COMMUNIQUE

A technical reference bulletin by the Risk Control Services Department of the Glatfelter Insurance Group

Harassment and Discrimination Prevention Training - Risk Management for Management Liability & Employment Practices

Harassment and discrimination claims continue to plague organizations. Costly and high-profile lawsuits damage the reputation, morale, and financial well-being of organizations nationwide. Overall, your organization is held to a legal standard to make reasonable efforts to prevent and promptly respond to work-related harassment and discrimination. Nothing communicates an organization's zero-tolerance policy for unlawful harassment more than effective training sessions led by credible and knowledgeable professionals.

This Risk Communiqué offers risk management guidelines to assist your organization in providing harassment and discrimination training to all employees.

Periodic Training

All employees should periodically attend mandatory training to prevent harassment and discrimination. Consistent training helps demonstrate that the organizations harassment and discrimination prevention policy doesn't simply "sit on the shelf gathering dust," but is instead an active policy. Training should be conducted frequently enough to help demonstrate the organization's commitment to provide a safe and productive work environment.

Participation Is Crucial

All employees should attend harassment and discrimination training. Too often, top administrators fail to participate in educational sessions, sending the wrong message to the rest of the organization employees. Those holding top positions and rank within your organization should lead the organization when it comes to preventing harassment and discrimination, and attending training themselves sends a clear message about its importance. Those from administration with supervisory and managerial responsibilities must demonstrate their leadership qualities when it comes to providing a safe and productive work environment, free from wrongdoing.

Tracking employee participation is necessary to ensure everyone is receiving a consistent message about workplace behaviors. Upon completion of a training session, employees should read and sign forms acknowledging their:

- participation in the educational program
- understanding of the organizations multiple avenues of internal complaint
- expectation that the organization will promptly and thoroughly investigate allegations of wrongdoing while keeping matters as confidential as possible
- understanding that the organization may utilize an outside third-party investigator to help resolve allegations of harassment and discrimination.

Methods of Training

There are a variety of methods available for training to prevent harassment and discrimination. An organization may utilize training programs in video format, computer-based education, or written materials. There is no substitution, however, for live training before organization employees. This allows for question- and-answer

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sessions, so issues specific to a particular organization or jurisdiction may be addressed. When feasible, in-person training from a third-party professional or a well-respected employee of the organization is preferred.

Qualify The Trainer

In order to comprehensively cover important issues, many organizations find educating and training employees on personnel-related topics is best accomplished by an outside professional. The following checklist can aid in qualifying the right trainer for an organization:

- Request a resume/biography to learn of experience and education in employment law and/or human resources.
- Ensure that the trainer is familiar with the operations and unique working environment of an organization.
- Ask to sit in on a sample training session to observe firsthand the presenter's communication style, effectiveness and interaction with an audience.
- Ask for a brief mock presentation on relevant subject matter if it's not possible for you to observe another training session.
- Contact a number of references and find out their level of satisfaction.
- Request samples of handout materials to ensure quality and professionalism.

If an organization uses one of its own employees to facilitate training, ensure the individual is relatively knowledgeable about relevant laws, court decisions and trends surrounding harassment and discrimination. Also, make sure any in-house trainer is not one of the "worst offenders" of inappropriate behavior. Credibility of the trainer is crucial in communicating the importance of preventing harassment and discrimination in your work environment.

Training Topics

In order to strengthen working relations and reduce exposure to harassment and discrimination claims, consider the important training topics below for all employees and supervisors:

- Jurisdictional-specific legal review
- Definitions and examples of what constitutes unlawful behavior, using scenarios specific to organizations
- Legally protected groups or classes
- Sexual harassment covered in detail
- A review of the organization's implemented harassment and discrimination policy
- Multiple avenues of internal reporting for organization employees
- Appropriate usage of electronic communication systems (i.e., Internet and email)
- Retaliation prevention for those making allegations or participating in an investigation
- The organizations procedures for taking prompt action to investigate allegations, stop wrongdoing, and prevent future occurrences
- The right of the organization to utilize an outside third-party investigator to respond to allegations of harassment and discrimination
- The intent of the organization to keep matters as confidential as possible while still allowing for a prompt and thorough investigation and resolution of allegations.

Supervisory Training

Supervisory training can decrease exposures to harassment and discrimination claims by providing tools to help prevent, detect and properly respond to workplace wrongdoing. Increased legal responsibilities fall on those with supervisory authority. Therefore, additional training is recommended for persons at all levels of supervision.

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