Executive Responsibilities in Creating a Respectful, Safe & Productive Workplace

prepared for
Safety Respect Equity Coalition

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Executive Responsibilities

1. Leaders must engage in and model respectful and civil conduct
Executive Responsibilities

2. Refrain from
   a. Harassing and other unacceptable conduct related to a “protected group,” even if not “bad enough” to be unlawful in and of itself
   b. Abusive conduct, even if not related to “protected group”

Examples of “protected groups:” sex, race, color, religion, nationality, age, disability, sexual orientation and gender identity
Executive Responsibilities

3. Be thoughtful about boundaries
   a. General
   b. Mentoring
Executive Responsibilities

4. Navigate the gray area of human interaction
   a. Examples
      i. Compliments
      ii. Hugs
   b. Factors to consider
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5. Receive and respond to complaints about harassing, abusive or other unacceptable conduct
   a. What to say (and not to say) upon receipt of complaint
   b. Duty to report, even if employee or other individual requests otherwise
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6. Be an active bystander (without re-victimization) if you see or hear harassing, abusive or other unacceptable conduct, even in the absence of a complaint or objection
   a. What to say (and not to say)
   b. Decision point: whether to respond “in the moment”
   c. Duty to report to HR function [even if do not see or hear conduct but become aware of its potential existence]
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7. Remedy harassing, abusive and other unacceptable conduct of the nature described before (even if not unlawful)
   a. Consult with HR function
   b. Focus on unacceptable nature of conduct, not illegality
   c. Corrective/disciplinary action (up to and including termination of the employment or other relationship) should be prompt and proportionate (and must be designed to prevent further harassing, abusive or other unacceptable conduct)
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8. Refrain from retaliatory conduct that may discourage individuals from stepping forward, even if not unlawful
   a. Prohibition applies to
      i. Complainants
      ii. Witnesses
      iii. Others who participate in the investigatory process
      iv. Others who are associated with complainant (e.g., spouse)
Executive Responsibilities

8. Refrain from retaliatory conduct that may discourage individuals from stepping forward, even if not unlawful (continued)

   b. Prohibited retaliation includes:
      i. Tangible employment actions
      ii. Other material terms and conditions of employment, such as assignments
      iii. Retaliatory harassment (ostracism)
      iv. Retaliation independent of the workplace
Executive Responsibilities

8. Refrain from retaliatory conduct that may discourage individuals from stepping forward, even if not unlawful (continued)
   c. Fact that complaint lacks legal merit is not a defense to unlawful retaliation
   d. Fact that retaliatory conduct is not severe enough to be unlawful is not a defense to corrective action
   e. Rebooting the relationship
Executive Responsibilities

9. Avoid Avoidance
   a. Cannot avoid harassment claims by avoiding those who are different
   b. For example, cannot avoid sexual harassment claims by avoiding someone of opposite (or same) sex
   c. Avoidance not only antithesis of inclusion but also may be discrimination
   d. Inclusion
      i. Work meeting
      ii. Dinner meetings
      iii. Social gatherings
      iv. Mentoring
Thank you!