SEXUAL HARASSMENT IS STILL ALIVE AND WELL

#MeToo is a social movement against sexual harassment and abuse that spread virally in the wake of *allegations against Harvey Weinstein* on October of 2017. A study conducted in the wake of these allegations showed that *52% of companies* reviewed and revised their sexual harassment policies in the months following the rise of the social movement.

And as the five-year anniversary of #MeToo came and went, we've finally seen some changes in how sexual harassment and assault are handled in the workplace. *Seven-in-ten U.S. adults* – including majorities across demographic groups and partisan lines – say that, compared with five years ago, people who commit sexual harassment or assault in the workplace are now more likely to be held responsible for their actions. And about six-in-ten say that those who report harassment or assault at work are now more likely to be believed.

But if you search the phrase "sexual harassment" online and you'll find thousands of recent instances of workplace abuse across all industries, from entertainment to higher education. In fact, between FY2018 and FY2021, sexual harassment charges accounted for *nearly 28% of all harassment charges* reported to the U.S. Equal Employment Opportunity Commission (EEOC). The majority of these sexual harassment charges were filed by women. And, according to a *recent study*, women are more likely than men to experience recurrent sexual violence and harassment at work.

We still have a long way to go. Driving true behavioral change in the workplace takes time. It is a cultural initiative that goes beyond a revision to an existing sexual harassment policy or, even the creation of one.

THE THREAT TO ORGANIZATIONS AND EMPLOYEES

Sexual harassment is highly disruptive and can lead to loss of productivity, team performance, and high turnover and transfer costs. Victims of harassment experience extreme stress at work and cannot fully focus on their job, reducing their productivity and contribution to the organization. Harassment victims also miss work more often, further diminishing the overall productivity of the organization.

If sexual misconduct is tolerated and not taken seriously, the consequences could be costly and devastating to organizations. *According to the EEOC*, in FY2018 through FY2021, $299.8 million was paid in settle harassment claims to 8,147 people. The financial impact of sexual harassment doesn't just end at costly settlement claims. According to research, companies with high instances of sexual harassment underperform in the U.S. stock market by *almost 20%* — the fact that these figures haven't pushed all CEOs to rethink their approach to sexual harassment is shocking.

Employers paid out a record **$299.8 million** to those alleging sexual harassment violations through the (EEOC) between FY2018 and FY2021 -- **$104 million** more than it paid out in the period four-year period prior.
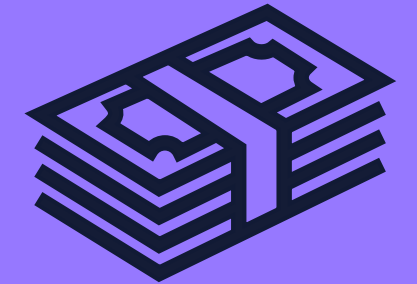
SOCIAL ACTIVISM CALLS FOR WORKPLACE REFORM

Social movements can have damaging effects to a company's brand, image, and overall reputation. No company is immune to the negative impact, even companies with a history of happy employees. The consequences for a company that allows misconduct without appropriate repercussions can be catastrophic. For example, in November 2018, 20,000 Google employees — 20% of the company's roster — *walked out of their offices globally*, in protest of a quietly discharged executive who was given a $90 million severance package.

Recent studies demonstrate that more and more workers are taking their company's ethics and values into consideration. *Just over three quarters (76%)* would consider looking for a new job if they discovered their company had an unfair gender pay gap or no diversity and inclusion policy. This applies to a company's management of sexual harassment, as well.

The predominate voice of modern social activism is from millennials. As they continue to dominate the global workforce as the largest demographic at work, and continue to utilize social media for their activism efforts, the time for mismanaged sexual harassment outcomes is over. Companies can either follow suit or risk financial loss, high turnover, and negative brand reputation.

TRAINING IS FOUNDATIONAL TO UNDERSTANDING

Skillsoft's first corporate social responsibility (CSR) report asked professionals in a variety of industries and job functions to share how their organizations approach CSR. Forty-two percent of respondents believe that offering training opportunities – from ethical leadership to compliance issues – will help support individual employee growth and see better business outcomes that propel the organization forward.

DOWNLOAD THE REPORT ▶

SEXUAL HARASSMENT LAWS AND PENALTIES VARY BY STATE

Some state governments and localities have signed more stringent training requirements into law regarding the content, frequency, and the kind of training needed in the workplace. As states continue to rapidly change their specific laws and regulations, companies must be aware and be able to adapt quickly to stay compliant.

Differing state laws present challenges and complexities as they pertain to developing a sufficient and effective sexual harassment training program. Furthermore, as the issue of sexual harassment continues to be in the public spotlight, organizations must seriously ask themselves the following questions when developing such a program:

- How are we keeping up with new and changing regulations?

- How do we govern employees in multiple jurisdictions?

- How do we train employees in multiple jurisdictions who are subject to different training requirements?

See what training your state requires

CHECKING THE BOX IS NOT ENOUGH

The days of sexual harassment training being a box-checking, regulatory step of onboarding are over — it is time to invest in training that changes behavior on an organizational level. Effective sexual harassment training should help in creating a healthy company culture that does not allow inappropriate behavior. It should present sexual harassment as a problem of personal ethics and integrity and show how disruptive it is to the workplace.

AT A VERY MINIMUM, EFFECTIVE TRAINING SHOULD ENCOMPASS THREE AREAS:

1. DEFINITIONS. Employees should be able to identify victims and the legal criteria that establish unlawful harassment. They should also be able to discern instances of sexual harassment that fall short of unlawful harassment but is nevertheless unacceptable to the organization.

2. RECOGNITION. Through real-life examples, employees should be able to recognize unlawful sexual harassment whether they find themselves victims, onlookers, supervisors or even those who may be behaving inappropriately. Training should also expose unconscious biases that could lead to unintended discriminatory behavior.

3. RESPONSE. Finally, the training should help those who feel they're being harassed address the issue, from talking to the harasser, to seeking the help of a manager or HR, to understanding their right to seek redress with an outside agency, such as the EEOC. Further, those who observe inappropriate behavior should be encouraged to report it, knowing they are protected from retaliation.

WHAT ARE THE QUALITIES OF EFFECTIVE SEXUAL HARASSMENT TRAINING?

Effective harassment prevention training requires eliciting an *emotional response from employees*. "Functional MRI neuro-imagery shows powerful human response to emotions. Stories and scenarios are impactful on learning and retention because they generate emotional engagement in the learner." Legal jargon and low-quality production training does not promote retention —effective storytelling does.

Narrative tension, real-life scenarios, and movie-level production developed around brain science research grab learner attention and assist in their ability to identify with the characters. By utilizing these qualities, effective sexual harassment fully immerses the learner in the incident being portrayed.

Since the incidents of sexual harassment are highly uncomfortable, sexual harassment training in and of itself should be uncomfortable for authenticity. Not only should it make the learner uncomfortable, but it should also reinforce disgust with the harasser's behavior. This captures the learner's attention and sparks conversation, which ultimately dictates a company's ability to foster an inclusive and safe workplace.

WORKPLACE HARASSMENT HAS A REAL IMPACT ON PEOPLE

It's time for organizations to deploy effective sexual harassment training to improve employee behavior and foster a culture of compliance.

WATCH THE VIDEO ▶

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SEXUAL HARASSMENT IS EMOTIONAL; PORTRAYALS SHOULD BE TOO

Sexual harassment training shouldn't be dry and boring — it should change behavior and make people aware of the severe consequences and life-long trauma sexual harassment can cause. Content revolving around this topic should embody the incidents with realistic portrayals of harassment situations — they should be relatable, believable, and well-written.

Additionally, compliance content will often bury the emotional, physical and even organizational impact of sexual harassment beneath a lot of business and legal jargon. Yes, there are legal ramifications of poor behavior, but should training for this topic focus on just the punitive consequences of sexual harassment, or should it encourage a culture of compliance and respect towards coworkers?

Explaining the legal ramifications of non-compliant behavior is important, however, it is just the start. Effective anti-harassment training should spark respectful dialogue of what behavior is not appropriate by providing an emotional relation to the examples presented in the training.

EFFECTIVE SEXUAL HARASSMENT TRAINING CAPTURES LEARNER ATTENTION BY:

- Utilizing **high-caliber production**
- Depicting **real-life, uncomfortable scenarios**
- Evoking an **emotional response**

SEXUAL HARASSMENT TRAINING SHOULD ENGAGE THE WHOLE ORGANIZATION

Regardless of rank, sexual harassment training is for everyone in the organization. Being transparent and vocalizing that an organization's sexual harassment prevention policies apply to all levels is particularly important — sexual harassment is often pegged as an act of lust but, in reality, it is more times than not, an abuse of power.

According to the EEOC, retaliation is the most common issue among harassment claims and cases like Harvey Weinstein's sexual misconduct show that people in positions of power will threaten career derailment if their nefarious demands are not met.

Communicating that everyone in the organization must partake in effective sexual harassment training is one of the first steps to changing behavior and mitigating risk. No one is above the law and an organization's sexual harassment training should explicitly communicate a zero-tolerance policy that protects victims from unfair and unethical retaliation for speaking out against harassers.

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SEXUAL HARASSMENT TRAINING SHOULD BE DIVERSE

Though statistics show that *the majority of sexual harassment victims are women*, the offense is gender neutral. Sexual harassment affects women, men, and individuals of non-binary gender identity. The training should reflect the diversity of our protected classes, including sex, sexual orientation, race, religion, disability, and others.

The combinations and scenarios are endless; sexual harassment comes in all shapes and sizes and the training given to employees should reflect realistic and diverse scenarios of sexual harassment. When learners are shown honest portrayals of diverse victims of sexual harassment, it opens up broader conversations about how we view others who are different from us. In our global economy, all employees now have to be culturally competent, manage their unconscious bias, and maintain sensitivity to diverse people and situations.

CULTURAL COMPETENCE

Sexual harassment training should reinforce behaviors and attitudes that promote respect and open-mindedness towards other cultural perspectives.

Sometimes people do not realize they've said or done something offensive out of ignorance. Though ignorance is no excuse for negative behavior, if people are not properly trained, there is a good chance conflict will arise and offense will be taken.

Effective training should demonstrate cultural competence by instilling values and principles that promote behaviors, attitudes, and structures that enable employees to work effectively and cross-culturally. It should also communicate the value of diversity, the importance of self-assessment, and how employees can personally manage differences among co-workers.

UNCONSCIOUS BIAS MANAGEMENT

Everyone holds learned stereotypes — sexual harassment training should unpack common unconscious biases, examine why they are detrimental, and encourage learners to unpack their own.

Most people believe they are good at making unbiased decisions about others; however, unconscious bias affects our ability to make decisions regarding our judgement of others in numerous ways:

- **Our perception** — how we see people and perceive reality.
- **Our attitude** — how we react towards certain people.
- **Our behaviors** — how receptive/friendly we are towards certain people.
- **Our attention** — which aspects of a person we pay most attention to.
- **Our listening skills** — how much we actively listen to what certain people say.
- **Our micro-affirmations** — how much or how little we signal agreement with certain people in certain situations.

Effective training promotes the idea that people should not make assumptions about others. It should also create an environment of open and honest dialogue between everyone in the organization and communicate that everyone — from the top to the bottom of the organization — will be held accountable for engaging in bad behaviors like harassment that are the result of biased perceptions.

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SENSITIVITY

At the end of the day, the topic of sexual harassment is a highly personal and sensitive topic. Sexual harassment training should promote sensitivity to how different people handle this topic.

Today some *59% of women and 27% of men* say they have been sexually harassed at work — a number that, remarkably, has not changed much since the 1980s. For victims, sexual harassment causes great emotional, psychological, and physical trauma. Sexual harassment training should put the learner in the victim's shoes and build empathy and sympathy — without an emotional connection to victims of sexual harassment, this isn't easily attainable.

59%   27%
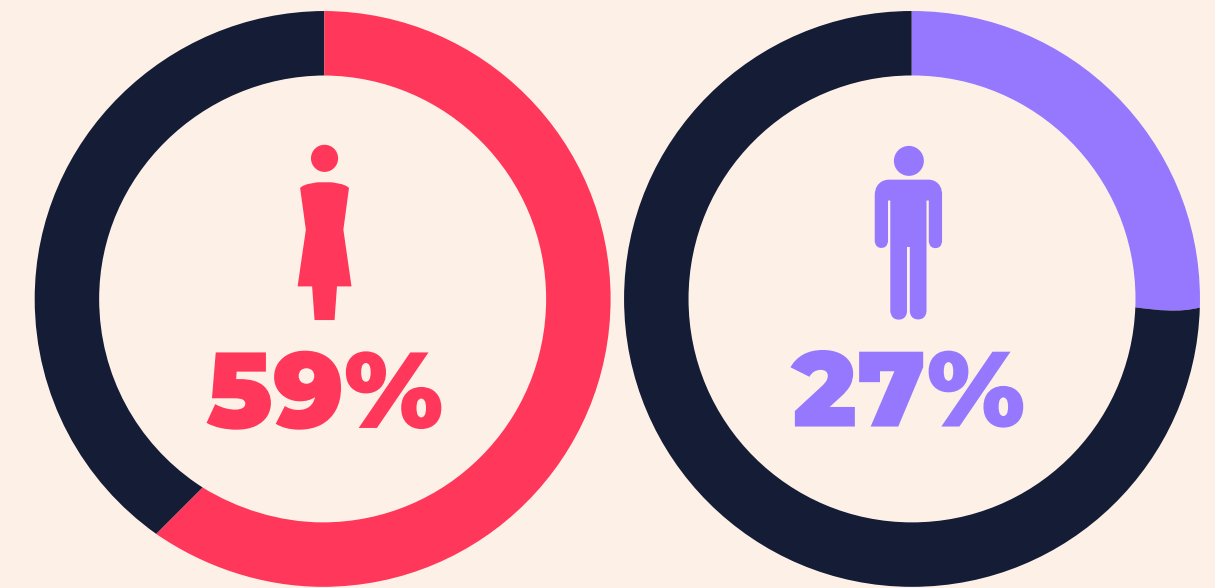
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THE SKILLSOFT SEXUAL HARASSMENT SOLUTION

Skillsoft's Workplace Harassment Prevention Solution enables organizations to more easily meet business and regulatory requirements related to harassment prevention. Through a library of captivating, cinematic-quality videos, the solution presents realistic scenarios over a range of workplace settings. Host-driven instructional content supports key learning objectives.

Skillsoft's proven instructional design and brain science research come together to create meaningful, memorable learning experiences that resonate with learners for lasting impact. We know from our brain science research that learners need three things for an optimal learning experience:

- **Relevance**
- **Meaning**
- **Emotion**

Our intentional design incorporates real-world scenarios that foster a linkage between emotion and cognition. This synergistic connection ensures that the learning experience is "seen" through the learner's eyes. Utilizing narrative storytelling and scenarios within our courses helps generate an emotional engagement that strengthens learning and retention.

MODULAR DESIGN THAT'S SIMPLE AND COST-EFFECTIVE

The modular design structure makes configuring courses a simple, cost-effective process. Interchangeable scenario video content provides unprecedented flexibility to target both white-collar and blue-collar employees. This provides diverse and relatable depictions of harassment to fit the variety of demographics that may be employed in your organization.

LOOKING FOR A COMPLIANCE SOLUTION?

REQUEST A DEMO ▶

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RELIABLE SUBJECT MATTER EXPERTISE

Skillsoft partners with law firms and industry leaders to serve as our subject matter experts in the development and maintenance of our Legal Compliance content. We select experienced, practicing lawyers who specialize in confronting challenging compliance issues every day. This allows us to keep current with changes in the law, all while bringing a real-world, practical approach to promoting a lawful and ethical workplace culture.

INNOVATIVE AND IMPACTFUL CONTENT THAT RESONATES WITH LEARNERS.

LEARN MORE ▶

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STATE-BY-STATE WORKPLACE HARASSMENT PREVENTION TRAINING

Skillsoft Compliance Solutions offers a suite of compliance training courses to help educate both employees and managers on their role in preventing discrimination and harassment in the workplace. With specific state editions, Skillsoft provides organizations with the necessary training needed to meet current federal and state requirements, including localities such as:

- **California**
- **Connecticut**
- **Delaware**
- **Illinois, including Chicago**
- **Maine**
- **New York and New York City**

ABOUT SKILLSOFT

Skillsoft (NYSE: SKIL) delivers transformative learning experiences that propel organizations and people to grow together. The Company partners with enterprise organizations and serves a global community of learners to prepare today's employees for tomorrow's economy. With Skillsoft, customers gain access to blended, multimodal learning experiences that do more than build skills, they grow a more capable, adaptive, and engaged workforce. Through a portfolio of best-in-class content, a platform that is personalized and connected to customer needs, world-class tech and a broad ecosystem of partners, Skillsoft drives continuous growth and performance for employees and their organizations by overcoming critical skill gaps and unlocking human potential.

Learn more at **www.skillsoft.com.**

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