



SHANNON MASHBURN: She has seen an increase in clients wanting to reinforce harassment prevention training. ||  
Photo by Judy Walker

## Ignore at your own peril

By: [Adina Genn](#) November 17, 2017 0

Though sexual harassment and misconduct dominates today's headlines, the issue is nothing new. These charges cut across all sectors and communities, including a 1990s case on Long Island. But sweeping charges under the rug allows accusations to fester, damaging brands and harming the workplace.

And that's keeping human resources experts busy.

"I haven't seen an increase in claims, but a ton of clients are asking to reinforce harassment prevention training," said Shannon Mashburn, director of human resources at Farmingdale-based Alcott HR, a professional employer organization.

On Long Island, HR training requests come amid a barrage of sexual misconduct claims against film mogul Harvey Weinstein and U.S. Senate candidate Roy Moore, as well as statements of apology from political analyst Mark Halperin, comedian Louis C.K. and others.

That's because, experts say, employers are recognizing that the best way to handle reported misconduct is to have policies established and broadcast across an organization so that a negative culture does not take root. And in a time of the #MeToo social media movement, where women continue to tell their experiences of sexual harassment and abuse, employers are taking notice.

"Sexual assault and domestic violence can happen to anyone – it doesn't matter your economic status or education status," said Veronica Henry, the chief diversity officer and Title IX coordinator



VERONICA HENRY: Sexual harassment can happen to anyone, regardless of employment or economic status.

at Farmingdale State College.

And when employees look the other way, as alleged in the Weinstein case, “it decays the culture,” said Howard Miller, a member of the law firm Bond Schoeneck & King, which has an office in Garden City.

“What happens in these situations is people are afraid to report it – they’re afraid of being blackballed,” Miller added.

And that predicament, experts note, is not only commonplace, but can impede change.

“People are making very valid, valuable statements way after the fact,” said Larry Martinez, a partner and co-chair of the labor and employment group at the Mineola-based law firm Meltzer, Lippe, Goldstein & Breitstone. “It’s easy to say ‘I was harassed’ when no longer at the job. There’s no ability to face retaliation, which people rightfully fear.”

That’s why, he said, “It’s the employer’s obligation to make sure there’s an avenue that an employee can go down to make a complaint. Employees must have a policy and procedures to turn to when they are being subjected to something by a supervisor that’s objectionable.”

With procedures in place, workers know that “employees can move forward and have faith in the process.”

### **Brand destruction, low morale**

Often, what’s driving a culture that enables harassment “is the business decision that [the alleged perpetrator] brings in more money than it costs to settle,” Miller said. For example, Bill O’Reilly, before he was fired from Fox News, is reported to have generated \$446 million in advertising revenue over a two-year period despite the millions spent on settlements.

And, Miller noted, those decisions are “not limited to entertainment.”

Still, when it comes to misconduct, harassment and violence, Henry said, “women have to know they don’t have to take it.”

Now, there’s a floodgate of charges streaming in, sometimes hourly, “Women feel empowered,” Henry said. “It just takes one person to come forward and open up the whole hornet’s nest.”



HENRY MILLER: When misconduct festers, it can decay an organization’s culture.  
|| Photo by Judy Walker

And with these allegations comes brand destruction and career ruin. Consider for example, the firings of Kevin Spacey, Louis C.K. and Halperin. And in the case of Spacey, it’s reportedly left “House of Cards” writers scrambling to rewrite the next season of their Netflix hit.

For any organization reeling from sexual harassment charges, “The branding issues will be forever known by this alleged gross behavior,” Mashburn pointed out. These organizations “need to be staffed by people who have credentials who can deal with these difficult situations.”

But “on the flip side, there needs to be caution,” Miller said, pointing to the Duke lacrosse case, where the charges were dropped, and the players exonerated.

### **#LongIslandtoo**

Long Island made headlines back in 1995 when Del Laboratories, which manufactured Sally Hansen nail products in Farmingdale, was ordered to pay what the U.S. Equal Employment Opportunity Commission dubbed at the time the “largest monetary recovery of any sexual harassment lawsuit ever” filed by the agency. In this case, 15 female support staff said they were sexually harassed by their CEO, in a case that included quid-pro-quo complaints in which the CEO sought sexual favors, threatening “unfavorable conditions” if his advancements were refused.

The company “suffer[ed] reduced productivity, low morale, and high absenteeism and employee turnover rates,” according to the EEOC. In addition, people thought twice about supporting the brand.

“People were not buying that nail polish,” Mashburn said.

But in addition to the settlement, the company was required to conduct discrimination prevention training for all of its employees. Individualized training was also required for the CEO and his executives, managers and supervisors. Additionally, there were changes to the company’s sexual harassment policy, and the posting of a notice on how to file a complaint.

### **See something, say something**

Of course, employers don’t want to wait for a problem to worsen.

“Make sure if you hear about it, you do something about it,” Mashburn said.

For example, organizations should direct employees to file complaints with the HR department. In turn, the HR expert would handle complaints “swiftly and confidentially,” according to Society for Human Resource Management.

Employees should be made to understand filing a complaint would not subject to them retaliation. But, according to SHRM, they should also understand that any “malicious complaints is an abuse” would be treated “as a violation.”

Martinez noted that companies “can only make changes to the culture if the employer is aware, makes an investigation and questions all the people involved, when the facts are current.”

Otherwise, there’s the impact on morale and absenteeism. And Mashburn said, there are financial losses “because there is turnover and legal costs” and also low productivity.

And in an age of social media, those results are exacerbated.

“We all look at Glassdoor,” she pointed out. “That’s how we shop for jobs.” And employers may not be able to attract the kind of skilled workers they need “to grow and thrive.”

### **Zero tolerance**

Any charges brought up at Farmingdale State College undergo “a very thorough investigation” driven by a “preponderance of evidence,” Henry said.

“Prevention education is important, and individuals know that the institution has a zero tolerance,” she added.

And that requires a trained and certified HR department.

Or else, Mashburn noted, a company’s very legacy is at stake.