

OCTOBER 19, 2017 | DISCRIMINATION, HARASSMENT & RETALIATION

#MeToo and Workplace Harassment: A Letter to my Daughter

Dearest Daughter,

In October 2017, more than four dozen women stood up against workplace harassment by a man of power in the entertainment industry. Then, [the #MeToo Movement was born](#) where people of all races, ages, backgrounds, and geographic regions, working in different industries, stood up and voiced that they too have been sexually harassed and/or sexually assaulted. Unfortunately, these are not the first national headlines related to workplace harassment in the past several months and [major companies have found themselves on the front page for not taking stronger steps to prevent and address complaints of harassment](#).

That this behavior is still occurring in the workplace in 2017 and has not prior garnered a national outcry is astonishing. Just last year, the EEOC received a record level of [91,503 charges of discrimination](#) filed with the agency. My hope for you – my three year old daughter – is that you never will be someone who needs to say #MeToo. However, if you do, and it happens in the workplace, let me give you some advice:

Here is the [definition of Workplace Harassment](#): Workplace harassment – also known as hostile work environment – is unwelcome physical contact or verbal or written conduct that makes you uncomfortable. The conduct may only need to happen one time if it is severe, or it could be pervasive, happening over a period of time and affecting your ability to do your job. Petty slights, annoyances, and isolated incidents (unless extremely serious) will not rise to the level of unlawful harassment. Rather, the conduct must create a work environment that would be intimidating, hostile, or offensive to a reasonable person.

If you find yourself the subject of this kind of unwelcome conduct in the workplace because of your sex (including pregnancy), your gender, your disability, your religion, or other protected reasons under state or federal anti-discrimination laws, you have the right to complain to your employer. Your employer should have a good harassment policy in its employee handbook that prohibits harassing behavior and have provided you with anti-harassment training, also given to all managers and supervisors. In both the employee handbook and training, you should have been told how and where to complain if you feel you are being treated unfairly. Be sure you are familiar with this process. Once you complain, the company must conduct an immediate and thorough investigation into your complaint. That investigation includes interviewing witnesses, possibly interviewing the potential harasser, reviewing documents, and ultimately deciding what immediate and corrective steps need to be taken to stop the unwelcome conduct from occurring again. Importantly, the employer may not

transfer you or demote you or make your working conditions more uncomfortable because of your complaint – that’s [retaliation](#).

Hopefully, if you do complain and your employer investigates, the behavior will stop and you can continue to work in an environment that is free of any unwelcome conduct and harassment. And if not, know that there are other options available to you. Your company may have an appeal process or another person to whom you can complain in human resources. If the harassment is still not effectively addressed, you also have the option of [filing a charge of discrimination](#) with the EEOC.

Importantly, there are many companies who are focused on addressing harassment in the workplace and empower a zero tolerance policy. In response to the #MeToo movement, I know that companies are following it and may even be thinking proactively how to respond and engage their female staff to ensure they are supported. I hope you get to work for one of them! As part of my practice, I advise many of these fantastic companies and often counsel them on their policies and procedures, how to conduct a thorough and prompt investigation into a complaint, and how to train supervisors and managers (which, [in some states, is required](#)).

No matter what, my beautiful little girl, I want you to know that if you ever find yourself in a situation in the workplace where you either are experiencing sexual assault and/or sexual harassment you should immediately complain and stand up for your rights. And if you see other co-workers being harassed or being treated unfairly because of their sex, race, religion, disability, gender, national origin, military status, or sexual orientation, then I implore you to stand up and be a witness.

Be educated, know your rights, and speak up for yourself and others. My heartfelt prayer is that you will never ever have to say #MeToo, and that none of your friends or co-workers ever have to say #MeToo, and that in 2037 you will ask me what is harassment? What is sexual assault? Because by then, those of us in 2017 will have solved and eradicated a social and humanitarian epidemic.