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MeToo movement in Nevada

Reno attorneys provide tips on how businesses should manage harassment policies

By Rob Sabo

From Supreme Court nominees to billionaire sports franchise owners and disgraced comedians, the MeToo movement and sexual harassment claims continue to make national headlines.

Dallas Mavericks owner Mark Cuban, U.S. Circuit Judge Brett Kavanaugh and Bill Cosby recently joined the likes of Charlie Rose, Matt Lauer, Bill O'Reilly, Harvey Weinstein, Les Moonves and many others who've been accused or convicted of sexual misconduct.

In Cuban's case, he was not directly accused but rather was at the helm of an organization that routinely promoted a culture of misogyny and predatory sexual behavior against women.

But it's not just the rich and famous or privileged who are coming under scrutiny. Sexual harassment is pervasive throughout workplaces across the country.

According to a CNBC All-America Survey conducted last December of about 800 adults, roughly one in five Americans — including 27 percent of women — experienced sexual harassment in the workplace. About 40 percent of the women who reported being victims of sexual harassment were Baby Boomers, while 36 percent were GenXers.

Jessica Woelfel, partner with the Reno office of McDonald Carano, routinely works with Northern Nevada businesses on key employment and human relations issues. Woelfel says that as the MeToo movement grows, regional business leaders must be prepared to deal with more people sharing stories of sexual misconduct in the workplace.

Although many of her clients haven't made sweeping changes to sexual harassment policies in the wake of the MeToo movement, Woelfel and other employment

and workplace relations attorneys who practice in Northern Nevada say there definitely has been an increased focus on ensuring harassment policies are well fleshed out and that employees and managers are properly trained about the nature and consequences of sexual harassment, as well as how to properly deal with a claim.

It comes down to training

"We've made sure we are really focused on training and implantation of those policies," Woelfel says. "You're seeing an uptick in folks feeling comfortable speaking up if there is potentially wrongful conduct.

"My recommendation is to make sure you have a good solid policy in place and are ready and prepared to respond to any claim by conducting a thorough investigation."

Shannon Pierce, director of the Reno office for Fennemore Craig, has more than a decade of experience litigating on key labor issues.

Pierce says that many regional businesses have scrutinized their sexual harassment policies to ensure they are up to date, but sweeping changes really haven't been necessary since the nature of the allegations making national headlines have always been unlawful.

Instead, Pierce notes, companies are zeroed in on making sure HR leaders and other key managers know what to do if someone does come forward with a claim.

To that end, organizations have initiated additional sexual harassment training so that everyone within the company fully understands its impacts and implications. Training ensures supervisors, managers and staff are fully aware of the nature of sexual harassment and the laws that deal with harassment in the workplace, Pierce adds.

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As the PSA proclaims, any form of sexual harassment is unacceptable.

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— Jessica Woelfel,
McDonald Carano

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“Training is important,” she says. “This is another area in which a lot of companies were already doing training every year or two, but there has been an increased focus with businesses making sure that training gives a practical guide to HR professionals and front-line supervisors so that they know what to do if someone comes to them and lets them know there has been some sort of inappropriate conduct.”

Pierce offers these practical guidelines for local businesses:

- Take all complaints seriously
- Investigate every complaint promptly and impartially
- If a complaint can be substantiated, take appropriate disciplinary action warranted by the circumstance

Woelfel says that now is a great time for management to review company handbooks and policies to ensure they are robust and crystal clear when it comes to workplace harassment.

“Most of the companies I work with already have these policies in place — it is just making sure we abide by them and implement a workplace culture where employees feel comfortable,” she says.

Workplace culture starts at the top

Reno has long been a town built on relationships and reputation. Along with that often comes a deep history and culture of machismo and braggadocio.

Oftentimes such behavior can be laughed off as “boys being boys” — men pranking each other, telling jokes or good-natured ribbing with no underlying animosity or intent. Such horseplay can build camaraderie and strengthen workplace relations; however, there’s a fine line that can never be crossed.

The best way to impact the culture of an organization, Woelfel says, is by digging into training to make sure the entire organization is committed to teaching employees that comments or behaviors that once flew under the radar are no longer tolerated in today’s society.

“Many workplaces have a culture where employees historically have not had to think about how they were behaving or what they are saying,” she says. “You have to spend time with training at all levels of the organization. It has to be supported and trained from the top to the bottom that it’s not appropriate to make comments that could be construed as harassment.”

Pierce says also it’s important that employees and leaders realize their company’s harassment policy has teeth.

“From the top down, companies need to communicate to employees that (certain) behavior will not be tolerated anymore,” she says. “After a company gives employees training, if inappropriate behavior continues, perhaps there needs to be disciplinary action to send a message to the rest of the workforce.”

Jessica Woelfel



Shannon Pierce



“Sometimes the culture of a company starts from ground up — certain people like to prank or make jokes to make the workforce more fun,” Pierce adds. “Ultimately, the culture of a company is what the top decides. If management consistently sends a message that certain behaviors no longer will be tolerated and back up their words with action, then one of two things will happen: People will fall in line; or those who don’t will eventually exit the company.”

The MeToo movement and the spate of high-profile sexual harassment claims has put sexual harassment at the forefront of people’s minds. Companies can benefit from strong, effective leaders who ensure their direct reports and the employees under them know that any kind of sexual harassment won’t be tolerated.

The best way to make sure the MeToo movement doesn’t crop up in the workplace is to commit to a culture that focuses on policy, implementation and training. ●

— *Rob Sabo is a Reno-based freelance writer and former reporter for the Northern Nevada Business View.*

It’s important for any company, large or small, to meet with staff to discuss appropriate workplace behavior.

Go to metoomvmt.org to learn more about the MeToo Movement.

