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**Before the House Labor and Industry Committee
Regarding Employer Best Practices to Prevent
Sexual Harassment, Discrimination and Retaliation
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Chairman Kauffman, Chairman Galloway and members of the House Labor and Industry Committee, thank you for the opportunity to submit written comments and testify today about best practices to prevent harassment, discrimination and retaliation in the workplace.

Harassment and discrimination are symptoms of a widespread problem of gender inequity in our workplaces. Despite having laws on the books in this Commonwealth and nationwide for over 50 years, we are still seeing overt and subtle workplace harassment and discrimination behaviors and claims. What more can and should Employers do?

C-Suite Must Take the Lead

First, taking the lead to combat harassment, discrimination, and retaliation must begin in the C-suite. Leadership must be engaged and visible, both formally and informally, in workplace programs and initiatives. Harassment and discrimination are not just human resource issues; they are workplace culture problems for all levels of leadership. Women and men must be part of the conversation and solutions. Senior leadership must say and demonstrate that a workplace free of harassment and discrimination is not discretionary.

Effective, Easy to Understand Written Policies

The foundation of any effective harassment prevention program is an effective policy. Robust, easy to understand, written employment policies regarding discrimination and harassment are essential for every workplace. Policies should define harassment in layman's terms, identify specific examples of overt and subtle forms of discrimination, and make clear that behavior from co-workers, supervisors, and third parties who interact with employees are within the reach of the policy. Prohibited activity should not only be at the physical site of the workplace, but all company-related activities including field work, travel, and company-sponsored events. Defined reporting procedures should be identified, including how an employee can complain and to which company representative. Any representative identified in the policy to accept reports must have in-depth training on harassment and discrimination. Leadership should actively obtain feedback and test reporting procedures to assure they are effective.

Anti-Dating Policies for Supervisors and Their Direct or Indirect Reports

In addition to policies prohibiting and describing discrimination and harassment, workplaces should consider the adoption of policies prohibiting dating between supervisors and individuals the supervisor directly or indirectly oversees. Dating relationships between supervisors and reportees can create an actual or perceived unequal power dynamic in work arrangements. Once a consensual relationship ends, boundaries are blurred as behavior that was previously welcomed can become unwelcome.

Modernize Traditional, Ineffective Training Approaches

One of the most important best practices I can offer is that traditional training approaches need to be enhanced. While training is key, having the right kind of training is even more important. Ineffective training can do more damage than no training in some circumstances. The traditional training model of plugging in the videotape and learning by osmosis is not effective.

As more specifically described in my written testimony, in January of 2016, a Select Task Force on the Study of Harassment in the Workplace of the Equal Employment Opportunity Commission published a report of its findings which highlighted the need for change in training strategies. Some key training best practices as a result of that Report and my experience are:

- Company leadership must be visible and engaged in training.
- On-going, customized training must be conducted for C-suite, employees who accept workplace complaints, supervisors, and front-line employees. Overt and subtle forms of discrimination, including unconscious or implicit bias training, and bystander training are key ingredients.
- Training needs to be customized for the work environment at issue so that the message will be heard and understood.
- Training must be conducted on a routine basis and reinforced on a regular basis in other workplace meetings.

Complaints

Leadership should understand that with the previously mentioned steps, complaints may increase as employees feel more comfortable coming forward instead of going to social media or the court system as the first step. Those complaints should be welcomed and not silenced as it gives employers an opportunity to be and correct it when necessary.

Voluntary Settlement Agreements

Finally, to continue encourage resolution of these matters, voluntary settlement agreements and dispute resolution processes should be encouraged. Prohibiting confidentiality in settlement agreements with private companies could take away an important incentive for companies to settle claims.

Thank you for the opportunity to provide input on this important issue and I look forward to answering your questions.