

ENDING THE TREND: LESSONS FROM #METOO

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This past week, through the “#metoo” campaign, countless women have revealed that they have been the victims of sexual harassment or sexual assault during their lives. Without a doubt, some of these incidents have occurred within the workplace. The sheer volume of stories shared highlights that sexual harassment in the workplace is a persistent and very real issue. Despite the fact that we may think we are beyond this as a population, to protect their employees, their organization’s culture, and reduce the risk of liability, employers must be aware that the problem remains and should be proactive in preventing and addressing workplace harassment. Adhering to the following best practices is a solid step in the right direction:

- Foster a positive culture in the workplace where employees act professionally and with respect for co-workers. Managers and supervisors should lead by example.
- Ensure that hiring, compensation and promotion practices are not discriminatory.
- Implement an anti-harassment policy that includes a clear explanation of prohibited conduct, action steps and consequences. Educate employees regularly on the policy. Follow and enforce the policy.
- Conduct annual trainings with managers, supervisors and employees on what behavior constitutes sexual harassment, how to spot it and report it, and emphasize the disciplinary consequences of engaging in harassing behavior.
- Cultivate an environment where employees feel safe in reporting harassment. Ensure that employees who report harassment are safe from retaliation.
- Take all reports of harassment seriously. Respond promptly and conduct a thorough investigation.

All employers and employees have a role to play in preventing workplace harassment. Employers who invest in prevention and have an effective response system will go a long way toward eliminating this problem and protecting their employees and their organization.

If you have questions about protecting your culture and organization from workplace sexual harassment or need assistance with an anti-harassment policy or training, please contact Kim Mitchell at (616) 499-6357 or kmitchell@shrr.com, Jeff Dornbos at (616) 723-9076 or jdornbos@shrr.com, or another Smith Haughey attorney at (616) 774-8000.



Kim is an attorney in Smith Haughey’s Holland office, practicing in the areas of employee benefits and employment law. Kim counsels clients on the design and maintenance of their self-insured and insured health plans, cafeteria plans, wellness programs, and health reimbursement arrangements. Kim is seasoned in assisting clients with compliance with the Affordable Care Act, HIPAA, COBRA and other laws. She also advises clients on an array of employment law issues including hiring, discipline and termination practices, non-competition and non-solicitation agreements, and the development of policies and employee handbooks. As a former speech-language pathologist, Kim particularly enjoys helping employers with issues relating to compliance with the Americans with Disabilities Act.

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Jeff Dornbos is a trial attorney who practices in the areas of appellate litigation, employment litigation and professional liability defense. He has extensive courtroom experience, ranging from arguing motions and representing clients at hearings to conducting state and federal jury trials. He also has experience representing clients in state and federal appeals, including arguing before the Sixth Circuit Court of Appeals. Jeff is a seasoned litigator who excels at maintaining excellent client relationships..

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