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Fear and panic in the H.R. department as sexual harassment allegations multiply

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Hollywood mogul Harvey Weinstein has been accused of a pattern of sexual assault and harassment. (Andrew Kelly/Reuters)

Cecily Strong's much-watched "Claire from H.R." [character](#) on "Saturday Night Live" may have been frazzled and exasperated. But amid a deluge of sexual harassment allegations and reports of workplace misconduct, what many human resources managers are feeling is actually this: fear and panic.

Those are the three words CEB human resources consultant Brian Kropp used to describe what he's seeing and hearing from clients as they navigate a flood of complaints and a growing sense of unease that their company could be next in the headlines.

"They're worried these meteorites could be coming," he said, "but they have no idea how to protect their house."

But that anxiety is about more than whether there could be a Harvey Weinstein on the payroll. Kropp and others say that amid the rush of allegations, human resources managers are grappling with a changing social media, technology and cultural environment that makes it more challenging than ever to know how to respond.

"The playbook for H.R., when it comes to sexual harassment, is a 25- to 30-year-old playbook," said Kropp, one that has long worked this way: Employees made a complaint, H.R. took time to investigate, and the matter generally stayed private until it could be resolved. "It's too slow for addressing these issues as they occur now."

It's been upended by social media, as H.R. managers awkwardly wonder how to handle a [#metoo story](#) they read on a colleague's Facebook page that seems to implicate a co-worker. It can prompt questions about what to do when employees are chatting in anonymous workplace chatrooms like [Blind](#), or when a worker writes a public blog post about the sexual harassment they faced -- as former [Uber engineer Susan Fowler did](#). And it's bringing about a recognition among newer companies that after years of recruiting young workers with ping pong tables and beer taps, they may not have the H.R. pros in place with the skills to manage the current wave of complaints.

[\[Why sexual harassment training doesn't stop harassment\]](#)

All the while, they're in a tougher position with employees -- who may see them as less trustworthy, given the current uproar -- and more under scrutiny as top executives and boards of directors grapple with the issue. Employment lawyers say they're hearing about boards of directors who are setting up committees on sexual harassment and cultural issues. Brande Stelling, an outside member of an oversight panel formed by 21st Century Fox's board, who also leads advisory services for the research and consulting firm Catalyst, said she thinks more companies will see directors get involved. "It's now quite clear the implications from a risk perspective," she said.

Kropp isn't the only one sensing alarm bells among those who lead personnel departments. Human resource consultants and employment lawyers say their phones have been ringing more than ever and worry has set in as they consider how to respond.

"We're getting lots and lots of calls from employers who want us to help them re-evaluate their entire process, to look at their policy, to do some training," said Amy Bess, a partner with Vedder Price in Washington.

One of their big concerns is how to respond in an age of social media. "If you have a very public allegation that somebody in your organization has engaged in sexual harassment or other inappropriate behavior, companies are panicking about how to deal with it," she said. "Waiting around for a week or two to do a thorough investigation is probably not going to satisfy constituents."

As a result, she says, some companies are jumping to termination decisions quickly: "They are between a rock and a hard place, and many are opting to just get rid of the person." Less than 48 hours passed between when NBC News chairman Andy Lack said the network received a detailed complaint from an employee alleging inappropriate sexual behavior by "Today" host Matt Lauer and the [announcement](#) of Lauer's [termination](#).

Kropp says the #metoo campaign, in which women shared stories on social media of past experiences with harassment, can lead to delicate situations for human resources managers. If they see a story on a colleague's Facebook or Twitter page that sounds like the perpetrator might have been a co-worker or boss, it could seem like an invasion of privacy to step in and ask them to share sensitive details. "But if you don't do anything about it, you're exposing your company to legal and reputational risk," he said.

Bess said she's faced questions about that from clients, especially in the aftermath of the #metoo campaign, noting it's similar advice she gives on how an employer should respond when they hear rumors or gossip -- look into it. "They ask, 'I saw this employee post something on Facebook, do I have a duty to investigate it?' The answer, typically, is 'yes' if it implicates conduct in the workplace," she says.

[\[After sexual harassment cases, Fidelity's CEO has moved her office close to fund managers\]](#)

Another new issue human resources managers face is how to handle anonymous chat apps that let employees discuss workplace issues. One example is [Blind](#), which lets workers sign up with a work email address in order to verify their employment but then take part in an anonymous digital water cooler conversation.

"There's plenty of H.R. people on there," said Kropp, referring to the app, which he notes is popular among tech companies. "How do you handle that? It's another example of one of these places where there is so much information that other people can get access to, including things about sexual harassment at your company, that just never surfaced 10 years ago."

For instance, after former Uber engineer Fowler said on her personal blog that her complaints were ignored by H.R., the average time spent on the Blind app by Uber employees, said Blind's head of U.S. operations, Alex Shin, jumped from around 30 minutes a day to more than four hours, and has now settled back down to about 50 minutes. "That was a big turning point for us," said Shin, who said user growth has multiplied five times since Fowler's post. The app is currently focused on the tech industry, but he hopes to expand it to sectors like finance and retail next year.

Technology is also rewriting the rules for how quickly such allegations are addressed. With clear evidence more often available in the form of emails, texts or other electronic posts, said John Alan Doran, a Phoenix-based partner with the law firm Sherman & Howard, "the days of he-said, she-said have essentially been eliminated by technology." Increasingly, "somebody's got a screenshot somewhere, and the type of evidence that's laid before an H.R. person has morphed into being either irrefutable or provably bogus."

As a result, he said, the increase in electronic evidence has dramatically cut short the window companies have to respond. "These complaints have turned into a drop-everything scenario," Doran said. "When someone comes forward with electronic evidence, the response is going to be far more swift and -- for better or worse -- far more severe."

And in some cases human resources staff are not in place to deal with such complaints. David Lewis, who runs a consulting firm in Norwalk, Conn., said that in recent years, many newer companies have had personnel managers focused on attracting and retaining employees in a tight labor market, adding perks to mimic the work environments in Silicon Valley.

"The H.R. focus has been twisted into people who had titles like 'chief of fun,' " he said. "If you've hired someone more for their ability to retain or attract people, but aren't capable of dealing with complex employee relations, those are the companies I see really rethinking what the H.R. role is all about."

New tools are emerging to let employees go directly to chief executives and boards of directors with sexual harassment complaints. A web site called [AllVoices](#) set to launch early next year will let employees [bypass](#) H.R. and anonymously answer structured questions about their experiences with harassment and discrimination. Aggregated, anonymous results will be compiled in a "dashboard" for the CEO and the board.

The founder, former 20th Century Fox film studio executive Claire Schmidt, said she got the idea for the site after realizing that "most people I talked to who had experienced harassment really did not feel safe reporting that harassment at work, to H.R. or to their bosses," she said. "They were worried about retaliation. They were worried about how they were perceived."

The web site could help prevent information from getting filtered through H.R., or keep senior executives from being able to say they weren't aware of a problem. Yet that could also set up a risk for H.R., said Philadelphia-based employment lawyer Jonathan Segal, where they are seen as even less potent at managing sexual harassment complaints than some employees see them today.

"Some argue H.R. is insufficiently effective," Segal said. "But if they're not being included, they're not going to be effective."

Still, at many companies, said Lewis and others, a big fear for H.R. remains a concern that the organization's cultural problems are not taken seriously enough.

H.R. managers "who are aware of cultural issues dogging their company haven't been able to get management to move the needle, to say 'hey, we're next, we're going to be the next company people are writing about,'" he said. "You can see them sticking the story in the newspaper in front of [executives] and saying 'doesn't this sound a lot like us?'"

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