

# #MeToo: What Businesses Must Know To Prevent Sexual Harassment In The Aftermath Of The Harvey Weinstein Scandal

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Following the recent revelations of numerous sexual harassment and assault accusations against Hollywood mogul Harvey Weinstein, the #MeToo movement has created a potentially game-changing shift in how sexual harassment and assault cases are perceived and treated.

Designed to create a sense of solidarity amongst victims of sexual assault, and to “give people a sense of the magnitude of the problem,” the movement has exploded since actress Alyssa Milano recently requested on social media that her followers reply with a “me too” if they too had experienced sexual harassment or assault.

Not surprisingly, an outpouring of responses followed across social media as numerous victims have been emboldened to step forward and present accusations against their harassers. The #MeToo movement has now moved far beyond Hollywood circles to implicate a number of high profile individuals across a variety of industries and workplaces.

Although the legal standards prohibiting sexual misconduct in the workplace have long been well-established, this newly heightened awareness of sexual harassment issues is something that businesses must be keenly aware of. As highlighted by the #MeToo movement, sexual harassment remains a major problem in the modern workplace. Despite the seemingly constant stream of such complaints in the news, the Equal Employment Opportunity Commission has reported that it is in fact the case that three out of four people experiencing harassment in the workplace do not speak out due to fears of their complaints being casually dismissed, or worse, fears of retaliation for bringing complaints.

Yet with the growing shift in attitudes brought about by the #MeToo movement, we may see that many of those potential complaints that previously went unreported may now be brought out in the open. Employees are more than ever feeling empowered to enforce their rights by stepping forward with internal complaints and to pursue litigation. In this environment, New Jersey employers must be especially vigilant, as the New Jersey Law Against Discrimination, a state statute, provides broad protections to employees bringing complaints of sexual misconduct, and applies widely to businesses of all types and sizes.

In light of the above, what steps can businesses take to prevent being next on the list of those with issues of sexual harassment? As a business owner, it is never too late to take precautionary measures to prevent such conduct in the workplace, and prevent or limit employer liability.

Businesses should have policies prohibiting sexual harassment, and clear and confidential channels for employees to report any misconduct that occurs. For those employers that already maintain anti-harassment policies, employees should be trained to understand and comply with those policies.

For complaints that are reported, businesses must be careful not to dismiss complaints with a “boys will be boys” attitude, and to seriously investigate and take remedial action when necessary. Businesses should strongly consider using third-party investigators to allow for a fair and impartial investigation.

Finally, businesses should work to create a workplace culture that does not tolerate harassment in any form, and apply its rules equally to all employees from top to bottom.

As the #MeToo movement shows, the problem of sexual harassment unfortunately remains prevalent in our workplaces, and businesses will need to continue to deal with these issues carefully.

If you have been the victim of workplace harassment, or should your business require assistance in implementing any of the above precautionary measures, objectively evaluating any complaints or sexual harassment issues that arise in your workplace, or any other employment law issues, contact an Einhorn Barbarito attorney.