

Workplace Harassment Benchmark Survey

Executive Summary

NAVEX Global, the world's largest provider of workplace ethics and compliance solutions, conducted a survey of 500+ ethics and compliance business professionals to identify trends in broader workplace harassment, discrimination and retaliation. As some of the most pervasive, people-driven risks facing employers today, prevention measures are also evolving to tackle these core compliance issues.

Key learnings from the Workplace Harassment Benchmark Survey are placed in context with broader industry and NAVEX Global research to arrive at the following important trends to watch:

1. Beyond a myopic focus on sexual harassment, retaliation continues to be a pressing risk for employers
2. Employers are not properly prepared to handle risks associated with employee use of social media
3. Employers are rethinking harassment in general, the most common compliance risk
4. Global and generational viewpoints will be important to tackle moving forward

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BEYOND A MYOPIC FOCUS ON SEXUAL HARASSMENT, RETALIATION CONTINUES TO BE A PRESSING RISK FOR EMPLOYERS

Key takeaway: Prevention efforts are an integral part of avoidance and risk mitigation.

Retaliation charges are still the most frequently filed claim (38.1%) with the EEOC (greater than even sex and race discrimination). Retaliation charge numbers have increased steadily over the past 15 years.

Supporting the EEOC trend, an October 2012 NAVEX Global survey on **Retaliation in the Workplace** concluded that retaliation claims will continue to be a vexing problem for employers.

- 18% of respondents from the NAVEX Global Retaliation survey said they expect retaliation claims to rise in the next year, and a majority said their levels will remain the same as this year.

Those numbers align with NAVEX Global's March 2013 Workplace Harassment Benchmark research:

- 18% of survey participants saw an increase in retaliation complaints in the past 12 months.
- 16% saw an increase in bullying complaints in the past 12 months (where bullying is present, a culture of fear and silence is often established, resulting in low reporting rates, and bullying can be sited as a form of retaliation).

HARASSMENT TRAINING EVOLVED

In the face of strong retaliation trends in charge numbers and in litigation – and with increased regulatory and judicial focus on expanding protections for whistleblowers – employers are taking this risk more seriously and focusing on prevention.

- Training and employee communication efforts are critical; they help keep risk down and ensure a healthy culture of compliance and integrity.
- Most NAVEX Global Workplace Harassment Benchmark survey participants are taking multiple actions designed to help prevent retaliation. The most frequently-utilized measures include:



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EMPLOYERS ARE NOT PROPERLY PREPARED TO HANDLE RISKS ASSOCIATED WITH EMPLOYEE USE OF SOCIAL MEDIA

Key takeaway: Employers should expect to see continued increase in complaints tied to social media use.

Social media use by employees (even during the workday) is here to stay.

- Users spend 700 billion minutes per month on Facebook according to usage statistics.
- Participants don't need employer property to access social networks during the work day.

Social media presents new opportunities for old school misconduct like inappropriate discussions, harassment, bullying and even retaliation – and employers are already feeling the increasing risk.

- Courts recently upheld a \$1.6 million verdict in favor of an employee with a disability who was harassed by co-workers on a blog outside the workplace. The employee reported the harassment but the employer failed to take effective action. The employer was found liable because it was aware of the harassment and didn't stop it.¹
- In 2012, an employer paid \$2.3 million to settle a lawsuit brought by the EEOC alleging sexual harassment and retaliation. A store manager allegedly sent sexually charged text messages to an employee who reported the harassment to her direct supervisor; that supervisor was then fired after reporting the incidents to the legal department.
- The Workplace Harassment Benchmark survey found that 6% of survey participants saw an increase in complaints via social media in the past 12 months

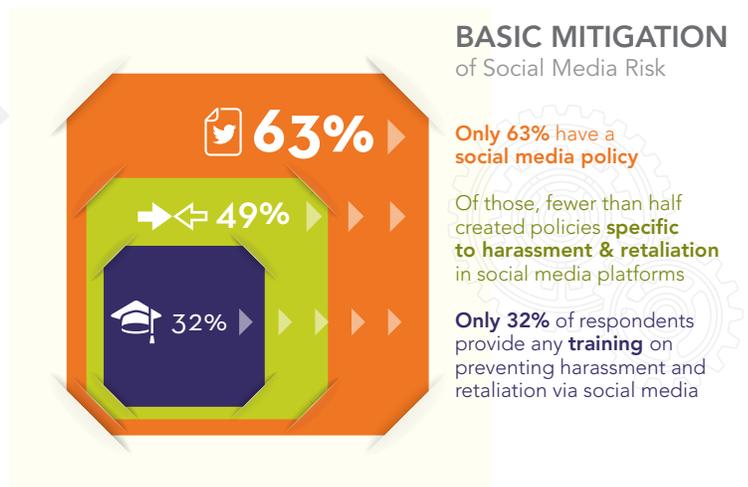
¹ **Social Media Takes Workplace Harassment To New Levels**, Joan Farrell, JD, November 7, 2012, HR.BLR.com

EMPLOYERS RETHINK HARASSMENT

Even given the risks, a significant number of employers have not properly protected themselves with simple but effective mitigation measures.

Employers are missing a huge opportunity to mitigate risk and set expectations with their employees. Two simple actions to enact:

- Have clear and detailed rules about what is appropriate, including limits on 'personal' activity that still has a material impact on the workplace.
- Communicate the rules to employees with high-quality training.



Absent a commitment to these simple fundamentals, risk will continue on its upward trajectory.

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EMPLOYERS ARE RETHINKING HARASSMENT IN GENERAL, THE MOST COMMON COMPLIANCE RISK

Key takeaway: Harassment, unlike other compliance areas, is one where all employees have the ability to create risk for an organization and dramatically impact culture.

Even though 78% of survey respondents provide harassment training every year or every other year, employers should be asking themselves:

- If their current harassment training curriculum reflects today's trends and issues?
- Whether it has been effective at changing behaviors?
- Whether it's merely a check-the-box experience?

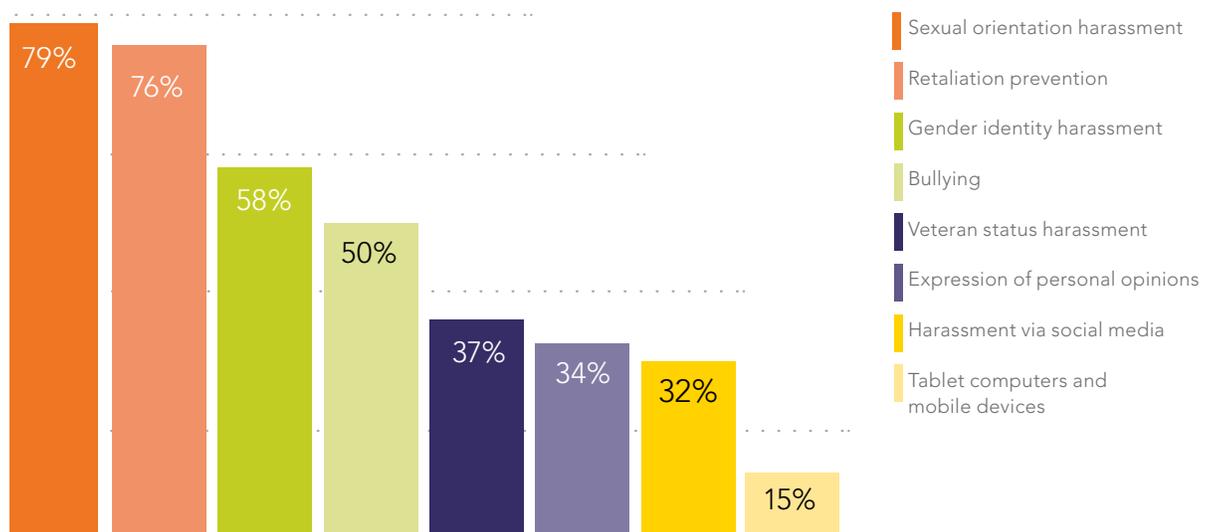
The numbers suggest that few employers have used AB1825 (the California law mandating sexual and other forms of harassment training for managers every two years) to help inform their approach to training employees and managers.

- In the years since AB1825 became law, employers have not evolved their training programs to reflect the gold standard California requirements.
- HR professionals who responded to the Workplace Harassment Benchmark survey said that, as a result of AB1825:
 - ▶ 23% improved training for employees and managers in California only
 - ▶ 37% now provide up to two hours of training to all managers, regardless of location
 - ▶ But for nearly 40%, no changes were made to their harassment program to align with California training mandates.

- Creating one approach to address harassment risk based on legal mandates and another where mandates do not apply is a high-risk decision—one that can backfire in litigation and when defending charges of harassment before the EEOC or state agencies.

High-quality sexual harassment and general harassment training (not-check the box training) improves employee behavior. However, programs must be fresh and relevant to engage learners. New harassment trends that emerge must be addressed (i.e. social media); failing to cover new trends in training programs leaves a hole in an organization’s risk mitigation and culture efforts.

So what hot trends are being covered in harassment training?



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GLOBAL AND GENERATIONAL VIEWPOINTS WILL BE IMPORTANT TO TACKLE MOVING FORWARD

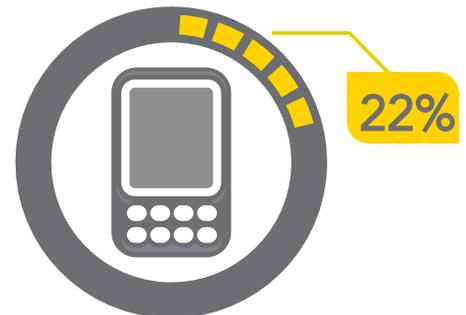
Key takeaway: Messages and modes of delivery across generations and geographies will be necessary to fully address harassment risk, increase message retention and enact behavioral change.

Another important trend revealed by the Workplace Harassment Benchmark survey results is the growing importance of creating a global message of respect and intolerance for harassment.

- Harassment is not just a U.S. issue; employees around the globe are exposed to it routinely. And even though global laws may not be as mature as the US laws, or may not even be enforced, that does not make harassment tolerance acceptable.
- U.S.-specific training does not address the issue appropriately for global audiences – scenarios should be relevant, cultural nuances are critical to address and in-language training makes a critical difference.
- Also increasing in importance for compliance officers will be the ability to deliver the right local policy as part of localized training as the trend around combining policy attestation and training efforts continues to grow.

MOBILE TRAINING TREND EMERGES

- Harassment has devastating effects on culture, morale and employee productivity – wherever employees are located. Exporting this vital message around the globe is not only good for employees, it's good for business.
- The Benchmark survey revealed that, of employers with global employees, 58% are now providing harassment training to employees outside the US
- Employers are also starting to think differently about how they deliver training to their employees and managers:
 - ▶ Mobile learning is an area that is increasing in utilization – giving employers the power to deliver training when and how they want to, and to utilize shorter, more frequent training to keep important messages top of mind for their employees.
 - ▶ 22% now offer some form of compliance training on mobile devices or tablets.



ABOUT NAVEX GLOBAL

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