

“Workplace Sexual Harassment in a Post-Weinstein (Cosby, O'Reilly, Lauer, etc.) World”

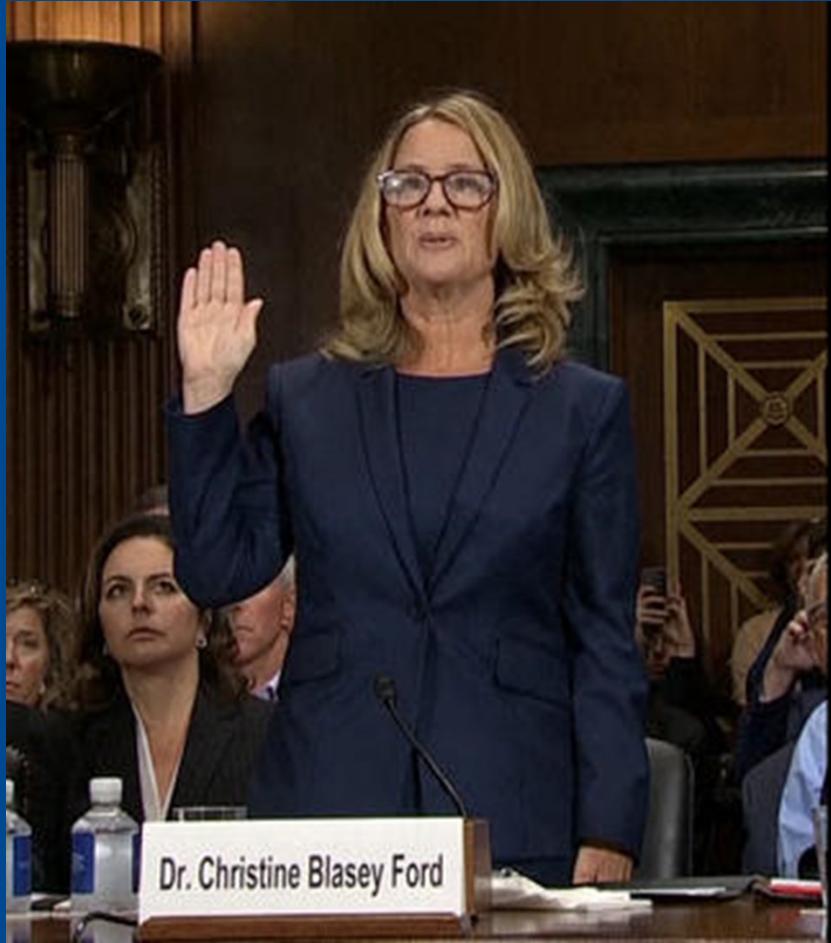
(Bonus Content: “Social Media in a
Post-Pandemic World!”)

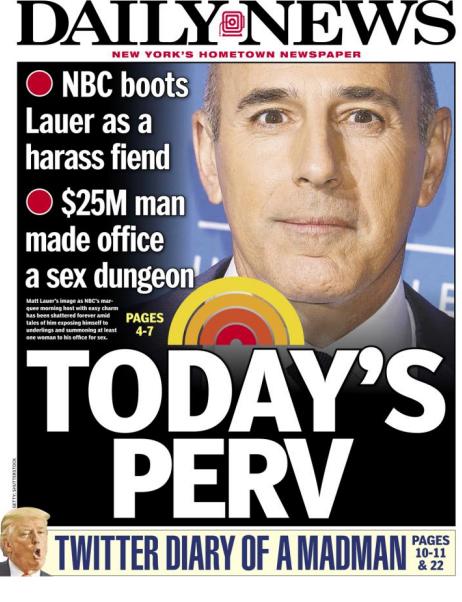
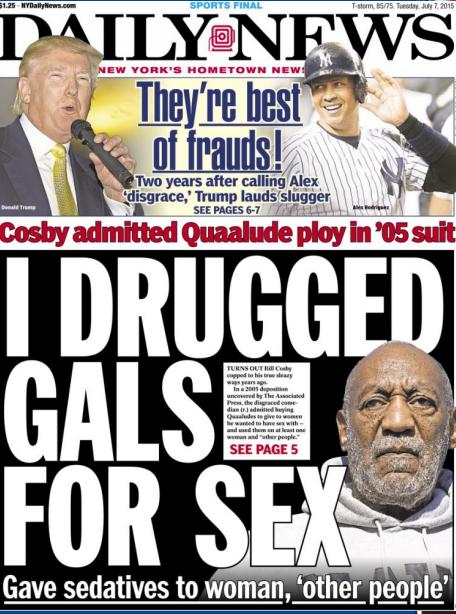
Todd Shill, Esquire



PILLAR+AUGHT







#metoo



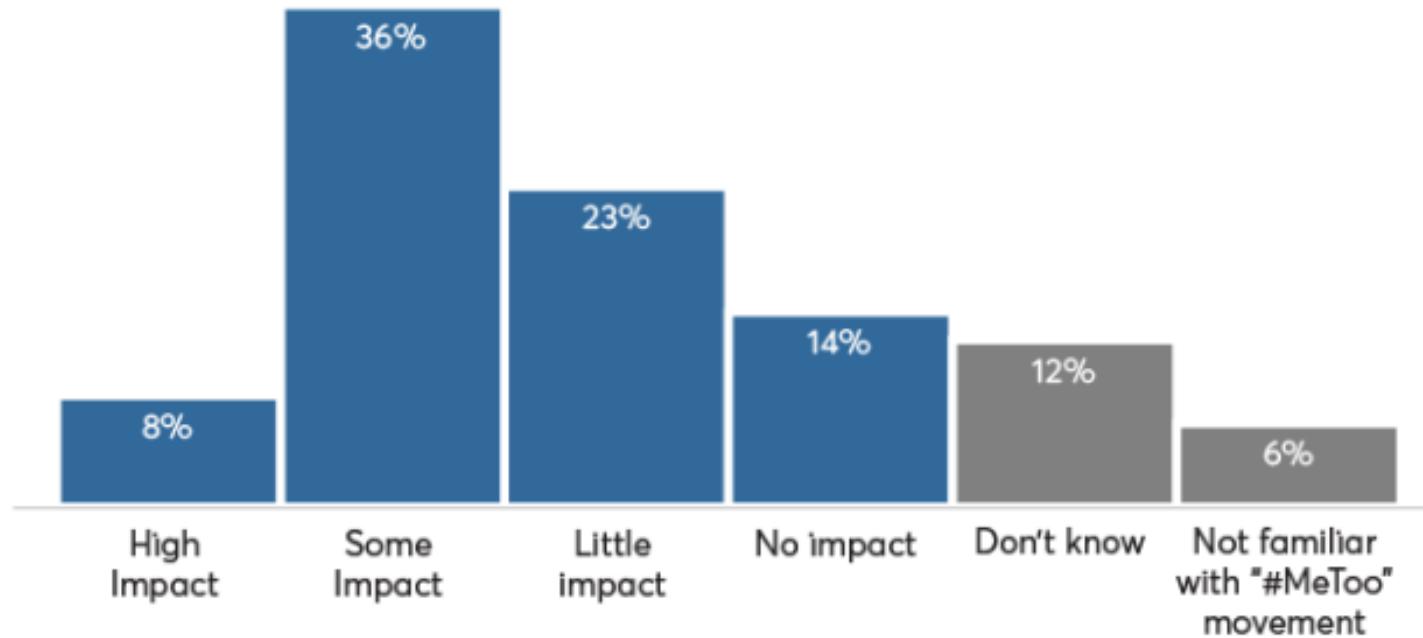
#timeup
#silencebreakers

One Year Later ...

- During the first 12 months following the New York Times' reported allegations of predatory harassment by movie mogul Harvey Weinstein, at least **425** prominent people across a variety of industries have been publicly accused of sexual misconduct.
- This data, compiled by Bloomberg, is culled from **publicly reported allegations only** and does not take into account non-public allegations. Crisis consultants put the true number of allegations at **800** or more.
- Accountability looks different in politics than it does in business. The politician resigns or retires, but companies experience significant financial deterioration after executive bad behavior comes to light for **5 years or more**.

Divisive subject

Survey respondents in the banking, payments and mortgage sectors were split over what effect the #MeToo movement would have on their industry



EEOC Select Task Force Report

Workplace Sexual Harassment

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION



SELECT TASK FORCE ON THE STUDY OF HARASSMENT IN THE WORKPLACE

REPORT OF CO-CHAIRS
CHAI R. FELDBLUM & VICTORIA A. LIPNIC

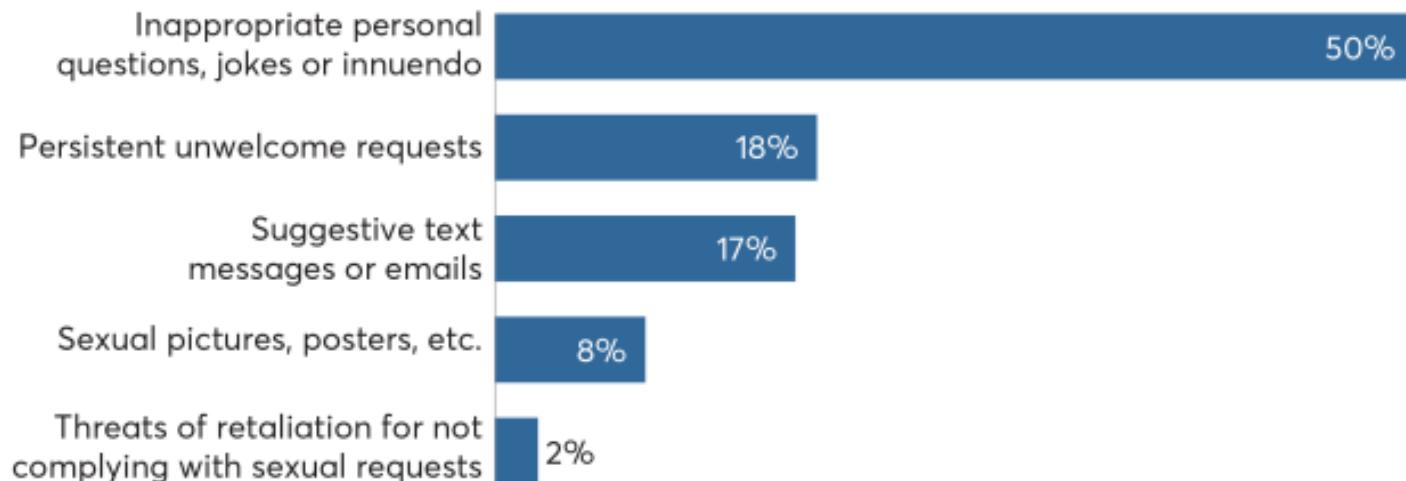
EEOC Select Task Force Report

Workplace Sexual Harassment

- When asked if they experienced “**sexual harassment**” in the workplace (without defining the term), approximately one in four women (25%) responded affirmatively.
- When asked if they experienced **specific sexually-based behaviors** (such as unwanted sexual attention or sexual coercion) and/or **sexist or crude behavior** (e.g., calling a female co-worker derogatory names, posting pornography, telling anti-female jokes), the rate rose to approximately 60% of women.
- 50% Increase in harassment complaints over the last 12 months

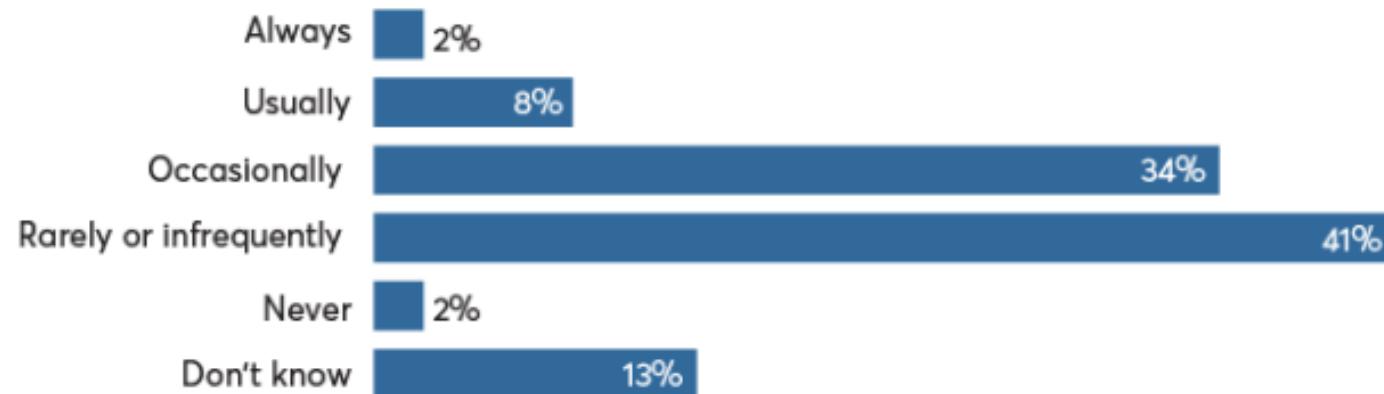
Inappropriate behavior

% of bank employees who experienced, witnessed or heard about each type of sexual misconduct in the workplace



Rarely reported

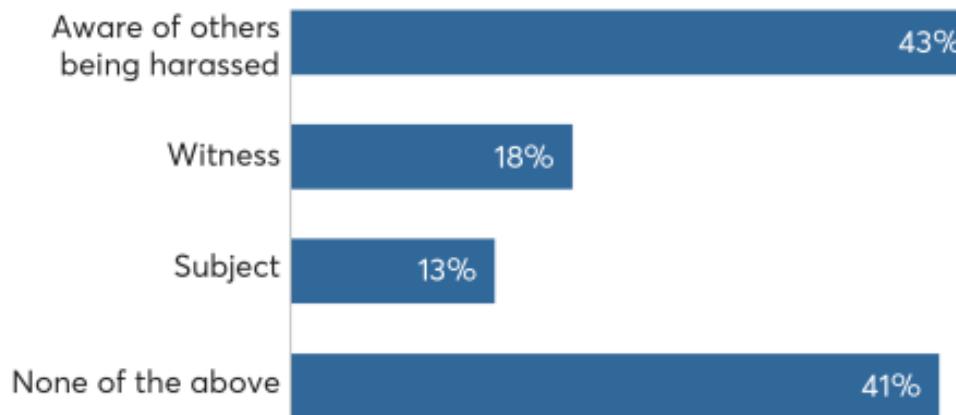
To what extent do you think unwanted sexual conduct is reported in the banking, payments and mortgage sectors?



Source: "Sexual Harassment in the Professional Workplace," a SourceMedia Research survey, Feb.-Mar. 2018

Defining harassment's scope in banking

Most respondents in banking, mortgages and payments sectors say they are, at minimum, aware of sexual harassment in the workplace



Wall Street's Strategy For Handling The #MeToo Movement

“The Pence Effect”

- Do not dine with female colleagues
- Do not sit next to female colleagues on flights
- Avoid one on one meetings with females
- Keep the office door open
- Do not mentor women
- Do not hire women

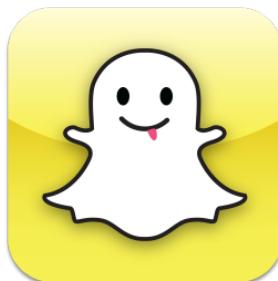
What Your Bank's Strategy For Handling The #MeToo Movement Should Be

“Improve Your Culture”

- Leadership must send a message
- Create new policies
- Train your employees
- Investigate and respond promptly to complaints
- Avoid legal strategy that blames the victim
- Make the hard (right) decisions
- Do not retaliate (avoid “The Pence Effect”)



twitter



tumblr

Linkedin



Pinterest

You Tube
Broadcast Yourself™



Social Media & Employment

“Concerted Activities”

National Labor Relations Act:

“Employees shall have the right to ... engage in ... concerted activities for the purpose of collective bargaining or other mutual aid or protection”

29 U.S.C. § 157

Social Media & Employment

“Concerted Activities” (cont’d)

- “*Protected, concerted activity*”
 - Protected: involving the terms and conditions of employment
 - Concerted: be directed to or involve other co-workers
- Does **not** apply to:
 - Mere “gripes”
 - Offensive* and/or reckless conduct



Social Media & Employment

Discrimination

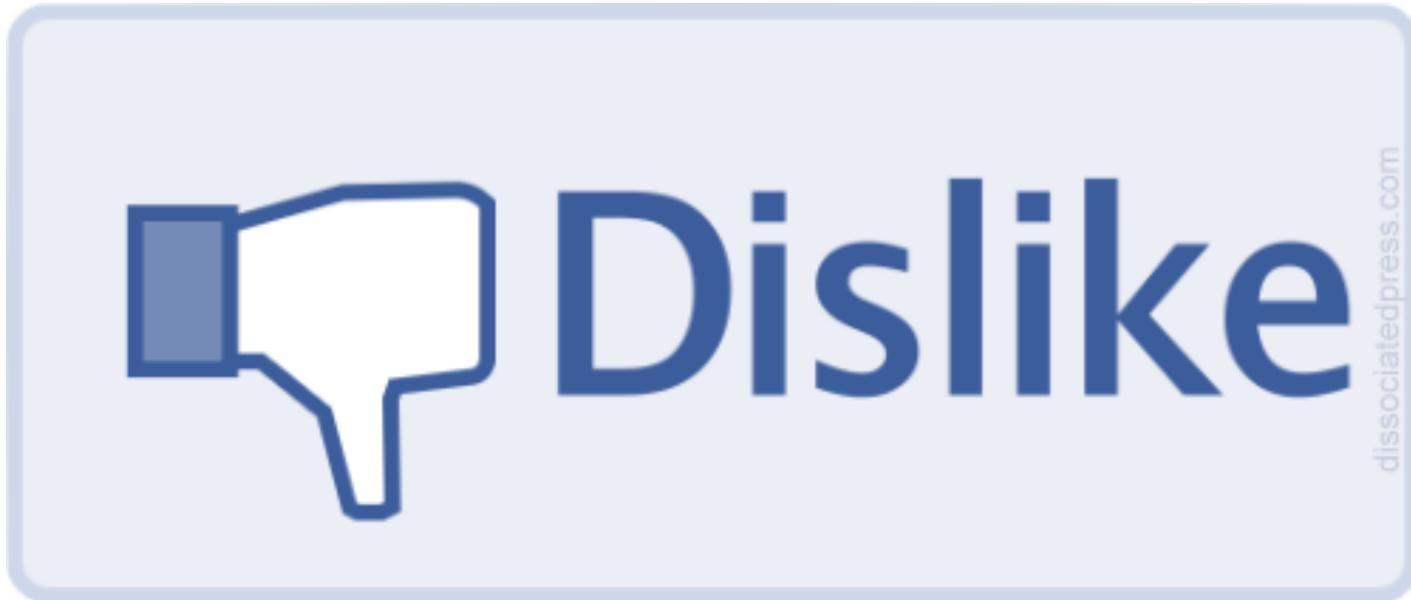
- Title VII of the Civil Rights Act of 1964 (***race, sex, national origin***);
 - Age Discrimination in Employment Act (***age***);
 - Americans with Disabilities Act (***disability***);
 - Genetic Information Nondiscrimination Act; (***genetic info***);
 - Pennsylvania Human Relations Act (***all of the above***).
-
- Must ensure consistent treatment & enforcement of policies.
 - The appearance of differential treatment is enough to establish a claim for discrimination.
 - Also includes claims for harassment/hostile work environment and retaliation.

Social Media & Employment

Prior to taking any adverse employment action against an employee on account of the content of his or her social media posting, ask yourself...

1. How did you become aware of the post in the first place?
(Stored Communications Act)
2. Is the employee discussing the terms and conditions of employment with other employees?
(National Labor Relations Act/Public Employee Relations Act)
3. Is the contemplated action consistent with past practice?
(Discrimination laws)

Facebook *Faux Pas* (Post-March 2020)





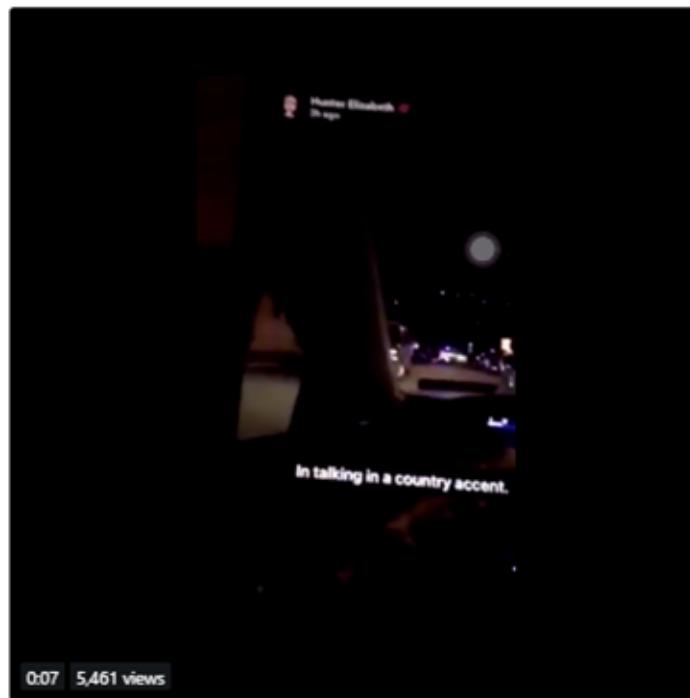
Home



T. @tyraerenee

Follow

Thought I'd share this... This is the type of stuff we have to deal with. 🚫 her name is Hunter Elizabeth. #AntwonRose #JusticeForAntwon



9:12 PM - 24 Jun 2018

90 Retweets 79 Likes



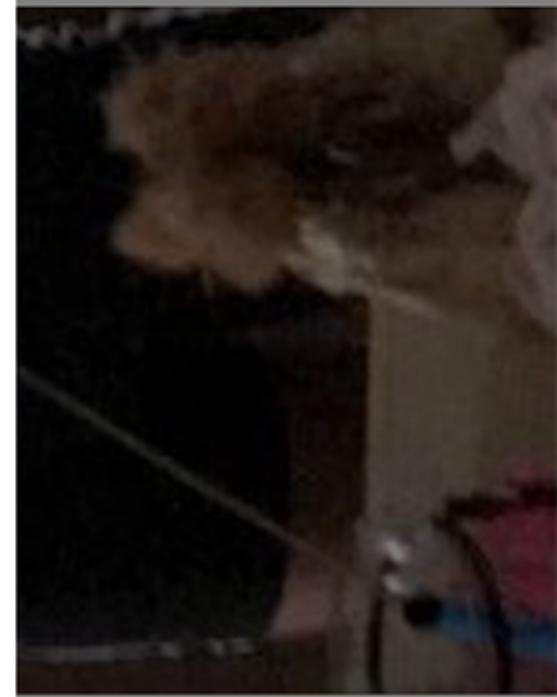
10

90

79



Have an account? Log in ▾



© 2018 Twitter About Help Center Terms
Privacy policy Cookies Ads info

[Home \(2\)](#)

Typically replies in minutes



This woman works for the PNC downtown Pittsburgh as a mortgage customer representative. This is absolutely unacceptable!

I bank with PNC as well as family and friends and I will be reaching out to all of my family and friends to discontinue any business relationships with Pnc Bank.

1:49 PM

We learned about the employee's conduct this a.m. and immediately investigated the matter. Based on that review, we promptly terminated her employment with PNC.



Aa



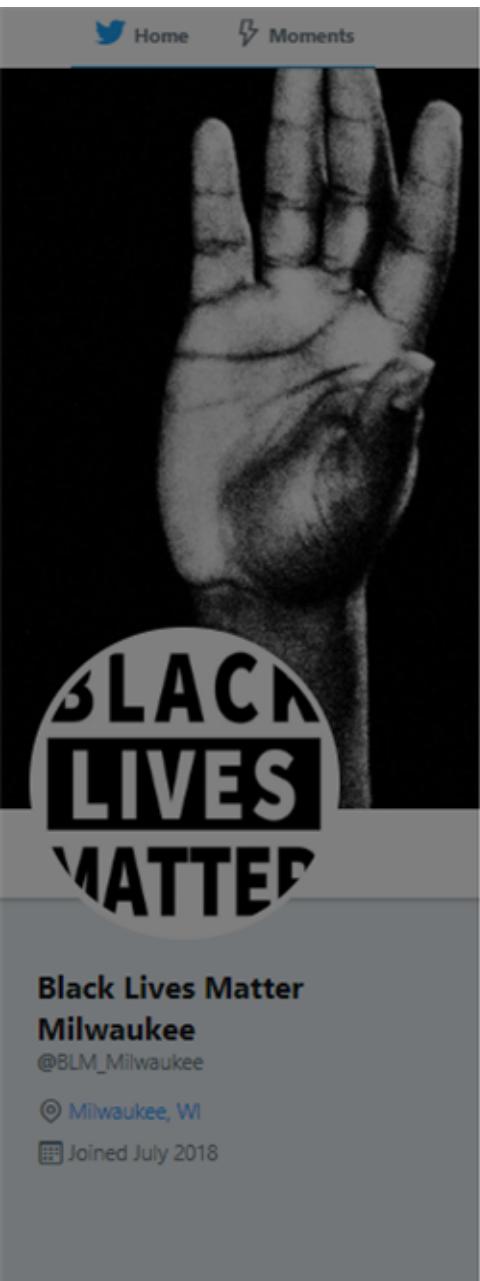


Baptist Health Paducah

4 hrs ·

...

Our mission at Baptist Health is to provide high-quality, compassionate care to all of our patients. Baptist Health does not tolerate disrespectful conduct or discrimination in any form. It has come to our attention that an employee recently made statements on social media which do not reflect the values of Baptist Health and have caused disruption to our ability to carry out our mission to our patients and to our employees. This individual is no longer employed by Baptist Health.



Black Lives Matter Milwaukee
@BLM_Milwaukee

Follow

Spread her shame! #DeniseDHealy
#MakeHerFamous #JusticeForAntwon

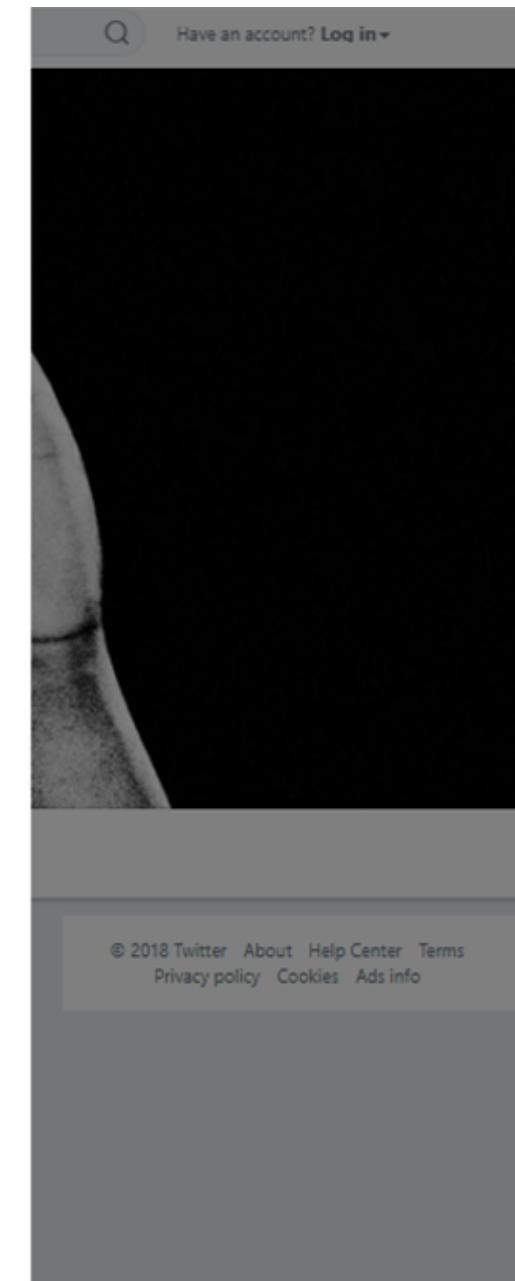
A photograph of a Samsung smartphone displaying a tweet. The screen shows the Twitter interface with a blue header for Marguerite Sloan Gwynn. The tweet is from Denise D Healy, posted 10 hours ago. The text of the tweet is:

I'm so annoyed with these stupid protestors that stick up and feel bad for that knucklehead Antwon rose. He was up to no good and he got what he deserved. Good job to the policeman who took out the sorry piece of crap good riddens one less idiot off our streets. Wish cops would do that more often.

The tweet was posted at 7:44 PM - 1 Jul 2018. It has 2 Retweets and 3 Likes. The footer of the tweet shows the Black Lives Matter Milwaukee logo.



Have an account? Log in ▾





Allegheny Health Network



...

11 hrs •

The regrettable views expressed yesterday on a former employee's private social media page related to the shooting of Antwon Rose clearly do not reflect the position or values of our organization. The employee in question is no longer affiliated with Allegheny Health Network. We take such matters seriously and have addressed it in an appropriate manner.



118

5 Comments • 17 Shares



6

**Sean Collins**

The first thing I would have done was unloaded my clip on them and then drove through them cuz I would've been in fear for my life

3d

Like

Reply



2



Diane Amoratis



POSTS



Diane Amoratis

Yesterday at 9:06 AM · Philadelphia ·

They should have bulldozed the BLM protest at the 24/25th district last night. Disgraceful!!! And for all the police officers who have to work amongst these trouble makers, you deserve all the praise in the world. Especially the officer who stood there while that fat, braided hair, piece of **shit** trouble maker ranted so despicably in your face. You sir, you deserve a medal for letting her continue to make an ass of herself and showing what a low life she really is, and you were strong. Kudos to the Philly PD!!! Blacks kill each other every day, all day long, and it's ok with them. Why no protest when Jamal kills Kalif???? Well, I AM WHITE AND PROUD TO BE WHITE!! WHITE LIVES MATTER!!!! POLICE OFFICERS LIVES MATTER!!! Keep your circus in your own neighborhood!!! Get a life, a honest job, and RAISE YOUR KIDS TO BE PRODUCTIVE CITIZENS!!!! I am sick and tired of all this **bullshit** with the black people!! If you don't like my post, then delete me as your friend.



21

9 Comments 1 Share

Share



News Feed



Requests



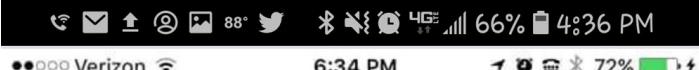
Messenger



Notifications 19



More



Karen Peconi shared a video.
29 mins ·

VIRAL LEAKS
July 27, 2017 ·

Rioters destroyed by water cannon!! 😱😱😱

83.3K Views

1 Share

Like

Comment

Share

2



Karen Peconi
We need one of these for tomorrow.

28m Like Reply



Write a comment...



8

1 Comment

Like

Comment

Share



Kevin Bain

1 hr ·

...

No more masks. Any business that tells me to put on a mask (Whole Foods on Lomo Alto) in Dallas will get told to kiss my Corona ass and will lose my business forever. It's time to stop this BULLSHIT. Do I have to show the lame security guard outside of a ghetto store my CV19 test results? I will show him my Glock 21 shooting range results. With Hornady hollow points. Pricey ammo, but worth it in this situation. They have reached the limit. I have more power than they do.....they just don't know it yet.

This afternoon we learned that an administrative employee of the Firm issued a threatening and offensive post on a personal social media account related to COVID-19 mask protections. This post is a complete violation of the values of our Firm, including our commitment to the health and safety of the communities we serve. We have terminated this individual's employment and notified the proper authorities about the post as a precaution. We are deeply sorry for this situation. This type of post is not and never will be tolerated by our Firm.

ThompsonKnight

HJB STATEMENT

**THE HERSHEY JR. BEARS DENOUNCE THE SOCIAL MEDIA STATEMENT
MADE BY A COACH WHO MADE INAPPROPRIATE REMARKS
REGARDING THREATS OF VIOLENCE AGAINST PROTESTORS.**

**THE HERSHEY JR., BEARS ORGANIZATION DOES NOT TOLERATE
HATE OR THREATS OF VIOLENCE OF ANY KIND. THE POST HAS BEEN
REMOVED AND THE COACH HAS BEEN RELIEVED FROM HIS POSITION**

**LINDA UMBERGER, PRESIDENT, HERSHEY JR. BEARS
DOUG YINGST, CHAIRMAN OF THE BOARD, HERSHEY JR. BEARS**

