

Addressing Sexual Harassment in the #MeToo Era: A Four-Part Series

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Vedder Price Labor & Employment Shareholders Amy L. Bess and Sadina Montani are taking an in-depth look at how companies can move forward in the era of #MeToo through a four-part series published by *Corporate Compliance Insights*. The following excerpts are from the first three articles of the four-part series.

Addressing Sexual Harassment in the #MeToo Era: Best Practices for Investigating Allegations

The #MeToo movement has brought to light allegations of misconduct by members of countless industries. As a result, in workplaces and on social media, we're beginning to discuss in earnest what constitutes workplace harassment and employers' obligations to combat it. Is your company holding these conversations, and do you know what to discuss?

Not all sexual harassment red flags come in the form of a neatly typed, formal complaint placed on the desk of a senior HR leader. In fact, few do. The days of de-prioritizing a compliance issue – such as a possible sexual harassment concern – because it wasn't raised through a company's HR department are gone.

Addressing Sexual Harassment in the #MeToo Era: The Rights of the Alleged Harasser

In the second installment of this four-part series from Vedder Price's Amy Bess and Sadina Montani, the authors discuss the balance employers must strike when investigating sexual misconduct: the company must act swiftly, but not hastily. Both parties have rights to consider, and a misstep in handling the allegation can expose the company to potential litigation from the alleged harasser.

In recent months, it seems not a week goes by without news of another high-profile alleged harasser fired or forced to resign almost immediately after allegations of workplace harassment become public. What usually is not apparent, of course, is whether such allegations were carefully investigated and corroborated behind closed doors prior to the public revelations. Regardless, the swift, public fall of high-profile figures – while certainly dramatic and newsworthy – should not serve as a playbook for how to treat all employees accused of sexual harassment in the workplace.

Addressing Sexual Harassment in the #MeToo Era: The Superstar Harasser – Is Anyone Really Too Big to Lose?

In the third installment of this four-part series from Vedder Price's Amy Bess and Sadina Montani, the authors discuss what happens when the alleged harasser is the "star" of an organization and if there are special steps to be taken.

As we have observed with startling frequency, a surprising number of very successful people recently have been brought down by revelations of their sexually harassing behavior. When the alleged harasser is the public face of an organization, a top sales generator, a big law firm rainmaker or a C-Suite leader, employers often start with a presumption that the benefits of protecting their "star" outweigh the costs to the organization of losing his or her contributions. But is that an accurate assumption?

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Amy L. Bess currently serves as Chair of the Labor and Employment practice area and is a member of the firm's Board of Directors. Her employment litigation experience includes the representation of employers before U.S. state and federal courts and administrative agencies, defending against claims of race, sex, disability and age discrimination; sexual harassment; whistleblower retaliation; restrictive-covenant disputes; wrongful termination; and wage and hour violations. She regularly counsels clients in all of these areas, drafts and negotiates employment and severance agreements, conducts on-site workplace investigations, presents training seminars and speaks to employer groups on avoiding workplace problems. Ms. Bess also has experience advising clients regarding their public accommodation obligations under Title III of the Americans with Disabilities Act and representing clients in litigation involving related claims.

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