

Best Practices on Diversity, Inclusion and Sexual Respect

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In this moment:

Increased attention to gender diversity, pay equity and sexual harassment in business settings:

- Consumer and marketplace demands
- Employee advocacy and claims
- Media coverage
- Litigation exposure
- Significant functional and reputational risks

What changed?

Social media – opportunities for sharing information and experiences.

In the US – attention moved from military to universities to business sector and beyond.

Why the urgency?

Significant costs – human, corporate and other

Shift in concept from an individual problem to
a **systemic and dignitary issue**

What are the issues?

Three types of sex discrimination:

1. **Sexual harassment**: Unwelcome sexual advances, requests for sexual contact, and other verbal, physical or visual conduct of a sexual nature.
2. **Hostile environment**: Acts that interfere with someone's ability to do their work on the same basis as others.
3. **Quid pro quo**: You engage in this sexual act with me and I will hire you/promote you/etc.

What are the Issues? (Cont.)

4. **Sex stereotyping**: Giving men and women different opportunities based on their gender OR treating some men or women worse than others because they don't conform to gender stereotypes.

Ex: Ann Hopkins denied partnership at Price Waterhouse because she wasn't feminine enough (US Supreme Court 1989)

5. **Pay inequity**: Paying men and women different amounts for substantially similar work.

Note on reporting: UK now requires employers with 250 or more employees to publish data comparing men and women's average pay across the organization. Other countries with mandatory reporting include Australia and Germany.

The Reach of the Problem

Many studies around the world find that more than 50+% of women experience sexual harassment through work.

Substantial percentages of women and men also experience sexual assault, relationship violence, and stalking.

→ Significant negative personal and economic effects on individuals at work and at home

→ High costs to business and to government

And the costs

- For the individual: productivity, career, personal well-being
- For the firm:
 - *Conflict/Morale*
 - *Reduced quality of work*
 - *Absenteeism*
 - *Turnover*
 - *Complaints and litigation*
 - *Negative publicity*
 - *Enduring reputational harm*

An old study (1988) reported on by the World Economic Forum estimated that the average Fortune 500 company with 24,750 employees lost \$6.7 million per year due to sexual harassment.

Recent reports - including litigation settlements and high-level executive departures – show substantially higher costs.

Key elements of effective response:

- Commitment Statement
- Clear Policy
- Multiple Reporting Options
- Regular Training
- Oversight
- Accountability

An Illustration - The 21st Century Fox Settlement

Key Elements of the Non-Monetary Agreement

- Clear and specific commitment statement and policies
- Public disclosure of the commitment statement
- Creation of a Workplace Professionalism and Inclusion Council
 - *Outside members, senior executives*
 - *Direct reporting to Board of Directors committee*
- Scope of Council's work:
 - *Monitor and report on policy enforcement, communications*
 - *Accountability-based performance oversight*
 - *Data-gathering from employees, including anonymous periodic surveys*
 - *Allocation of resources to support the Council's work*
 - *Council has authority to report publicly*

The Fox Commitment Statement

Twenty-First Century Fox and Fox News are affirmatively committed and obligated to a business practice and corporate value of zero tolerance for sexual harassment, race discrimination, and all other forms of discrimination prohibited by law, and a corporate policy that creates a safe, productive and welcoming workplace for all of their employees.

Twenty-First Century Fox and Fox News are also affirmatively committed and obligated to a business practice and corporate value of zero tolerance for retaliation.

This commitment and obligation to zero tolerance for retaliation includes retaliation against anyone who in good faith complains about harassment or discrimination, or who provides support, as a witness or otherwise, for a complaint regarding harassment or discrimination.

Policy Key Elements:

Identify what conduct is prohibited – and illustrate *with scenarios*

Answer these questions:

Where to get help/file a complaint?

What is the process for investigating complaints?

What happens if someone violates policy?

Link to underlying values – Fair to all and sensitive to the issues involved

Next Steps: Excellent Communication

- **Link corporate values to policy commitments**

- We value all employees.

- Our commitment to nondiscrimination is part of our corporate vision and our bottom line.*

- **Employee awareness** is key

- **Clear and easy-access website** with policy information and reporting options

Excellent Training

- Make it **interesting** – conversations are better than speeches
- Make it **ongoing** – not just once a year in one session (quick refreshers)
- Keep in mind **barriers to reporting**:
 - Information – not sure where to go
 - Trust/fairness/sensitivity – concerns about trusting the organization's process
 - Stigma/embarrassment/self-blame
 - Depression or other mental health challenges
 - Other forms of discrimination or harm (e.g. based on race, sexual orientation, religion, gender identity, etc.)
 - Retaliation concerns – both formal and informal – especially if the complaint is brought against a popular or powerful person

Training Content: Key Elements

Organizational values

What behavior is acceptable, not acceptable –

- Make it personal, use scenarios
- “No” doesn’t mean maybe
- Silence doesn’t mean “ok”

Where to report

What happens if you report

How to help a colleague

* for Managers and Supervisors –

- Clarity about responsibilities
- Can’t keep information confidential
- Accountability
- In a hierarchical company, responsibility runs through the hierarchy

What Happens after Training?

- **Reinforce knowledge**: evaluation, timetable for refreshers, multiple media (signage, web postings, small-bite reminders)
- **Increase accountability at the local level**: Who is the point-person who can help anyone find the right information? Who is in charge of local reminders?
- **Supervisory accountability**: Be clear that persistent issues will be taken seriously in compensation and promotion
- Incentivize **innovation and engagement** from both men and women
- Develop meaningful systems for **implementing accountability requirements** – consider frequency of staff trainings; effectiveness in surfacing and responding to issues

Transparency and self-assessment:

- Create data reports (complaints received, actions taken, etc.)
 - Share data with employees at all levels, including senior management
 - Share data with a committee of the Board of Directors
- Use occasional anonymous surveys to check knowledge of policy and resources and to identify concerns

The Bottom Line:

Linking respectful and
equality-minded workplaces
and high performance