



FIGHTING BACK:

THE CHANGING LANDSCAPE OF WORKPLACE HARASSMENT

A White Paper Presented by

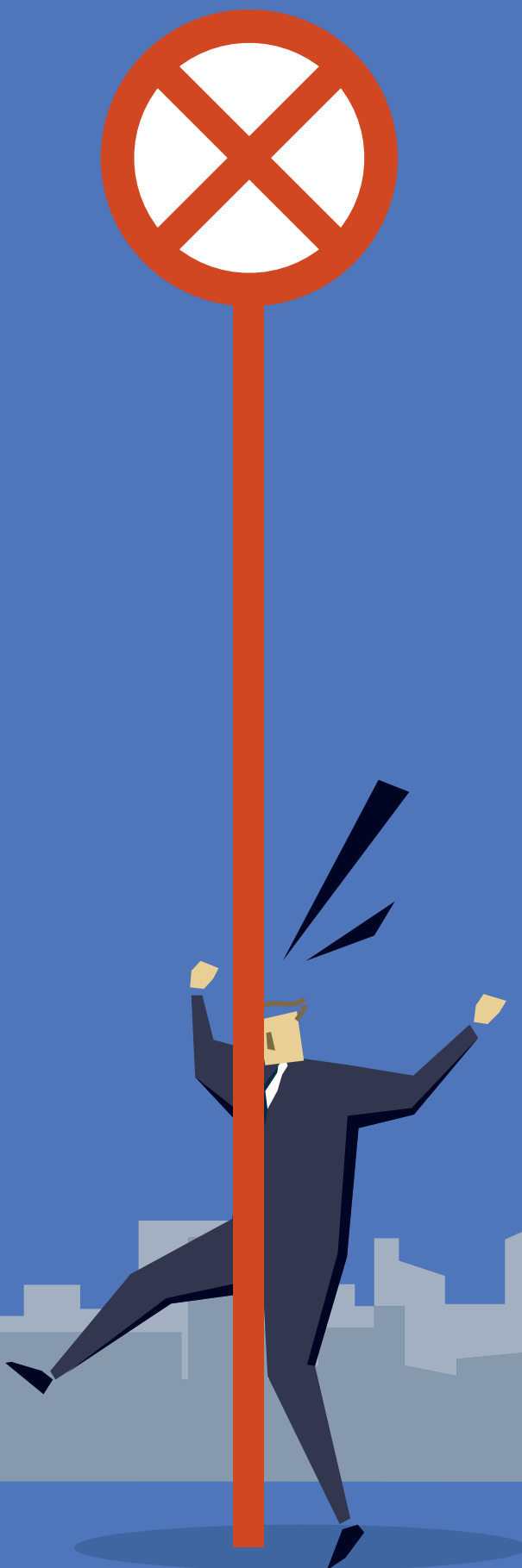
LAW OFFICES OF

TODD M. FRIEDMAN, P.C.

IT IS TIME TO STOP THE MADNESS

For as long as there have been jobs in this country, there has been sexual harassment. One would think this behavior would decrease as our society progresses to become more civilized, but this has not been the case. Although some may argue that the frequency of sexual harassment incidents has declined in recent years, the problem is far from fixed in our culture, and the types of abuse or harassment continue to grow more offensive and degrading as the years go by.

The good news is that in 2017 – more than perhaps at any other time in history – workplace sexual harassment and abuse victims are stepping forward and fighting back.



WHAT IS #METOO?

For those who pay even casual attention to the news, the very public accusations of sexual harassment or assault against famous men have evolved into a remarkable trend. Most have been in the entertainment industry and politics.

In fact, no less than 1,000 powerful men have been accused of sexual misconduct of some kind in 2017.¹

This uptick in sexual assault claims began more than 10 years ago, but only recently became front-page news.

In 1996, youth camp director Tarana Burke heard stories of abuse from a young female victim. This experience and Burke's corresponding desire to help victims open up to one another for bonding and healing are what sparked the #MeToo movement.²





THE WEINSTEIN EFFECT & PUBLIC AWARENESS

California law recognizes that when it comes to recording Since October 2017, nearly 100 women have come out with accusations of sexual misconduct (including assault, rape and harassment) against film producer Harvey Weinstein. Although the Weinstein camp issued strenuous denials, he was fired immediately and the accusations triggered a surprising number of similar allegations against other famous and powerful men.³

Coinciding with this “Weinstein effect” was a tweet from actress Alyssa Milano in mid-October 2017, encouraging

sexual harassment and assault victims to use #MeToo as a way to share their experiences and cast light on the magnitude of the problem.⁴

The effects have been remarkable, as the list of men facing accusations in the public square has grown exponentially.

According to JDSupra online:

“Since Ms. Milano’s original tweet ... [a]ccording to some estimates, over half a million people had posted on the topic by midday Monday. This follows news of former Hollywood mogul Harvey Weinstein’s harassment of women over the course of several decades.”⁵

This was posted just a couple days after Milano’s original tweet in October.

WHY HAS THE ISSUE GAINED SO MUCH VISIBILITY THIS TIME?



While there have been many instances of sexual abuse claims over the years, some receiving significant attention, there has been nothing like the extraordinary attention being paid to the #MeToo movement and related claims. Why has this movement gained so much momentum?

Although the remarkable increase in sexual assault claims is in itself a powerful force in the workplace for many victims, another important aspect is that we know their names. Many of these accusations come from women who are famous in television, film, music, politics and other high-profile fields.

For the first time, women who have been sexually mistreated in the workplace have a powerful chorus made up of the voices of people we recognize.



WHO IS IMPACTED BY THIS MOVEMENT?

In A Word: Everyone.

Women who have been victimized:

With the visibility of celebrity exposure and the bonding and support that come from the #MeToo movement, women can certainly benefit from this recent turn of events.

Men who have been victimized:

Cultural barriers that have kept male victims from coming out and making claims against perpetrators of sexual abuse and harassment are being obliterated.

Men who are likely to commit these

heinous crimes: Hopefully the #MeToo movement is giving sufficient warning: Sexual harassment in the workplace will not be tolerated any longer, and men who would be likely perpetrators of sexual crimes will refrain.

Employers: If employers are paying attention at all, they will know that they need to respond appropriately to the #MeToo movement to protect their employees and avoid further instances of

No one is out of the reach of this movement. Young and old, men and women, people of all backgrounds and traditions will be impacted.

For years, the biggest problem has been people's fears. Too many people have been afraid to say anything about being abused, fearful of losing their jobs, losing their potential for advancement or being ostracized.

Compounding the fear for many victims has been the feeling of being alone, as if no one else knew what they were going through and no one would understand or empathize.

No more. If there is one message that everyone facing sexual abuse in the workplace should understand, it's that you are not alone.





JUST A FEW FACTS ABOUT SEXUAL ABUSE AND HARASSMENT⁶:

One in four women and one in six men will be sexually assaulted in their lifetime.

Almost all claims are valid, with only about 2 percent of all sexual assault claims proving false.

In terms of workplace sexual harassment, a recent ABC news poll indicates:

“More than half of U.S. women have experienced unwanted and inappropriate sexual advances from men, three in 10 have put up with unwanted advances from male co-workers and a quarter have endured them from men who had influence over their work situation.”⁷

The outpouring of sexual abuse claims against celebrities is now bleeding over into the workplace, where more victims than ever before are coming forward.

WHAT DOES THIS MEAN FOR YOU?

You have the right to be free from sexual harassment in the workplace.

If you have been abused, you need to call an attorney right away. The only way to be assured of a successful claim is to work with an experienced lawyer who knows how to handle these situations.

Whether you are a man or a woman who has suffered sexual harassment, you should not feel any shame about coming forward. It is your courage that will continue helping to change this violent, demeaning landscape in the American workplace.

THE IMPACT OF #METOO ON EMPLOYERS

The impact of #MeToo and its corresponding increase in workplace harassment claims should have a serious impact on employers and their actions going forward. Most of the impact will likely be beneficial for women and other potential victims in the workplace, but some potential impact could be negative.

YOU ARE NOT ALONE.





THE POSITIVE: INCREASED AWARENESS AND PROTECTION

Of course, increased awareness that has been brought to the reality of workplace sexual harassment should prove positive.

Companies should take several steps:

Education in the workplace: Companies should be providing much greater training to their employees about the nature of sexual harassment, what constitutes sexual harassment, how to avoid it and what to do about it.

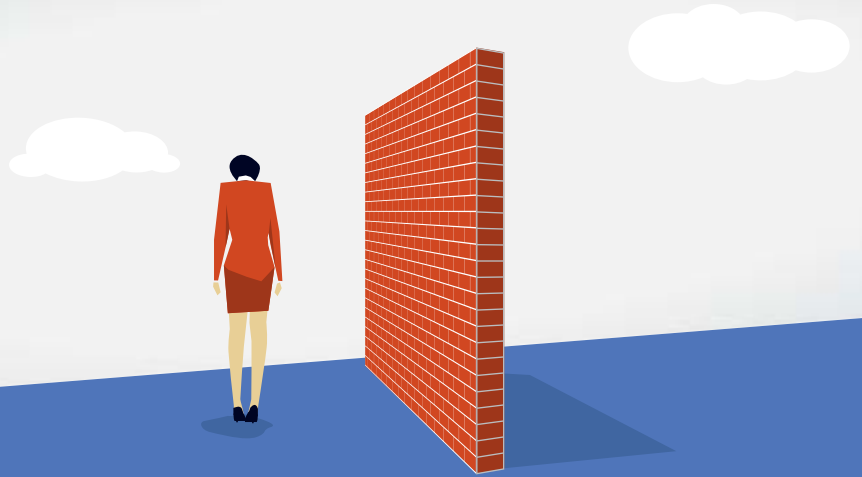
Better Human Resources policies:

Policies and best practices need to improve so that women feel safe in the workplace. These can include better systems for reporting abuse and for investigating claims.

Better security: Companies can take numerous measures to protect potential victims in the workplace. In addition to better policies and systems as mentioned above, employers can install office security cameras and reward people for bringing forth evidence of co-workers committing these crimes.

Such actions by employers should increase safety and well-being for potential victims, while also creating a more equal and equitable workplace for everyone.

THE NEGATIVE: POTENTIALLY INCREASED DISCRIMINATION



Fear of retaliation: The sad reality is that many women and other victims look at bringing harassment and abuse claims in the workplace with fear and trepidation, even with the increased exposure in recent months. They could be seen as “complainers” or troublemakers, with the result being falling out of favor with their employers, losing advancement opportunities, losing their jobs and generally being ostracized.⁸

Extreme avoidance at work:

Awareness of workplace sexual crimes is good, but can there be too much of a good thing? In many workplace environments, men are becoming painfully aware of the risks. They know that with one accusation, their entire careers could be destroyed. Instead of simply being careful, it is possible that many men will go out of their way to avoid women in the

workplace, avoid any one-on-one contact, etc. The problem here is that many of the relationships critical to advancement occur in one-on-one situations and through repeated contact.⁹

Loss of hiring prospects: Like male co-workers, employers are growing in their awareness of the risks involved with workplace harassment and assault. Many are forming full committees to address the problem.¹⁰ The negative outcome here is that many companies could see the issue as a simple risk assessment and avoid hiring women because of the increased chance of their bringing claims. They simply want to avoid exposure.

Although these issues are negatives, they are also actionable offenses. They are instances of discrimination based on gender, and you can bring a claim against an employer for such actions.

WHAT SHOULD YOU DO?

Be vocal: Let employers know that you are not alone and you will not tolerate workplace harassment.

Continue to **increase awareness:** The more people know about this problem, the more can be done to stop it.

Be courageous: Most victims are still afraid of standing up for their rights because of the chance of this action harming their careers. Do not be afraid.

Do NOT handle your case alone: Make sure, at all costs, that you work with a trusted advocate who has experience winning workplace harassment claims.



At the Law Offices of Todd M. Friedman, we represent clients throughout the Nation including the State of California, as well as in areas throughout the Midwest and Pennsylvania. We will fight aggressively to protect your rights in the workplace and make sure you can do your job without fear.



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ABOUT ATTORNEY TODD M. FRIEDMAN

FOUNDING PARTNER — THE LAW OFFICES OF TODD M. FRIEDMAN, P.C.
SUPER LAWYERS, 2016-2018

Many lawyers use the David-versus-Goliath metaphor to describe their practice. In the consumer protection field, that analogy is perhaps more apt than anywhere else. Standing up for consumers often requires battling large, powerful companies on a nationwide scale. As a champion for the underdog, I have successfully done just that.

I've built my career on protecting the rights of everyday people against unscrupulous businesses — particularly those that violate state privacy laws and federal laws, such as the Fair Debt Collection Practices Act and the Telephone Consumer Protection Act. Through consumer protection claims, including complex class actions on a nationwide scale, I have held companies accountable while securing compensation for those who have been wronged.

A prominent focus of my practice is the California Invasion of Privacy Act. As one of the first attorneys to successfully certify a class under section 632.7, I'm very familiar with the nuances and challenges of this niche area. I currently represent a class of consumers in a large-scale case against a debt collection company that illegally recorded cellphone calls with hundreds of debtors across California.⁴

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