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## **INSIGHT: Now Is the Moment to Create a Culture of Safety, Respect**

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We are in a historic moment in time and it is imperative that business leaders lead efforts to create a workplace culture that instills safety and respect among all employees. Morgan Lewis labor and workplace culture attorneys take lessons from the #MeToo experiences and suggest ways to ensure all employees feel valued and heard.

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We are in a moment. A moment where recognition of racial injustice has seared the national conscience. A moment where stories of #MeToo are being heard, and where employees are raising their voices about critical racial, ethnic, and social justice issues.

These are important, but challenging, times for employers as they navigate increasing demands from employees, customers, boards, investors and the general public to create more diverse and inclusive workplaces.

Luckily, the lessons learned from the companies who actively sought to improve their workplace culture during the #MeToo movement can serve as a roadmap for this moment as well.

### **#MeToo Patterns Offer Lessons**

When the #MeToo movement hit the global stage, tales of harassment didn't center on a single industry or type of business. But many of the stories followed a similar pattern—the presence of workplace culture that put significant power in the hands of one person and environments that lacked diversity, particularly in terms of gender, race and national origin, across the employee population.

So it wasn't surprising when leading headlines started including organizations in sports, financial services, and entertainment, which historically have engaged a disproportionate number of men, and especially a disproportionate number of white men in leadership roles.

A work environment that includes younger people working in their first jobs who don't know expectations for acceptable standards in workplace behavior can be susceptible to a lack of reporting of inappropriate conduct, as can decentralized workplaces, with locations dispersed throughout the country and no strong HR presence in each location.

A lack of experienced, senior role models demonstrating the right behaviors can result in pockets of toxic culture, where bullying and harassment, including sexual harassment and racial discrimination, is seen as acceptable. The greater the perceived tolerance by management to such conduct, the more likely the workforce is to engage in poor conduct.

However, with the #MeToo movement and a renewed push for racial equality, this is changing. We are seeing ever greater numbers of reported harassment cases. Employees are more willing to talk about poor treatment they have received, and to file legal proceedings where they believe their employers are not taking their concerns seriously.

To address these issues, employers can take a number of steps to understand their culture, address problem areas, and lead the field in promoting good behaviors and a positive workplace experience for all.

### **Workers Must Feel Valued, Safe to Report Problems**

To create a culture of safety and respect, workers must feel listened to and valued. This will increase both loyalty and productivity, as many workers value the opportunity to share their ideas and the freedom to speak up without being dismissed or belittled.

It is absolutely fundamental for companies, regardless of size, prominence or industry, to have avenues for their employees to raise concerns when they arise. Ideally, employees should feel safe to come forward and voice their concerns in the moment. But if they do not, organizations must introduce ways for people to report wrongdoing anonymously.

Companies should also empower bystanders to step forward by encouraging their intervention when they see behavior that shouldn't be happening and giving them the tools with which to report their concerns and support their colleagues. Making people realize that all have a role to play in stopping and preventing harassment and discrimination is a real part of addressing problematic behavior.

### **Increasing Diversity**

Of course, creating a culture of safety and respect is only one part of the solution. To eliminate harassment and discrimination, there needs to be a focus on increasing diversity in your organization and ensuring that everyone feels included.

This could involve strategic plans to increase recruitment, retention, and promotion of Black and Latinx people, women, and other under-represented groups in the workplace; engagement with internal and external partners to reinforce the organization's commitment to diversity and inclusion; and customized assessments of policies, procedures, and workplace culture.

Overall, having a safe and respectful workplace minimizes legal risk because employees feel more comfortable raising issues internally as opposed to pursuing external legal routes. When

workers feel safe and respected, morale and productivity (and profits) go up, while absenteeism and health-care costs go down.

Having a diverse and inclusive workplace provides benefits as well, increasing innovation and allowing employees to generate new and creative ideas in a positive, dynamic and supportive environment.

## **Leaders Must Lead**

Good culture has to start from the top. Research is clear that leaders can shape workplace culture, but it requires three things:

- Leaders have to believe that a safe, respectful, diverse and inclusive workplace is important and be committed to creating and maintaining it;
- Leaders have to articulate to everyone their expectations and general protocol for achieving this kind of workplace; and
- Leaders must commit the time and resources needed to achieve the kind of workplace their policies say they want.

Just articulating these expectations is not sufficient. The bottom line is that employees have to believe their leaders are authentic and mean what they say, which requires holding people who undermine the culture responsible through proportionate discipline, and rewarding those who advance that positive culture.

Good policies and procedures must exist for reporting and investigations, as well as effective training that conveys leaders' expectations and builds skills in reporting and responding to bad behavior.

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