

## South Florida employers reinforce anti-harassment policies, education

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Harvey Weinstein, Kevin Spacey, Charlie Rose, Matt Lauer. The list of powerful men in the private sector accused of sexual harassment seems to have no end.

Some have been fired while others including prominent public officials have reluctantly resigned. Most recently, U.S. Rep. John Conyers Jr. of Michigan, the longest serving member of the House, retired immediately. **Sen. Al Franken** of Minnesota announced he would submit his resignation.

The issue has become so pervasive that Time magazine chose “The Silence Breakers,” women who have bravely stepped forward to complain, as its “Person of the Year.”

Closer to home, Jack Latvala, president of the **Florida Senate**, is on the hot seat over a staffer’s allegations of sexual harassment, which he has denied. And former state House member Ritch Workman bowed out of a state commission appointment, following accusations of vulgar and inappropriate gestures toward state Sen. Lizbeth Benacquisto.

South Florida’s employers are taking note. Some are contacting their lawyers to ensure they have the best anti-harassment policies while refreshing compliance and awareness education for their employees.

“Almost every day you wake up and read about something new,” said Brett Schneider, managing partner of Weiss Serota Helfman Cole & Bierman in **Fort Lauderdale** and past president of the Human Resources Association of Broward County. “Clients are saying, ‘we’re really concerned about this. Can you come in and do training?’”

The Sun Sentinel reached out to a dozen major employees in South Florida— those with workforces of 1,000 or more — to find out whether they have anti-harassment policies in place and whether they provide employee training on the issue.

About half responded, saying they have anti-harassment policies in place, though some said they are updating policies and stepping up education programs in their workplaces.

JM Family Enterprises, an automotive company that has 1,600 employees at its Deerfield Beach headquarters and JM Lexus dealership, says employees are required to acknowledge its policy for a “workplace atmosphere free from hostility, harassment and discrimination” during its annual “code of conduct.” Even so, JM Family’s human resources and legal teams are updating training on sexual harassment and other issues that affect the workplace, spokeswoman Lauren Fyke said.

At Miami-based Baptist Health South Florida, chief human resources officer Adriene McCoy said Baptist, which has 18,500 regional employees, takes any reports of harassment “very seriously and responds immediately.” The hospital has a no-tolerance policy that is covered in employee orientation and in annual education sessions. “In light of recent events, we are looking to expand our education about sexual harassment,” McCoy said.

**AutoNation’s** vice president of human resources Dan Best said the auto retailer provides compliance training on sexual harassment, and other forms of harassment, through its “business ethics” program, which is given to all employees who work at the Fort Lauderdale headquarters, dealerships and other stores nationwide. The company has 3,600 workers in South Florida.

Citrix Systems’ chief people officer Donna Kimmel said the Fort Lauderdale-based software company just updated its code of conduct, which includes harassment, in June. She said victims of sexual harassment are encouraged to contact their manager, human resources contact, their local legal compliance officer, or call the anonymous Citrix Help Line.

Education is online: All Citrix employees, including the 1,600 employees in South Florida, are required to take an annual online course on different harassment scenarios, how to identify different types of harassment that may occur in the workplace, and how to address each situation.

Kimmel said the global company’s harassment-free environment policy “extends to non-employees and suppliers who commit to partnering with Citrix.”

American Express, which has 3,000 employees in Sunrise, also has a code of conduct policy that prohibits any employee or contractor from engaging in sexual harassment. Victims are asked to report incidents to their supervisor, human resources, the general counsel, or the Amex Ethics Hotline, which is an independent, confidential and anonymous phone and online resource.

The global financial company also provides “interactive training” on harassment, according to spokeswoman Elise Askenazi.

City Furniture’s Janet Wincko, senior vice president of human resources, the Tamarac-based retailer trains its more than 1,400 workers about harassment as they are hired and managers are trained and certified every year.

But like other employers where workers interact with the public, City Furniture also trains its sales workers and supervisors on dealing with a sexual harassment issue with a customer. One instance occurred in a store where a customer was asked to leave after an employee complained, but that’s rare, she said.

Sales people are trained to immediately call their supervisor if they encounter such a situation. “You have to be prepared for everything. That’s why we train our managers,” Wincko said.

Harassment and discrimination in the workplace, as well as retaliation for reporting it, are a violation of the law: Title VII of the Civil Rights Act of 1964 and Florida’s Civil Rights Act, which covers employers with 15 or more employees.

Employment lawyer Michael Landen, a partner at Kluger Kaplan in Miami, said he’s expecting an uptick in cases in the coming months as workers read and react to media reports about sexual harassment.

“There are likely employees out there who don’t realize the behavior some of these individuals engaged in is harassment. Or, they feel more empowered. They’re not worried about getting fired. [They say,], ‘I’m going to speak up,’ ” Landen said.

The lawyers say workplace policies against harassment are important to protect both workers and businesses. Harassment claims, whether settled or litigated in court, can be costly.

The state of Florida has paid more than \$11 million over a 30-year period to settle hundreds of cases brought by state workers who alleged they were sexually harassed by supervisors and co-workers, or were forced to work in a hostile environment, the Associated Press recently reported.

Schneider said employers should have written policies prohibiting a “quid pro quo,” such as “if you sleep with me, I’ll give you a promotion.” The policy should also address a hostile work environment, prohibiting inappropriate language and conduct, including staring, touching or whistling.

“A good policy should spell it out,” he said.

An employer also should train workers every two or three years on sexual harassment to raise awareness, Schneider said. He argues online training does not do enough to get the message across.

Schneider suggests in-person training in small groups, and with role-playing, so workers are forced to pay attention and clearly understand what sexual harassment is, and isn’t, he said. The group leader “doesn’t have to be an attorney,” he said.

Landen said that while it’s necessary to have a company policy, it does little good “if people don’t follow the procedures.”

“You have to enforce it,” he said.

The lawyers say that workers who feel they are victims of sexual harassment, or of harassment or discrimination of any kind, should first submit a written complaint to human resources or a supervisor, unless the complaint is against that person.

Robert Weisberg, the EEOC’s Miami District regional attorney, advises victims to be “specific about harassment” in a complaint. “This is what’s been happening and I need it to stop. It’s creating a hostile work environment for me,” he said, citing an example. “This puts the employer on notice.”

If the harassment doesn't stop, the victim can contact a lawyer who specializes in such cases or go to the EEOC. The victim has 300 days from period of harassment to file a charge with the federal agency, which decides whether to grant a "right to sue." Then a lawsuit can be filed either by a private lawyer or by the EEOC.

Workers also can file a complaint with the Florida Commission on Human Relations on its website, <http://fchr.state.fl.us>.

The EEOC's Miami district has resolved two sexual harassment cases in South Florida in the past two years.

Last year, McWhite's Funeral Home in Fort Lauderdale agreed to pay \$85,000 to settle a sexual harassment lawsuit filed against it by the EEOC in federal court. The agency claimed owner Albert McWhite Sr. created a hostile work environment with sexual innuendo, unwanted touching, showing female employees pictures on his cellphone of sex acts, requesting sexual favors, grabbing their breasts, and slapping a woman, according to the lawsuit.

McWhite, reached at his business last week, said the EEOC's lawsuit was based on lies by women employees. When there are sexual harassment allegations, he said, "people come out of the woodwork. None of that crap happened."

Fearing retaliation for reporting harassment has been an issue that has kept some women from following through on their complaints, experts say.

In a complaint, a housekeeping employee at Fort Lauderdale Beach Resort was fired after she resisted and reported sexual harassment. The resort's manager, Vacation Resorts International, agreed to pay \$125,000 to settle the EEOC lawsuit against it in 2016.

The California-based company didn't respond to multiple requests this week on whether it has made any changes in its workplace policies or training.