



THOUGHT LEADERS

HARASSMENT LAWS

Training and leadership shape workplace culture for WNY businesses



JOED VIERA

Business First reporter Patrick Connelly prepares to lead a Thought Leaders discussion on issues related to workplace harassment. The Thought Leaders series, sponsored by Hodgson Russ LLP, took place March 19 via a video conference. Panelists and Hodgson Russ attorneys talked about why training and leadership matter for local companies intent on building a culture that combats workplace issues.

BY PATRICK CONNELLY
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Trial attorney Elizabeth Fox-Solomon recently had a case at the Equal Employment Opportunity Commission regional office in Buffalo where a manager made offhand comments as he started his company's harassment and discrimination training.

"The owner walked in, turned on a video and said, 'Well, we're required

to do this now,'" she said. "He then played the video and walked out. That's not good training."

Business leaders must take harassment in the workplace seriously, which was the consensus among attendees March 19 at Thought Leaders, sponsored by Hodgson Russ LLP and Buffalo Business First. Panelists participated via a video call.

Attorneys John Godwin and Elizabeth McPhail, both partners

in the Hodgson Russ labor and employment practice group, also were panelists and all represented human resources, legal and government.

Management must be cognizant that their attitudes and actions set the tone for the company workforce, McPhail said.

"Their behavior is what the other employees model their behavior after," she said.

New York implemented changes in

2018 and 2019 to combat harassment and discrimination. That includes policies that employees must approve and training that needs to have an interactive component.

Fox-Solomon, president of the local chapter of the Women's Bar Association of the State of New York, said companies should review training initiatives to stay relevant.

Lauren Lewis, a StaffBuffalo partner and president elect of the Buffa-

with ELIZABETH FOX-SOLOMON, KAREN KING, LAUREN LEWIS and BRIDGET O'CONNELL



“Training is only as valuable as the content and the way it is delivered. Just if you were to have out-of-the-box training for every workplace or a way to click through (a digital course), a one-size-fits-all is never going to work.”

ELIZABETH FOX-SOLOMON,
President, Women’s Bar Association of New York State, WNY chapter



“The climate is changing. People do feel that they have a right or a voice and that it’s safer to come forward. It’s never not going to be a complex issue. It’s a tangled issue.”

KAREN KING,
Executive director, Erie County Commission on the Status of Women



“The more that we all can do together to educate the owners of the companies and HR professionals about the new legislation, the better off we all will be.”

LAUREN LEWIS,
President-elect, Buffalo Niagara Human Resource Association



“We’re getting to a place where we need to move on to expanding this because how else are we going to reach people who may not learn easily in the same kind of environment that this has been set up in?”

BRIDGET O’CONNELL,
President, Erie County Bar Association

to Niagara Human Resources Association, said it’s important to define what is harassment.

“It’s not just sexual harassment,” she said. “It can be gender harassment. It can be race harassment. It can be a variety of things that could cause the issue. I think the more we educate not only HR professionals but owners of companies and the employees is how we can make sure that harassment is not happening.”

Godwin said most employers legitimately want to do the right thing. Smaller companies, though, may not have HR in-house so employees may not be fully trained according to law changes.

That’s not a problem, said Karen King, executive director of Erie County Commission on the Status of Women. Trade associations and chambers of commerce can distribute information. King is also

commissioner of the Erie County Office of Public Advocacy.

“The bigger issue is what we’re trying to do is change culture,” she said, “through a series of requirements that employers and employees now need to adhere to.

“That process is always slow and at times painful. But when there’s larger traction around an issue and it’s getting a lot of visibility in the media, I do think it helps propel the issue to the forefront.”

The #MeToo movement made preventative measures of sexual harassment more of a focus, the panelists said.

“The reality is that we’ve turned a corner into a very new world as far as people’s awareness around these situations and their willingness to create responsible environments,” said Bridget O’Connell, president of the Erie County

Bar Association and an alternative dispute resolution coordinator in the state court system.

“There’s much more social consciousness about what is going on,” Godwin said, “because of all the high-profile cases.”

► CLOSER LOOK AT THOUGHT LEADERS

Thought Leaders is an ongoing series of discussions with Western New York business leaders and attorneys at Hodgson Russ LLP.

Ten times a year, leaders in diverse industries meet for a roundtable discussion moderated by Business First journalists. Excerpts from the conversation are published after the roundtable.

Discussions are usually held in the law firm’s Pearl Street offices in Buffalo.

► HODGSON’S TAKE



“I think to some degree the employers are a little more thoughtful about wanting to provide training in different languages and alternative methods in delivering the materials.”

ELIZABETH MCPHAIL,
Partner, Hodgson Russ LLP



“We know that what needs to change is how some people in our culture view these issues. I think that is a challenging thing to do. A law is a tool to try to change that culture, but it’s just one tool.”

JOHN GODWIN,
Partner, Hodgson Russ LLP