

Jane Kow, Esq. of HR Law Consultants Presents:

A STEP BY STEP GUIDE TO PREVENTING AND INVESTIGATING WORKPLACE DISCRIMINATION AND HARASSMENT COMPLAINTS



THURSDAY, SEPTEMBER 26, 2013 - 9:30 a.m. – 4:30 p.m.

Alameda County Training and Conference Center | 125 Twelfth Street – 4th Floor | Oakland, CA

OVERVIEW

California employers with 50 or more employees are required to provide sexual harassment training for supervisors. Employers must also conduct prompt, thorough and objective investigations into all complaints of discrimination and harassment. Is your company in compliance?

This two-part interactive program is presented by a seasoned employment lawyer, workplace investigator, and human resources consultant with a wealth of experience advising, defending, investigating and training companies on how to respond to workplace discrimination and harassment complaints. This program is designed to provide in-house counsel, human resources, employee and labor relations professionals, EEO investigators and managers with the tools to effectively address, prevent, investigate and resolve workplace harassment and discrimination complaints with a focus on sexual harassment.

SCHEDULE

9:30 a.m. – 10:00 a.m.	Registration, Coffee, and Networking
10:00 a.m. – 12:00 noon	Part I – Preventing and Addressing Workplace Sexual Harassment
12:00 noon – 1:00 p.m.	Lunch (on your own)
1:00 p.m. – 4:30 p.m.	Part II – A Step by Step Guide to Conducting Effective Workplace Investigations

WHO SHOULD ATTEND: In-house legal counsel, human resources and employee and labor relations professionals, managers, EEO investigators and risk management professionals

REGISTRATION & FEE

	Full Day (Parts I & II)	Half Day (Parts I or II)
Register <u>before</u> September 2, 2013:	\$300	\$150
Register <u>after</u> September 2, 2013:	\$350	\$175

10% DISCOUNT

- For registration of 2 or more participants from one company.
- For attendees of past events sponsored by Jane Kow/Jane Kow & Associates/HR Law Consultants. Please indicate event attended: _____

HRCI CREDIT FOR HR PROFESSIONALS

- Part I: *Preventing and Addressing Workplace Sexual Harassment* - Approved by the HR Certification Institute for 2 hours of HRCI California and general credit.
- Part II: *A Step by Step Guide to Conducting Effective Workplace Investigations* - Approved by the HR Certification Institute for 3.5 hours of HRCI general credit.

*The use of this seal is not an endorsement by the HR Certification Institute of the quality of the program. It means that this program has met the HR Certification Institute's criteria to be pre-approved for recertification credit.

CONTACT US

Program content, exhibit and sponsorship opportunities:
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Registrations, directions and parking:

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REGISTER

Complete a separate form for each attendee and return along with registration fee. Confirmation will be sent upon receipt of payment. Bring copy of completed form as proof of registration.

- Full Day– *Parts I and II (morning and afternoon sessions)*
- Morning Session ONLY – *Part I: Preventing and Addressing Workplace Sexual Harassment*
- Afternoon Session ONLY – *Part II: A Step by Step Guide to Conducting Effective Workplace Investigations*

Name _____

Title _____

Company _____

Address _____

City, State & Zip _____

Phone _____ Fax _____

Email _____

- Check # _____ enclosed (payable to Jane Kow & Associates. Tax ID# 76-0721515)
- To pay by credit card, please provide an email address where a PayPal invoice can be sent.

CANCELLATION POLICY

- Full refund if written cancellation request is received **by 5:00 p.m. on Monday, September 2, 2013.**
- An alternate may attend in place of the original registrant, but must register in order to receive HRCI credit

9:30 a.m. – 10:00 a.m. REGISTRATION

10:00 a.m. – 12:00 noon **PREVENTING AND ADDRESSING WORKPLACE SEXUAL HARASSMENT COMPLAINTS**

California's sexual harassment prevention training law (AB 1825), requires companies with 50 or more employees to provide supervisors with two hours of training every two years and within six months of their promotion to supervisor status. This interactive training program is designed to help supervisors, managers and HR professionals understand their responsibility to address and prevent sexual harassment in the workplace, as well as their company's obligations to investigate and take corrective action. Using examples drawn from actual cases, this class will provide examples of prohibited workplace conduct, the victim's remedies, and steps that companies must take to respond to harassment complaints.

Attendees will receive a certificate upon completion of this training as documentation that they have complied with CA law and will learn:

- How to identify, address and prevent sexual and other forms of workplace harassment (under existing and new laws)
- Which laws prohibit discrimination and harassment in the workplace based on protected characteristics (and the impact of SB 292 which amends the CA Fair Employment & Housing Act and limits the ability of a harasser to claim that s/he was not motivated by sexual desire)
- How sexual harassment is defined by law and examples of visual, verbal, written and physical forms of harassing conduct
- How employees' comments posted on social networking sites (on Facebook, Twitter, and other sites) could lead to harassment lawsuits
- How gender based stereotyping and unequal pay based on gender can lead to harassment and discrimination lawsuits
- How supervisors must respond, including reporting and documenting all complaints, even when they are the subject of the complaint
- How to prevent "retaliation" claims filed after a harassment complaint or investigation (the #1 filed claim with the EEOC today)
- What are the employer's obligations and the victim's remedies

12:00 p.m. – 1:00 p.m. LUNCH (ON YOUR OWN)

1:00 p.m. - 4:30 p.m. **A STEP BY STEP GUIDE TO CONDUCTING EFFECTIVE WORKPLACE INVESTIGATIONS**

This interactive session provides a comprehensive, step-by-step guide for HR professionals, labor relations managers and EEO investigators on how to effectively investigate and resolve workplace harassment and discrimination complaints to minimize the risk of lawsuits. Using examples drawn from real workplace scenarios and case law, this program provides a clear road map on how to conduct a prompt, thorough and objective investigation and techniques to overcome common mistakes and typical roadblocks encountered. Learn best practices on how to question the reluctant complainant and difficult witnesses, obtain useful information from all parties, while maintaining confidentiality. A review of recent court cases will address how to define the scope of the investigation when there appears to be a "mixed motive" for the employment decision, whether the subject of the investigation and witnesses can be told to keep the investigation confidential, and how to determine whether the information is protected by attorney-client privilege or attorney-work product when the investigator is acting under the direction of the company's legal counsel.

Participants will learn how to:

- Maintain the role as the objective fact finder and ensure that both the complainant and alleged harasser understand your role
- Set clear objectives at the outset by identifying the scope of the investigation, key witnesses to be interviewed and evidence to gathered
- Clearly define the scope of the investigation, even where there is a "mixed motive" for the employment decision (following the CA Supreme Court's recent decision in Harris v. City of Santa Monica)
- Understand whether the parties and witnesses can be instructed to maintain confidentiality under recent NLRB decisions, and the scope and limits of the attorney-client privilege and attorney-work product doctrines protecting information gathered during the investigation
- Develop a set of best practices and techniques to overcome common mistakes and roadblocks in an investigation
- Effectively interview the complainant, the alleged harasser as well as third parties with knowledge of the underlying facts by framing questions that will overcome resistance and put them at ease while obtaining essential information
- Organize the information gathered, analyze the key factual findings, assess conflicting witnesses' accounts and weigh their credibility in an objective manner to reach a conclusion on the merits of the complaint
- Prepare a thorough and objective written summary report of the investigation

Handouts will include an essential toolkit of checklists and guidelines, including:

- Copies of the PowerPoint presentation, outline and checklist on conducting an effective and thorough investigation and prepare a written report
- Guidelines on how to discuss the investigation with the parties and witnesses without disclosing confidential information
- "Top 10 Employer Mistakes When Investigating Employee Complaints: How To Avoid Putting Your Company At Risk" by Jane Kow, Esq.



Jane Kow is the founder of HR Law Consultants, an employment law, HR consulting, workplace training and investigations firm based in San Francisco. Jane Kow provides customized training on a variety of topics, including sexual harassment prevention, conducting effective investigations, managing employee medical leaves and disability accommodations, and compliance with wage and hour laws. Jane Kow received her B.S. at Cornell University in 1984 and her J.D. at New York University School of Law in 1993. Before starting her own law firm, she practiced employment law with the country's premier law firms and as a Senior Counsel at a Silicon Valley based company with over 75 locations worldwide. She has advised and represented employers of all

sizes and across industries in all phases of employment disputes and litigation. Notably, she was an early contributor to the California Practice Guide on Employment Litigation, published by the Rutter Group, widely used by judges and lawyers in California. Jane Kow has taught "Employment Law" at the University of California at Berkeley Extension Program in Human Resources and "Legal Issues of Supervision" at San Jose State University. She is a frequent speaker at programs sponsored by HR, disability, government, professional, trade and bar associations: CA Association of Equal Rights Professionals, Disability Management Employers Coalition, Equal Employment Opportunity Commission, HR Star Conference, Judicial Council of California, Northern California Human Resources Association HR West Conference, Silicon Valley Women in Human Resources, League of CA Cities - City Attorneys Conference, Lawyers Club of San Francisco, Bar Association of San Francisco, State Bar of California, and the American Bar Association.