

## The Government Seal On EEOC Anti-Harassment Training: Is It Worth It?

October 16, 2017 | [EEOC, Workplace Culture And Conduct, Labor And Employment](#)



**Jeanine M.  
Gozdecki**  
Partner

Does putting the U.S. government seal on workplace training make it more or less appealing? The EEOC's recent announcement that it is offering workplace training modules on [Respect in the Workplace](#) has colleagues on the employment and human resources circuit asking each other, "At its core, is this a really a good idea for us?" After all, there appear to be some immediate advantages:

- **Pre-packaged.** The EEOC is offering turn-key, ready-to-deliver training for employees. Let's face it, who has enough time to develop and deliver these programs?
- **Credibility.** The EEOC modules come with a potential benefit of the doubt when the next EEOC charge is filed and investigated. And presumably, our employees will listen (or will they?).
- **Proof of effort.** The EEOC-based modules would also suggest evidence of good faith efforts to follow the law.
- **Content.** Also on the plus side, the EEOC did its homework before unveiling the training modules (which, by the way, are three and four-hours long). The training modules follow the EEOC's report on the Select Task Force on the Study of Harassment in the Workplace, which found, in part, that standard legal liability training is insufficient.

But, even if there are some attractive elements, what are we giving up when we invite the EEOC into our offices, plants and breakrooms?

- **Attorney-client privilege.** Under certain circumstances, this privilege may apply in a closed, attorney-led session for supervisors, and where advice is provided.
- **Certainty.** It's not *our* program; it's theirs, and it's untested.
- **Time.** Three- and four-hour modules are a big sacrifice for fast-moving manufacturing operations and many other businesses.
- **Connection.** If any program is worth an all-morning session, shouldn't we make sure the trainer is experienced in our particular industry, and can connect with our employees and our own policies?

For those of us who have been leading respect-oriented training for years, the EEOC's recent epiphany is somewhat affirming. In general, employees

### RELATED PRACTICE AREAS

EEO Compliance  
Labor and Employment  
Workplace Culture 2.0

### RELATED TOPICS

Anti-harassment  
Equal Employment Opportunity  
Commission (EEOC)  
Human Resources

lose interest in recitations of the rules or check-the-box computer programs. They engage when we offer examples, scenarios and opportunities that are familiar. It's about making it work for your employees in your workplace. So, consider all of these factors (and perhaps others) when scheduling your next round of in-house training. But, regardless of who delivers the training, it's good to ensure the program resonates with your employees and conveys your culture of respect and productivity. Those factors are better predictors of success