

JANUARY 31, 2019

EEOC AND DOJ PACT CONTINUES FOCUS ON WORKPLACE HARASSMENT—EMPLOYERS TAKE NOTE (ESPECIALLY COUNTY HOSPITALS)

Once again, the Equal Employment Opportunity Commission ("EEOC") is demonstrating its strong stance against harassment in the workplace. The EEOC recently announced a partnership with the U.S. Department of Justice, allowing for quicker action against state and local government employers in harassment allegations - keep in mind that county hospitals typically fit the definition of a state or local government employer. Not only does this development put public employers under harsher scrutiny, it signals to private businesses that harassment will remain a top priority for the EEOC.

This development came in late December in the form of a **memorandum of understanding** ("MOU") with the DOJ's Civil Rights Division. Signed by EEOC acting Chair Victoria Lipnic and Assistant Attorney General Eric Dreiband, the MOU intends to streamline the processes of information sharing between the two agencies to better coordinate their activities when Title VII allegations are brought against public employers at the state and local levels. Under this new initiative, if the EEOC finds "immediate action" is necessary to protect workers during the initial investigative process, the EEOC will give the DOJ the information it needs to seek an injunction while they continue to investigate the charge.

With this new partnership, state and local government employers could see a more aggressive focus from the EEOC during the investigatory stage of harassment claims and more pressure to settle these claims with their employees.

While the MOU only applies to state and local government employers, it should serve as a warning to private employers. As discussed in **this prior post**, the EEOC isn't letting up on its enforcement against workplace harassment. As a result, Title VII investigations and enforcement actions by the EEOC appear to be a top priority for the agency for the foreseeable future.

PRACTICAL TAKEAWAYS

- The new coordination between the two agencies further underscores the importance for employers to implement best practices on civility and harassment in the workplace.
- Consistent training and education on these practices can substantially decrease the risk of discrimination and harassment-based liability in the workplace and snuff out potential legal issues before they turn into an EEOC charge or lawsuit.
- You don't always have to do company-wide or facility-wide training. Have a "problem child" department? Target that department for the onsite training.

The experienced attorneys in Hall Render's Health Human Resources section have been providing, and will continue to provide, onsite training whenever and wherever needed.

If you have any questions, please contact **Dana Stutzman** at (317) 977-1425 or dstutzman@hallrender.com or your regular Hall Render attorney.

Special thanks to Claire Bailey, law clerk, for her assistance with the preparation of this article.