

Human Resources

To Avoid Sexual Harassers, Start with Hiring Process

BESIDES THE fallout from having sexual harassment occur in your workplace, employers may be targeted in “negligent hiring” charges if victims of on-the-job harassment file suit.

That’s why much of the conversation among human resources specialists and risk managers is avoiding hiring harassers, or potential harassers, in the first place.

But how do you identify a harasser during the hiring process? Dr. John Sullivan, an HR pundit from Silicon Valley, recommends the following methods for screening out potential offenders.

Develop a set of indicators – Identify traits of previous problem employees in the workplace, particularly their attitudes about certain subjects and workplace culture. Besides your own indicators, you can learn from other companies and what they have found are signs that point to potential harassers.

Toxic-employee indicators

- Professionals who are notably overconfident about their technical proficiencies are 43% more likely to engage in toxic behavior.
- Self-proclaimed “rule followers” are 33% more likely to be toxic employees.

Armed with this data, you can ask questions that will help you ascertain if a candidate is overconfident about their technical proficiency or claims they are a rule follower.



Source: Cornerstone OnDemand

Employee referrals – You should allow employees to refer candidates they have worked with in the past for open positions. Based on prior experience working with someone, your current employees will

know what kind of person the prospect is in the workplace.

Conduct peer interviews – You may want to consider having finalist candidates be interviewed by their future colleagues, particularly the ones who will work closely with them. Those future colleagues probably have the most vested in identifying harassers, since they are likely the ones to be most affected if they turn out to be toxic.

You can help your employees by asking them to look for the aforementioned indicators that you have developed.

A new approach to calling references – Instead of calling an HR department for references, try instead to call the candidate’s former manager or co-workers. Dr. Sullivan recommends: “Ask them a direct question like, ‘Please help me protect my employees. I need to know, have you seen any indication of sexual harassment or other toxic behaviors in this individual? All I need is a yes or no answer.’ ”

See “Ask” on page 2

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Does Your Business Have to Comply with GDPR?

THE EUROPEAN Union's new General Data Protection Regulation (GDPR) is the most significant change to European data security standards in two decades.

While the regulation has a direct impact on enterprises located or doing business directly in EU countries, it can also apply to U.S.-based businesses. GDPR gives consumers more control over how companies use their personal data. In particular, European consumers now have the right to:

- Be informed about when companies are collecting their information.
- Access the information companies possess about them, via a "subject access request." Companies must provide the requested information within one month and correct any inaccuracies.
- Have their information erased.
- Ask for restrictions on the use of their data.
- Move or copy their data from one source to another.
- Object to how companies use their data.

How it applies to US companies

Companies outside the EU are subject to GDPR if they collect personal data or behavioral information on individuals located in an EU country, even if no financial transaction takes place. A simple survey can trigger compliance requirements. Any businesses with websites that target-market to international customers may also have to comply.

A business is bound by the requirements if it specifically targets consumers in an EU country.

Any company selling goods and services via the Internet, and that targets EU customers, may have to comply.

What to do

If your company fits the bill, you should:

- Obtain clear and explicit customer consent

for collection and use of their data for each type of processing done on the data.

- Protect collected customer data (similar to U.S. laws).
- Notify the EU or other supervising authority within 72 hours of some data breaches. A breach must be reported if it involves "accidental or unlawful destruction, loss, alteration, unauthorized disclosure of, or access to, personal data transmitted, stored or otherwise processed" that can cause "risk to the rights and freedoms" of EU customers.
- Notify the individuals within the EU when a breach presents a "high risk" to basic property and privacy rights, such as when account passwords are compromised

The EU can fine a company 2% of its global revenue for failing to report a breach on time. Other penalties can be up to the larger of 4% of revenue or €20 million (about \$24.4 million.)

Prioritize your compliance efforts

Experts advise companies just starting their compliance efforts to identify the most important thing they need to do, and tackle that first. Lesser priorities follow from that. ❖



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Ask Situational Questions in Interviews to Gauge Reaction

Create social interactions – Companies like Zappos and Southwest Airlines try to put top candidates in social situations that they can observe. Zappos, for example, sets up social events like coffee sessions and after-work activities. Instead of hiring managers watching them, they have other employees observe the candidates in more buttoned-down situations when their guards are down.

Situational questions – Ask questions like: "In a situation where you yourself were actually witnessing sexual harassment, what would you do?"

Then you could look for things they didn't mention, like "reporting the incident." Situational questions can reveal a lot about a person's moral fiber.

Use behavioral and personality tests – Off-the-shelf behavioral and psychological tests aren't specifically designed to weed out harassers, but they can be indicators of how job candidates treat others since they look at civility, integrity, moral character and more.

The final step – after hiring

Dr. Sullivan recommends that you continue to assess new employees in the months after they are hired and still on probation. You can better evaluate them during their probation, when it's easier to let someone go.

You can gauge them to see if they meet your behavior or value standards. ❖



Preventing Heat Illness as Temperatures Soar

WITH SUMMER here, employers with outdoor workers need to take steps to protect them from heat illness.

Cal/OSHA has workplace safety regulations governing the prevention of heat illness. Progression to serious illness can be rapid. If left untreated, very high body temperatures might damage the brain and other vital organs – and ultimately cause a person's death.

Workers with existing health problems or medical conditions – such as diabetes – that reduce tolerance to heat, need to be extra vigilant. Some high blood pressure and anti-inflammatory medications can also increase a person's risk for heat illness.

To ensure you are in compliance with California workplace safety regulations, you need to ensure the following:

Access to water

Staying hydrated is probably the single-most important step in heat-illness prevention. Water must be “fresh, pure, suitably cool” and located as close as practicable to where employees are working (and enough to provide at least one quart per employee per hour for the entire shift).

Employers should encourage workers to stay hydrated and drink water.

Access to shade

When temperatures reach 80 degrees, you must have and maintain one or more areas of shade at all times, when employees are present. Locate the shade as close as practical to the area where employees are working and provide enough to accommodate the number of employees on meal, recovery or rest periods.

Even if temperatures are less than 80 degrees, you must permit access to shade for workers to rest.

Preventative cool-downs

If an employee starts feeling unwell, they must be allowed to take a “preventative cool-down rest,” during which they must be monitored for symptoms of heat illness.

They should be encouraged to remain in the shade and not ordered back to work until symptoms are gone. Employees with heat illness symptoms must be provided appropriate first aid or emergency response.

High-heat procedures

High-heat procedures (which are triggered at 95 degrees) must include:

1. “Effective” observation and monitoring of employees, including a mandatory buddy system.
2. Regular communication with employees working by themselves.
3. Designating one or more employees to call for emergency services, if needed.
4. Giving more frequent reminders to drink plenty of water.
5. Holding pre-shift meetings on prevention.
6. During high heat, agricultural employees must be provided with a minimum 10-minute cool-down period every two hours.

Employee and supervisory training

Employees should be trained in the following:

- The company's heat illness prevention procedures.
- Their rights to take regular water and rest breaks.
- Importance of frequent consumption of small quantities of water.
- Signs and symptoms.
- Appropriate first aid or emergency response.
- Importance and methods of acclimatization.
- Reporting signs or symptoms of heat illness to a supervisor.
- Procedures for responding to possible heat illness.
- Emergency services contact procedures and first aid.

Supervisors must be trained on the following:

- The heat standard requirements.
- The procedures they must follow to implement the requirements.
- Procedures to follow when a worker exhibits or reports symptoms consistent with possible heat illness, including emergency response procedures and first aid.
- How to monitor weather reports and how to respond to hot-weather advisories.

How to Combat Rising Fleet Auto Rates

AS INSURERS continue tightening their underwriting for commercial auto insurance, they are inquiring about companies' fleet management programs.

If a company lacks a program, some insurers will ask them to implement one if they want coverage.

With this trend likely to continue it's imperative for any company with a fleet – or even just a few vehicles – to look at how to improve their program. Areas to focus a fleet management program on include:

Driver training

One key element that's often overlooked is senior leadership support, the lack of which can manifest itself in a variety of ways, including getting mixed messages from what is emphasized in training and performance feedback provided to drivers from supervisors.

You should also:

- Reinforce safety priorities in regular driver feedback.
- Use annual performance reviews as training opportunities.
- Have employees sign off on areas targeted for improvement or development.

Focus on distracted driving

If you have a fleet or any individuals driving for you, it's of utmost importance that you have a strict policy for avoiding distracted driving. In your fleet manual, you should document that you continually reinforce rules on avoiding distracted driving.

Focus on the use of hand-held mobile devices, the use of which increases the potential for accidents by 23%, according to the National Highway Traffic Safety Administration.

You have a choice to make:

- Use technology-based measures, such as those used to prevent vehicles from starting when mobile devices are in use, or
- Establish strict protocols on the use of mobile phones or other hand-held devices.

Tracking systems and litigation defense

Enhanced tracking systems, including video and telemetry, can help strengthen litigation defense, improve outcomes and reinforce training. Companies implementing telemetry systems with dash cams can verify what caused an accident. By using these systems, some operators have reduced litigation costs and court awards by 90%.

Logistics software

Logistics software can be used to enhance safety and improve efficiency in routing and job distribution. Even field vehicles can be equipped with shock sensors, operator requirements to complete inspections prior to movement, tracking and other features.

Review your coverage

On an annual basis, you should talk to us to ensure your insurance levels for drivers are adequate and appropriate.

Driver screening and safety

Screen and monitor drivers by:

- Obtaining an annual motor vehicle record for each driver with a points qualification system.
- Administering DOT 7- or 10-panel drug tests.
- Requiring drivers to take online or live driving courses annually.
- Requiring that drivers wear high-visibility reflective vests when outside the vehicle.
- Identifying personal protective equipment for drivers in the right situation (plan for rain, snow, footing, etc.).
- Supplying polarized sun/safety glasses to reduce glare.

Incident management

All fleet drivers must be trained on what do after an accident. The top priority is to ensure all people are safe and taken care of. The next aspect is to collect all necessary information and take as many photographs of the accident as possible.

Subsequently, there should be follow-up to ensure everyone is safe and the incident report is completed correctly. Require that all incidents must be reported by the end of the shift, and set a 24-hour deadline for getting the claim into your system.

Inspections

Inspect vehicles prior to each usage. Pre-trip inspections typically include visual checks of tires and lug nuts, windshield, windows, wipers, lights and mileage.

Oil levels and tire pressure should be inspected weekly or more often, depending on weather conditions and vehicle utilization. ❖

