

Difficulties PR professionals encounter while handling company sexual misconduct cases and how to  
handle them

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## **Introduction**

As public relations professionals, the job of maintaining and creating a good reputation for a company can be difficult especially when there is evidence or accusations of wrongdoings. In recent years, there has been an increase in victims coming forward and reporting cases of sexual misconduct in the workplace. In Hollywood where stories of men like Harvey Weinstein and Kevin Spacey are becoming increasingly common and in smaller industries like a school in Brooklyn where a special-ed teacher was sexually harassed by a principal, the problem is the same: public relations people are not completely sure how to respond.

There are numerous issues that plague the handling of company sexual misconduct cases. The risks of the allegations being false, the difficulties in accurately defining what constitutes sexual harassment, the possible financial challenges that the company may encounter and possible global consequences as well. There's also the uncertainty of which possible angles should be used; it is risky to rely on the reputation and achievements of the accused because the morals and rights of the accuser can easily be overlooked.

These behaviors, although prevalent now, are not new. These are issues that have plagued society for centuries. The difference is that now that society and businesses have become more sophisticated, there are new risks involved in both reporting sexual misconduct in workplaces and protecting a company where a potential sexual harasser may be employed.

## **History**

According to an article written in 2018 by Reuters (Wiessner, 2005), the U.S. Equal Employment Opportunity Commission (EEOC) states that sexual harassment complaints have increased within that past year, which in some ways could be attributed to the #MeToo movement. Despite this 12 percent

increase in accusation, sexual harassment no new issue. According to the book “Directions in Sexual Harassment Law” by Catharine A. McKinnon and Reva B. Siegel— both highly regarded legal scholars— sexual harassment can be dated back to slavery (Siegel, 2003). Sexual coercion, harassment and rape were both ‘features’ of slavery that African-American women encountered while working for white men.

Some may argue that this is not where sexual harassment in workplaces began because those women were actually viewed as property and not employees; although the argument is understandable, sexual harassment was also happening simultaneously to white women who integrated the workforce in the late nineteenth centuries. These women, much like the women now, were vocal about those issues and barely saw any change in 1964 when Title VII of the Civil Rights Act was enacted.

Although these laws have been put in place to protect the rights of employees against numerous discriminatory issues including sexual harassment and sexual misconduct, many do not come forward. According to Lilia M. Cortina, Ph.D.’s expert testimony during an EEOC select task force meeting about workplace harassment (Cortina, 2015), only one-quarter of victims file a formal complaint and that is only after they have tried other options like the “avoidance” and confrontation of the harasser. A study performed in 2013 (Lonsway et al., 2013) went more in-depth specifying that gender-harassing behavior was rarely reported, unwanted physical touching was only formally reported 8 percent of the time and sexually coercive behavior was only reported one-third of the time.

### **Introduction to the problems PR professionals may face**

There are a few issues for public relations professionals as they handle sexual misconduct cases for individuals and organizations. Firstly, is the obscurity of what sexual harassment really is and the public’s understanding of those terms. There also are problems with being fair to all sides involved; PR professionals have to respect the victims of sexual misconduct while trying to maintain a positive public

perception of their client(s). These issues further affect more than the company's public perception, they also affect the company's finances due to certain fees and loss of revenue.

Nobody anticipates their company or employee being accused of sexual misconduct and because of that many companies react poorly to such accusations when they happen. With an increase in reported misconduct complaints, there is an increased need for crisis preparation and communication services. In an article published by the "New York Post" (Brown, 2017) there has been a noticeable increase in business for some crisis management firms, with one of the sources citing a "70 percent boom in business" after the Harvey Weinstein assault scandal broke. Although there is an increase in business for those public relations professionals, it also challenges many of the ethical beliefs that they may follow.

### **Achievement over morals**

Although public relations professionals are not regarded as journalists, they should hold themselves to the same standards of honesty and truth-seeking. The Public Relations Society of America's code of ethics emphasizes that PR professionals should build the public's trust by providing all information necessary to responsibly make decisions (Public Relations Society of America [PRSA], n.d.). Following this trend of honesty not only accurately informs the media and the organization's publics, but it also protects it from any backlash of being caught in a lie. Although telling the truth may be costly in some cases, further down the line the price will be worth the company's reputation. An example of the effectiveness of telling the truth is the popular Johnson & Johnson Tylenol case. By being forthcoming and swift, the organization was able to quickly return to its previous esteem with the public as suggested in an article by "TIME magazine" (Latson, 2014).

A very common trend in press releases and subsequently media coverage for prominent figures that have been accused of sexual misconduct is to highlight their achievements. Public relations professionals have a duty to remain fair when providing factual informations; by focusing solely on the

accused's achievements and not on their potential crime, their wrongdoing seems to be somewhat erased. For example, when Bill Cosby was accused of raping and/or sexually assaulting more than 50 women, his repertoire was flaunted in many outlets and by his public relations team. Although Bill Cosby is regarded highly for his work as an actor, his accusations should not have come second to them. Being accomplished does not eliminate the possibility and penalty of misconduct.

Another practice that seems extremely common, yet unfair, that some public relations professionals use is attacking the accuser. Trying to place the blame on the accuser makes the client or organization seem weak, untrustworthy and apathetic. Unless the accuser has been legally proven wrong, the PR professional should refrain from employing such dialogue to defend their client. Not only is this practice unfair it also may also affect the client's public perception. This practice also, in some way, breaks a Society of Professional Journalists' code of ethics, which is to minimize harm Society of Professional Journalists [SPJ], n.d.). Although these rules are for journalists specifically, public relations professionals have a duty to also protect the public with the information that is shared. By attacking the accuser, the PR professional may affect those that are also victims of sexual misconduct and make them feel unsafe and worried about telling their stories.

### **Financial challenges**

Another challenge that PR professionals need to remain aware of is the cost of sexual harassment for the organizations they are representing. The Institute for Women's Policy Research prepared a briefing paper that breaks down the costs of sexual harassment at the workplace (Shaw et al., 2018). A very obvious cost is the legal cost, but very often overlooked is the money lost through employee reactions. Firstly, the organization can lose money through employee turnover, research proves that people that have been sexually maltreated are more likely to find new jobs. The organization can also lose money through an increase in absences and decreased productivity. As a public relations person, some

emphasis should be placed into crisis preparedness that could possibly prevent acts of sexual misconduct and the costs associated with it. Hosting classes about the different types of sexual misconduct and how to report such behaviour is an example of crisis preparedness PR professionals can use.

### **Ethical concerns for PR professionals**

As a public relations person handling sexual misconduct accusations for a client, following the law is important and so is following all ethical principles. Although PR people have to focus heavily on their client's reputation they need to keep their moral beliefs at the forefront. In particular, PR professionals should focus on the disclosure of information and safeguarding confidences.

According to PRSA, open communication created the opportunity for informed decision making for the public (Public Relations Society of America [PRSA], n.d.). A public relations professional is expected to be truthful and precise in their communications and correct any messaging that is incorrect or unclear. Although it seems as though the client's best interest is not at the forefront when having to be completely transparent at all times, it actually is. This saves the client from negative publicity for lying and pays off in the end.

Safeguarding confidences for PR professionals means that they must protect confidential and private information for their client during and even after they work with them. An example of this during a sexual misconduct case would be making the appropriate authorities aware of private information being 'leaked' by another employee at the organization. The public relations professional is responsible for the release of any information with the 'say-so' of their client.

### **Implications for the future**

With this present-day increase in sexual misconduct victims coming forward, organizations should be proud that people are standing up for their rights. This behavior pushes organizations to be honest and expect more from their employees and leaders.

Moving forward, this may shift the focus from more reactive public relations to proactive public relations. Companies will avoid employee suffering by informing their employees about acceptable behaviors and the punishments that will ensue should they break the rules. They also can avoid a loss of money by preparing to avoid lawsuits.

With more people becoming involved and vocal about the media's coverage of pivotal civil rights issues, this may also change the way that public relations professionals present their clients and share information with their publics and the media. They will focus less on emphasizing their client's achievements and more on being empathetic and transparent.

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