

## Tamara Devitt in Law360: EEOC Civility Training Pitch Could Leave Employers In A Bind

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**PRACTICES** Labor and Employment

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Buried deep within the U.S. Equal Employment Opportunity Commission's recently proposed anti-harassment guidelines lies a recommendation that employers consider ramping up the use of workplace civility training, a suggestion that attorneys say is at odds with recent National Labor Relations Board rulings striking down workplace civility rules and gives employers mixed messages...

The final section of the 75-page proposed guidance outlined various proactive measures the agency deemed as "promising" that employers can choose to adopt in order to prevent harassment from occurring. One suggested measure was implementing workplace civility training. That recommendation, however, runs counter to numerous decisions that the NLRB has made in recent years invalidating employers' workplace civility rules as unlawful under the National Labor Relations Act...

But if the agencies don't reconcile the discrepancies in their approach, Haynes Boone LLP partner [Tamara Devitt](#) says that businesses may have to choose whether to heed the EEOC's suggestion to better prevent harassment and risk taking on the labor board in the process or steer clear of workplace civility training entirely.

"I think it's a balancing test. I would tell employers that they have to weigh the pros and cons of any rule," Devitt said. "I think I'd rather take on the NLRB [over the legality of] a workplace rule than take on the EEOC in a harassment case."

**Excerpted from *Law360*. To read the full article, please [click here](#) (subscription required).**