Preventing Sexual Harassment in the Workplace



As an employer, you have a responsibility to maintain a workplace that is free of sexual harassment. Not only is this your legal obligation, it is good business sense. If you allow sexual harassment to flourish in your workplace, you will pay a high price in terms of poor employee morale, low productivity and lawsuits.

The same laws that prohibit gender discrimination prohibit sexual harassment. Title VII is the main federal law that prohibits sexual harassment. In addition, each state has its own anti-sexual harassment law. For a description of Title VII, including a list of employers covered by it, see Title VII of the Civil Rights Act in Federal Anti-Discrimination Laws.

SEXUAL HARASSMENT DEFINED.

Sexual harassment is any unwelcome sexual advance or conduct on the job that creates an intimidating, hostile or offensive working environment. Any conduct of a sexual nature that makes an employee uncomfortable has the potential to be sexual harassment.

Sexual harassment comes in many forms. The following are all examples of sexual harassment:

A supervisor implies to an employee that the employee must sleep with him to keep a job.

A sales clerk makes demeaning comments about female customers to his co-workers.

Lawyers who regularly tell sexually explicit jokes make an office manager in a law firm uncomfortable.

A cashier at a store pinches and fondles a co-worker against the co-worker’s will.

A secretary’s co-workers belittle her and refer to her by sexist or demeaning terms.

Several employees post sexually explicit jokes on an office intranet bulletin board.

An employee sends emails to co-workers that contain sexually explicit language and jokes.

The harasser can be the victim’s supervisor, manager or co-worker. The harasser can even be a nonemployee, if the person is on the premises with permission (for example, a customer or a vendor).

ANYONE CAN BE SEXUALLY HARASSED

Although it may sound counter-intuitive, sexual harassment knows no gender: Men can sexually harass women, and women can sexually harass men.

People of the same sex can sexually harass each other. For example, if a man’s co-workers constantly bombard him with sexually explicit photos of women and sexually explicit jokes, and if this makes him uncomfortable because he is married, this behavior can constitute sexual harassment

STRATEGIES FOR PREVENTION

There are a number of steps that you can take to reduce the risk of sexual harassment occurring in your workplace. Although you may not be able to take all of the steps listed below, you should take as many of them as you can

- Adopt a clear sexual harassment policy. In your employee handbook, you should have an entire policy devoted to sexual harassment. That policy should: define sexual harassment, state in no uncertain terms that you will not tolerate sexual harassment, state that you will discipline or fire any wrongdoers, set out a clear procedure for filing sexual harassment complaints, state that you will investigate fully any complaint that you receive and state that you will not tolerate retaliation against anyone who complains about sexual harassment.
- Train employees. At least once a year, conduct training sessions for employees. These sessions should teach employees what sexual harassment is, explain that employees have a right to a workplace free of sexual harassment and review your complaint procedure and encourage employees to use it.
- Train supervisors and managers. At least once a year, conduct training sessions for supervisors and managers that are separate from the employee sessions. The sessions should educate the managers and supervisors about sexual harassment and explain how to deal with complaints
- Monitor your workplace. Get out among your employees periodically. Talk to them about the work environment. Ask for their input. Look around the workplace itself. Do you see any offensive posters or notes? Talk to your supervisors and managers about what is going on. Keep the lines of communication open.
- Take all complaints seriously. If someone complains about sexual harassment, act immediately to investigate the complaint. If the complaint turns out to be valid, your response should be swift and effective.