Sexual Harassment Prevention for Managers – New York



Key Takeaways:

– Appreciating the importance of understanding sexual harassment in the workplace, for managers.
– Observing the responsibilities of the company and managers regarding discrimination and sexual harassment in the workplace.
– Learning about sexual harassment.
– Recognizing behaviors that might be considered sexual harassment.
– Observing managerial actions that can help prevent sexual harassment in the workplace.
– Understanding precautions employers can take to exercise due care to prevent and correct sexual harassment.
– Laying out the steps an employee should take if sexual harassment occurs.
– Comprehending the steps a manager should take in response to a sexual harassment complaint.
– Observing examples of retaliation.

Course Description

Sexual harassment is illegal. Title VII of the Civil Rights Act of 1964 and the Civil Rights Act of 1991 forbid all forms of discrimination, with sexual harassment being a form of sex discrimination.

As management, you must plan for addressing sexual harassment in the workplace, in addition to providing training at least annually, because sexual harassment is an expensive crime which threatens the viability of your operation.

Sexual harassment incidents disrupt the work environment through growing a negative environment that ruins working relationships, lowers productivity, and results in costly administrative actions amongst even more expensive litigation. Your employees need to be protected from sexual harassment and educated on the explicit policy. As well, it is crucial that you encourage employees to report violations freely.

Following the sexual harassment company policy is essential. For this reason, a

‘zero tolerance’ policy is the best option. Such policy will help you avoid liability and disciplinary action by succeeding your management responsibilities. As well, it will help reduce the number of sexual harassment incidents.

How should you handle incidents of sexual harassment?

Appropriate Response to Charges
– Properly investigate the situation when necessary, immediately.
– Promptly and effectively take corrective action.
– Guarantee the victim’s trauma is worked through and addressed properly.

Manager Responsibilities
– Keep the work environment free of sexual harassment.
– Know how to identify sexual harassment.
– Prohibit sexual harassment incidents.
– Effectively react to sexual harassment.
– Learn and fulfill federal and state laws, and your company’s policy.
– Develop and keep a positive, productive workplace.
– Demonstrate appropriate behavior.
– Communicate with Human Resources about concerns and complaints.
– Ensure the appropriate steps are taken to eliminate behavior that might be perceived as sexual harassment.
– Give every complaint your complete attention.
– Keep confidentiality, except for disclosure required by the investigation.

The Equal Employment Opportunity Commission (EEOC) specifies three primary conditions which managers, supervisors, and the company can be held accountable for sexual harassment:
1. The supervisor or manager personally commits an act of sexual harassment.
2. An employee sexually harasses another employee and a supervisor or manager knew or should have known about the conduct. The manager may be able to prove that timely and appropriate action was taken, but otherwise the manager and the company can be held liable.
3. A non-employee (or “third party”) sexually harasses an employee and the supervisor or manager knew or should have known about the conduct and no action was taken. Any time that you are unsure whether one of these conditions applies to a specific situation, immediately consult with Human Resources.

Here are federal discrimination laws which you are required to adhere to:
– Title VII of the Civil Rights Act
– The Age Discrimination in Employment Act
– The Americans with Disabilities Act
– The Equal Pay Act
– The Genetics Information Nondiscrimination Act

Sexual Harassment Behaviors
For something to be sexual harassment, three criteria must be met:
– The act must be sexual
– The act must be unwelcome
– The act must be severe or pervasive

It is very common for employees to not want to report unwelcome conduct or behaviors for fear of job loss, rejection, retaliation, etc. This is why it is so important to make employees feel safe and secure in the reporting process.

It is easy for a hostile work environment to develop. Some aspects of such environments are as follows:
– Sexual harassment committed by a manager, supervisor, another employee, or a third party, which are sufficiently severe, persistent, or pervasive to unreasonably interfere with an employee's job performance
– Courts will utilize the "reasonable person" standard
– A person cannot be the target and still experience a hostile work environment

Behaviors to watch out for include:
– Sexually oriented jokes;
– Sexually explicit emails, texts, screen savers, drawings, cartoons, posters, or other material;
– Undesired verbal and physical contact, including touching, hugging, kissing, patting, fondling, groping, or intentional and repeated brushing or bumping against a person's body;
– Continued letters, telephone calls, visits, or pressure for dates or sexual favors;
– Continued, undesired flirting;
– Stalking.

In Quid Pro Quo or "this for that" situations:
– Employer will always be held liable
– Harasser will always be held liable

In a hostile work environment:
– Harasser will always be held liable
– The employer will always be held liable for harassment by an owner or senior manager
– The employer and manager/supervisor will be held liable for harassment by management, co-worker, or third party if:
– The employer and manager/supervisor knew or should have known, and;
– Did not take prompt, effective action.
– The employer may reduce or eliminate liability if they:
– Have a policy prohibiting harassment;
– Adequately teach all employees about the policy;
– Have a proper complaint procedure;
– Implement quick, appropriate action when an incident is reported or witnessed.

What can you do to prevent sexual harassment in the workplace?
– Create and publicize a sexual harassment policy which explicitly states sexual harassment will not be tolerated and explains what types of conduct are considered sexual harassment.
– Create and publicize a specific procedure for reporting and addressing complaints of sexual harassment.
– Create methods to train new management and employees on the company's sexual harassment policy and reporting procedure.
– Supply annual (or preferably more frequent) sexual harassment awareness training for all employees.
– Teach employees.
– Develop and keep a positive, productive workplace.
– Exhibit appropriate behavior.
– Watch interactions in the workplace.
– Address harassers.
– Immediately stop harassing behaviors.

Sexual harassment is a criminal offense which is incredibly problematic for the workplace. Foremost, no one should work everyday with the fear of being subjected to undesired advances from colleagues. All occurrences of sexual harassment drastically affect the workplace, fracturing working and personal relationships and damaging the reputation of employers that foster such an environment. There is always liability present in sexual harassment situations, so it is a good idea to take every measure possible to deter sexual harassment behavior.