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Strategies to prevent and respond to workplace harassment

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Sexual and other harassment cases take place today in various workplace settings, including the public and private sector, profit and non-profit, religious and educational, and manufacturing and service organizations.

Recently, there have been a number of costly, high-profile legal decisions and settlements that have involved a wide variety of employers ranging from a military contractor, NBA basketball team, restaurant chain and provider of fueling services for the commercial aviation industry, to an investment banking institution. The **Equal Employment Opportunity Commission** reported that sexual harassment filings increased in 2007 for the first time since 2000, trending up 4% from the prior year, and that men filed a record 16% of these charges (www.eeoc.gov).

Employers may be unintentionally placing their organizations at risk by burying their heads in the sand and avoiding this subject in any of the following ostrich-like ways: "I'll take my chances," "Harassment won't happen here," "Training is unnecessary," or "We are too busy to update our policy."

If an employer receives a charge and is asked what good faith efforts have been taken to prevent unlawful workplace harassment and comply with discrimination laws, the reasons listed above will not produce desired results. At that point, it will be too late to implement strategies that should have been in place at an earlier date.

The following are strategies for harassment prevention and ways to respond if allegations of harassment arise:

1. Develop a harassment-free workplace policy that covers sexual and other protected forms of harassment. A clearly written policy is a critical part of an employer's preventative strategy. It should cover a number of areas, including definitions of harassment, a statement prohibiting harassment or any type of discrimination based on an employee's protected class, a procedure for reporting allegations of harassment, provisions for a prompt

investigation, a reasonable expectation of confidentiality, protection from retaliation for reporting harassment or participating in an investigation, and the potential for discipline up to and including termination in the event of harassment or other policy violations.

2. Provide training for supervision and employees on a harassment-free workplace. Training is another essential component of an employer's preventative strategy. The training for all employees should include discussions of the organization's policy, more in-depth information related to topics covered in the policy, and employees' responsibilities. In addition to the information provided to employees, the training for supervisors should include discussions of appropriate responses to potential harassment, other supervisory responsibilities, and legal liabilities that can be incurred. The organization should institute this training for employees at the time of promotion into supervisory positions.

3. Communicate the policy and any revisions to all employees. Set aside time for policy discussions, recognizing that adequate communication is part of an employer's good faith efforts to prevent harassment.

4. Post copies of the policy in conspicuous places readily available to employees, applicants and visitors. Placement in these locations not only emphasizes the importance of the policy, but also takes into account that harassment can involve individuals who do not work for the organization.

5. Obtain each employee's signature in order to confirm receipt of the policy or revisions, and to document attendance at training sessions and meetings. It is also advisable to prepare written acknowledgment forms that can be used for sign-off purposes at training sessions.

6. Remind employees of the policy periodically by inserting information in written communications and through discussions initiated by supervisors. Reminders of this nature will further ensure that a harassment-free workplace is maintained.

7. Initiate refresher training for supervisors and employees to sustain an ongoing awareness of the organization's expectations and their responsibilities. The training should be scheduled on a regular, pre-determined basis (e.g. annually), taking into consideration the nature of the organization.

8. Dedicate time for training during orientation meetings with new employees. These communications will demonstrate the importance that the organization places on a harassment-free workplace and will establish a consistent set of expectations for all employees.

9. Investigate allegations of harassment and take action, as appropriate. Prompt and effective investigations and timely corrective actions are essential components of an employer's response to reports or observations of harassment. Based on the nature of the

harassment, these steps can often provide an opportunity for the organization to minimize or escape costly liability.

10. Develop a reporting procedure and ensure that no retaliation results from its use. The procedure should provide alternative avenues from which an employee can select in reporting harassment and should not be limited to the employee's immediate supervisor or to one department.

11. Create a culture that fosters respect and inclusion throughout the organization. Supervisors will play a key role in this effort by modeling and reinforcing respectful behaviors and by establishing an environment that encourages open communications.

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