

# HR INSIGHTS

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## Preventing Sexual Harassment Claims in the Workplace

According to the Equal Employment Opportunity Commission (EEOC), employers have a duty to investigate sexual harassment complaints and must take actions to prevent the recurrence of such offensive conduct in their workplace. In addition to these actions, an employer should have a sexual harassment policy in place outlining the company's intolerance for sexual harassment.

### Policy Considerations

Sexual harassment policies should contain the following items:

- Make clear what behaviors, both verbal and physical, constitute sexual harassment, and stress that the company has a strict no-tolerance policy.
- Encourage employees to bring forth claims of harassment so that the company can investigate, take appropriate action and take necessary steps to prevent future harassment.
- Guidelines for how to report sexual harassment
- A complaint procedure and a response to the complaints procedure for management personnel

Here are some other things to consider in preventing sexual harassment in the workplace:

- Provide employees with at least two separate resources for reporting sexual harassment complaints. This protects the employer in case the alleged harasser is the employee's direct supervisor.
- Designate a female and male staff member from Human Resources to receive sexual harassment claims, preferably individuals with experience in dealing with discrimination and harassment.
- Outline in your policy that employees found guilty of sexual harassment will be subject to disciplinary action, including termination. The disciplinary action should eliminate the harassment and should ensure that the victim feels unthreatened once again. In addition, preventive action should be taken to ensure that a recurrence of the harassment does not occur.

*Employers have a legal duty to investigate sexual harassment complaints and must take actions to prevent the reoccurrence of such offensive conduct in the workplace.*



- Discipline for sexual harassment should be as severe as the actions that took place. Punishments should also be consistent for similar actions by different harassers.
- Emphasize that victims will receive no backlash or repercussions if they report sexual harassment. Do not punish the victim for the harassment by removing him or her from their job, department or role within the company.

Overall, if employers take the necessary actions to prevent sexual harassment in their workplace, they should not be found liable for the behavior, should it result in litigation.