

## **Dos and Don'ts Regarding Sexual Harassment: A Checklist for Supervisors**

Sexual harassment remains a prevalent problem in the workplace. Employers need to establish workable policies and train supervisors to respond appropriately to complaints about sexual harassment. Some of the largest jury awards in employment-related litigation result from employers' failure to establish these policies or respond in a timely, effective way to complaints of sexual harassment.

Common mistakes about sexual harassment:

- 1) "Sexual harassment is only about women." No. The law protects both men and women from sexual harassment. Although most complaints result about a man's actions towards a woman, employers have responsibility about complaints involving men to men, women to women and women to men.
- 2) "It is a he said – she said situation, so we can't do anything about it." Many complaints about sexual harassment do not involve independent witnesses. That does not mean that an improper act did not occur. Employers need to make judgments about sexual harassment complaints, even when no independent corroborating evidence may occur.
- 3) "He is too valuable to the organization, so I can't fire him." Sometimes there are effective remedies to prevent future incidents of sexual harassment, other than termination. However, if there are substantiated incidents of sexual harassment that the employer is aware of, the employer must take appropriate action. Hoping it won't happen again or not taking significant discipline

because of the role of the employee in the organization does not adequately address the situation.

- 4) “It’s a customer, not an employee, who is misbehaving, so we can’t do anything”. Employees are protected by the law from sexual harassment not only from fellow employees, but from customers and vendors. If a customer of an employer is acting improperly, the employer must take affirmative steps to prevent its reoccurrence.

#### DO’S:

- (1) Meet with all subordinates and explain what sexual harassment is, that it is illegal and against the employer’s policy.
- (2) Distribute the employer’s policy on Sexual Harassment to all employees, explain how a complaint is filed, how an investigation will be conducted, and what recourse will be taken.
- (3) Promptly investigate all complaints of sexual harassment.
- (4) Discourage employees from using profane language or displaying sexually suggestive posters, calendars, and other similar material.
- (5) Record all complaints or incidents of sexual harassment and the final action taken.
- (6) Train supervisors that report to you to be aware of potential problems and immediately call your attention to any suspect activity.

#### DONT’S:

- (1) Do not ignore complaints of employees.
- (2) Do not assume that an employee who complains of sexual harassment provoked the behavior through her dress, office demeanor or horseplay with other employees.
- (3) Do not assume that what an employee initially finds acceptable will continue to be unoffensive.

- (4) Do not ignore things you see or hear that might either be or lead to sexual harassment just because no one has complained about it.
- (5) Do not assume the complaining employee is the only person who might have been offended or harassed.
- (6) Do not be insensitive to how a person of a different sex, generation or background will view words or actions by other persons.
- (7) Do not ignore any hint of favoritism or bias in exchange for sexual conduct.

Recognition that sexual harassment in the workplace is a significant problem is the first step in preventing liability and avoiding human resource problems. Employers should review the adequacy of their sexual harassment policies and management practices to avoid this liability.