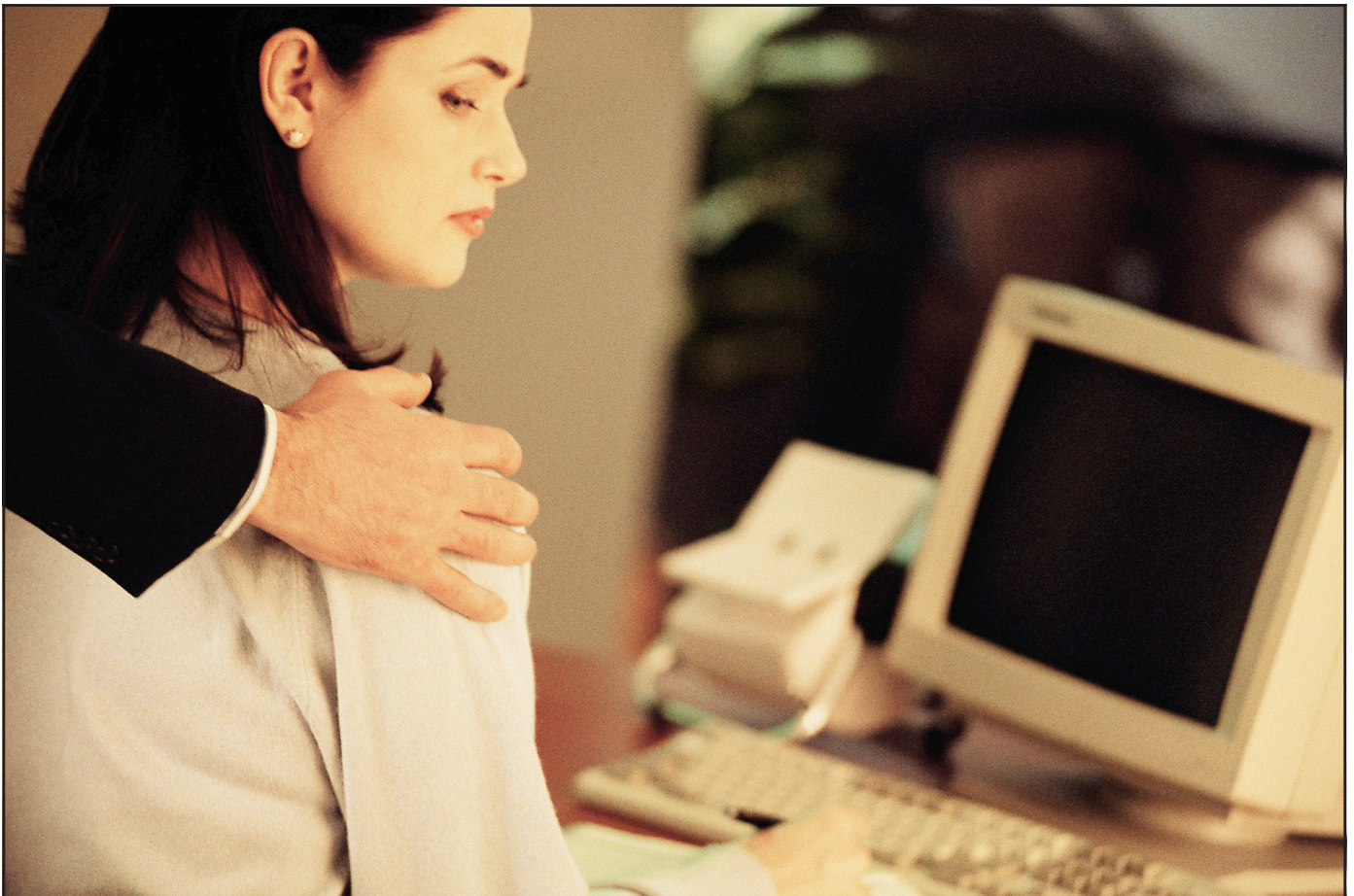


Sexual Harassment

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Sexual harassment, a form of sex discrimination, is unwelcome behavior that is so severe or pervasive that it creates a work environment that a reasonable person would consider intimidating, hostile or offensive. There are two types of sexual harassment: **quid pro quo sexual harassment**, in which sexual contact is made a condition of employment, and **hostile environment sexual harassment**, in which such conduct creates an intimidating, hostile or offensive working environment. Lawsuits against businesses that allege sexual harassment have increased significantly during the past decade. Around 1990, the insurance market began offering employment practices liability (EPL) policies, a specialized form of insurance covering claims of sexual harassment as well as other employment-related torts.



Effective Anti-Harassment Policies

An employer's first step is to implement an effective anti-harassment policy that provides employees with the tools needed to report harassment and obtain relief. Tips for implementing an effective anti-harassment policy:

- The prevention policy should include a statement from management stating that sexual harassment is unacceptable in any form.
- A confidential reporting system should be implemented with multiple means of reporting enabling the employee to report harassment to a supervisor or another designated person trained to manage such reports.

- The policy should state that harassment is a disciplinary offense with consequences up to and including termination.
- An anti-harassment policy should include a non-retaliation provision, with discipline for violations, so that employees know they can report harassment without fear of retaliation.
- A clear and thorough remediation procedure after an incident is reported is a key component to fulfilling the employer's obligation to possibly avoid liability.
- Employers should always investigate all reports of sexual harassment.
- Train managers and supervisors to identify and properly address harassment and retaliation.
- Training all employees annually on sexual harassment prevention and reporting is a must.

Signs for Identifying Harassment

- Look for turnover under one person, especially if the turnover is primarily of one sex.
- Become suspicious if a happy or good employee suddenly becomes moody or just quits for no apparent reason.
- Ask the hard questions if an employee seeks a transfer or wishes to resign suddenly for no good reason.
- Listen and act upon rumors. Typically, sexual harassment is rumored to exist before most employers have actual knowledge of its existence.
- When you see or hear behavior inappropriate for the workplace, *take action immediately*. It may not constitute harassment at first, but if left unchecked, it could turn into harassment.

Guidelines for Managers and Supervisors

Managers and supervisors have a duty to report sexual harassment when they witness it or when they have a reasonable suspicion that it occurred. An employer can avoid liability for harassment if the employer takes steps to prevent harassment and properly stops the harassment if it occurs. Managers and supervisors should follow these guidelines to help prevent sexual harassment claims:

- Make sure those who are under your management understand your employer's policies and procedures, including the prohibition against sexual harassment and the available methods for reporting sexual harassment.
- Be observant and protect your employees. If you experience, witness or hear about something that can be interpreted as sexual harassment, report it.
- Managers should remind employees that offensive, unwanted communications – even if sent and delivered during off hours – can create a hostile work environment.
- Managers should remind employees that *anyone* who interacts with your workplace (applicants, employees, contractors, vendors, board members, or volunteers) can be a victim or perpetrator of sexual harassment.
- **Treat all reports of sexual harassment seriously.** Let your organization and its agents determine all the facts.

Source: My Community Workplace (mycommunityworkplace.org)