

Economy does not alter need for maintaining harassment-free workplace

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Due to current economic uncertainties, many employers are spending a large percentage of their time scrutinizing financial statements and other indicators of the bottom line. As a result, harassment prevention and other compliance-related activities may be placed on the backburner.

A challenging economic environment does not alter an employer's legal obligations to create a workplace free of harassment or other discrimination. The Equal Employment Opportunity Commission is as active at the present time in pursuing harassment charges as it was prior to the economic downturn.

The EEOC expects employers to take appropriate actions to maintain a harassment-free workplace. These expectations can be found on its website, www.eeoc.gov, which states, "Prevention is the best tool to eliminate harassment in the workplace. Employers are encouraged to take appropriate steps to prevent and correct unlawful harassment. They should clearly communicate to employees that unwelcome harassing conduct will not be tolerated. They can do this by establishing an effective complaint or grievance process, providing anti-harassment training to their managers and employees, and taking immediate and appropriate action when an employee complains. Employers should strive to create an environment in which employees feel free to raise concerns and are confident that those concerns will be addressed."

Press releases on the website provide information about the agency's actions relative to specific harassment, discrimination and retaliation charges. A recent example is an October 2010 release in which a well-known fast food restaurant agreed to pay \$50,000 to settle a sexual harassment suit filed by a teenage male employee at one of its restaurants. Besides paying the victim compensatory damages, the restaurant agreed to take steps to prevent future workplace harassment, including posting and maintaining EEOC remedial notices and posters; training all employees and managers at the restaurant on federal laws that prohibit discrimination; maintaining an anti-discrimination policy and complaint procedure; and cooperating with compliance monitoring.

Developing strategies to create a harassment-free workplace provides benefits to employers. The time and costs spent on responding to charges can be decreased if preventative measures are implemented. Burdensome mandates frequently associated with settlements and unfavorable litigation outcomes can be avoided. The risks of damaging the organization's image with customers and morale among employees can be reduced.

The following are tips to assist employers in maintaining a harassment-free workplace:

1. Develop a harassment-free workplace policy that does not tolerate legally prohibited harassment from any individuals, including supervisors, employees and non-employees.
2. Review the policy and any subsequent revisions with management and other employees.
3. Emphasize the policy's importance by posting it in conspicuous places.
4. Implement supervisory and employee training that includes information explaining what constitutes harassment, the organization's policy, responsibilities for harassment prevention and appropriate actions to take in the event of occurrences.
5. Ensure that the training developed for supervisors includes information about the liabilities that they can create for the organization.
6. Provide training for new employees during orientation and for employees entering supervisory positions for the first time.
7. Initiate refresher training on a periodic basis.
8. Obtain signatures to document attendance at training and receipt of policies at the time of distribution.
9. Clearly communicate that no retaliation will result from reporting harassment or participating in an investigation.
10. Establish an expectation that policy violations will subject employees to discipline up to and including termination.
11. Develop and communicate a procedure for reporting harassment that allows employees to bypass their immediate supervisors and report policy violations to other members of management.
12. Assure employees that complaints of harassment will be treated confidentially to the extent practical under the circumstances, and that information will be shared only on a need-to-know basis or as required by law.
13. Communicate an expectation that employees and supervisors will report harassment promptly.
14. Investigate potential incidents of harassment to determine facts in a prompt, objective and methodical manner.
15. Comply with all applicable federal, state and local laws.

16. Consult with legal and/or human resource professionals, as necessary.
17. Expect management employees to serve as role models for harassment-free behaviors.
18. Create an organizational culture that fosters respect and inclusion.

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