
Things You Should Know About Sexual Harassment *Part 1*

Impact on The Organization

Cost

If a sexual harassment action arises against your organization, the costs could be high if the case goes to trial. In 2009, a jury in Puerto Rico awarded a former company employee \$965,999 because of inappropriate behavior by her boss. In 2006, a jury in Missouri awarded a woman \$6.8 million because of numerous comments her supervisor made to her about her body or about sex.

However, even if a matter settles outside of court, your organization will still probably have to pay the legal costs of the other side, as well as your own.

Negative Publicity

If a sexual harassment matter causes your organization's name to be on the front page of your local newspaper or to become a trending topic on Twitter, people are bound to react negatively.

Productivity and Morale

Left unchecked, sexual harassment will kill productivity and morale. According to the MSPB report, individual and workgroup productivity losses totaled almost \$200 million between 1992 and 1994. Such productivity losses include time spent worrying about harassing behavior, avoiding a harasser, and discussing the problem with coworkers.

Turnover and Absenteeism

Turnover and absenteeism will increase as people seek to avoid harassing behavior or experience stress because of it. The MSPB study concluded that turnover and absenteeism cost \$40 million between 1992 and 1994.

Dealing with Sexual Harassment

Recognize the Types

Federal law defines sexual harassment occurs in two ways. The first is the quid pro quo: A harasser demands sexual favors in return for keeping or advancing in a job, receiving a salary increase, or other job-related matters. The second is the hostile work environment: A situation where behavior or words are of a sexual nature to such a degree that the workplace becomes intimidating, offensive, or hostile.

One type of harassment can exist without the other, or they can appear simultaneously. Examples of a hostile work environment include the sending of offensive email, the display of inappropriate photos, or the conducting of inappropriate conversations.

At the federal level, sexual harassment matters fall under Title VII of the Civil Rights Act of 1964 because it is considered a form of discrimination based on sex. Sexual harassment is covered under state law as well.

Develop an Enforceable Policy

Make sure that you have a policy that addresses the issue. The policy should define sexual harassment and outline acceptable and unacceptable behavior. Most important, the policy should state the consequences for those who violate it.

Once the policy is in place, make sure that it is enforced. The complete lack of a policy, or the failure to enforce it, could be ammunition for the other side. They could argue, for example, that you were negligent in not having or not enforcing a policy.

Things You Should Know About Sexual Harassment *Part 2*

Implement a Reporting Procedure

Create a procedure by which employees can report sexual harassment. This procedure must not only be in place, but it must be made known to employees. To the greatest extent possible, the procedure should protect the confidentiality of the person who makes the report. The procedure should also, to the greatest extent possible, attempt to protect that person from reprisals. Investigation of complaints should occur as soon as possible.

Provide Training

On a regular basis, conduct training for your organization. Such training may deter those who are bent on engaging in sexual harassment by making them aware of the legal and career consequences. Such training can also benefit those who do not intentionally engage in such behavior, by making them aware that their actions could be interpreted that way.

Monitor the Office

Keep in tune with what is going on in your office. In particular, watch for inappropriate behavior, photos, or email. If employees know that management is engaged in such monitoring, the chances that sexual harassment will occur will be lowered.

Investigate Complaints

Take complaints seriously. Get as much detail as you can from the person: Who the offending party is, when and where the incidents occurred, and the nature

of the incidents. Afterward, talk to the other person and get his or her side of the story. When you do, be as objective as possible and avoid jumping to conclusions or being judgmental. Keep the investigation confidential and remind all parties of your sexual harassment policy, in particular any non-retaliation provisions it might include.

What This Means For Counties

Sexual harassment is a workplace reality that requires managers to be vigilant and well informed. Sexual harassment can hurt your organization, its culture, and your employees. CTSI Loss Prevention services provides training that can give you more you can do to prevent or deal with sexual harassment in the workplace.

For more information, contact CTSI at 303-861-0507.