

Sexual harassment becoming a matter of growing

By Richard Ensmann Jr.

With sexual harassment a growing issue in the workplace, there's a growing belief among individuals at every level of business and industry that workplace behavior must meet the same standards of respect and decorum as any other public behavior.

Gone are the days when a manager or employee could make a sexual provocative or embarrassing comment to a co-worker, with the certainty that he or she would be free from accountability for the remark.

Laws and regulations governing sexual harassment in the workplace are still relatively young, and will evolve further in the years ahead.

But today's laws, as well as today's widely accepted business ethics, prohibit unwanted sexually oriented behavior in the workplace.

And make no mistake about it: sexual harassment can cover broad ground.

Harassment can include both overt and implicit demands placed by one individual upon another. It can include offensive verbal behavior, as well as non-verbal behavior.

It can include actions taken by members of either sex, and by individuals holding any position. It can even cover a hostile work environment.

Put simply, any conduct of a sexually oriented nature that interferes with an employee's work or creates an offensive work environment can be considered harassment.

SOME EXAMPLES

Let's examine some of the more common forms of sexual harassment.

While this list is not intended to be all-inclusive, it should help summarize a variety of the questionable forms of conduct which can find their way into the workplace:

- Casual comments. Casual, sexually oriented comments directed toward an individual, or made in the presence of an individual, are probably the most common form of harassment. These comments might involve an individual's clothing, perfume or cologne, appearance, other physical characteristics, or personal habits. Or they might involve the use of derogatory nicknames (such as "honey" or "babe"), obscene or offensive humor, slang, or other provocative vocabulary.

- Offers and demands. While possibly less common, this behavior tends to be more explicit. It can include unwanted requests for dates or participation in personal and social activities. It can include gestures and requests that physically "corner" an individual in the workplace. And it can include comments suggesting that

advancement in the workplace may result from an individual's submission to sexual advances or favors.

- Nonverbal behavior. Sexual harassment is not limited to verbal comments. Obscene gestures, attempts at inappropriate physical contact, and even extreme eye contact can be considered harassment. So can the delivery of personal notes, letters, e-mail messages, and gifts.

- Physical contact. Touching, grabbing and clutching of another

individual is harassing behavior. So are attempts to force an individual into a private location, or maintain unwanted physical proximity with an individual.

WHAT CAN YOUR COMPANY DO?

Sexual harassment will continue to emerge as a prominent issue in the workplace of the 1990s. What can you do to help your firm address the issue and meet its responsibilities toward employees concerned about harassment?

- Make prevention your first step. As you seek to address the issue, your first step should be the development of a clear and unambiguous policy prohibiting sexual harassment in the workplace. The policy should be supplemented with training given during every employee's orientation, as well as ongoing training offered during staff meetings and in-house professional development programs. Every employee should understand the nature of sexual ha-

arrassment and the organization's commitment to prevent its occurrence. Top management should remind supervisors — and the entire workforce — about the firm's harassment policy on a regular basis.

The sexual harassment policy should include a formal complaint procedure, which can be used by anyone in the organization. And naturally, all employees should be aware of the complaint procedure.

- Assign responsibility. One

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individual in the organization — perhaps the personnel director or another trusted manager — should be assigned responsibility for monitoring your harassment policies and training efforts. This individual should also keep abreast of new legislation on harassment.

This individual might also periodically review materials developed by the Equal Employment Opportunity Commission and other federal and state agencies about the issue, and consult with

legal counsel on any internal questions which might arise about harassment. Since harassment has been considered a form of sex discrimination by the courts, your Equal Employment or Affirmative Action officer (if you have one) might be the logical candidate to handle matters related to sexual harassment.

- Address allegations. Any allegation of sexual harassment, whether it's made through the formal complaint procedure or through an informal channel,

should be addressed immediately. Your designated personnel officer should confidentially interview the individual making the complaint. The interview is strictly a "fact gathering" exercise, and your personnel officer should attempt to determine the circumstances that gave rise to the complaint. He or she should determine whether any witnesses observed the incident, and identify all of the individuals who may have contributed to the problem. Finally, the personnel officer

should inquire about other instances of alleged harassing behavior the employee knows about.

Generally, the personnel officer should also interview the individual (or individuals) alleged to be responsible for the incident. Again, the purpose of the interview is strictly to gather facts. The personnel officer should make the same inquiries he made in the earlier interview, and use whatever information is obtained to supplement what he has already learned about the incident.

- Protect your employees and your company. In investigating an allegation of sexual harassment, you and your personnel officer need not — and should not — act as judge and jury. As you interview the individuals involved, and collect additional information, remember to put what you learn in writing. And while you may note a number of wide-ranging observations offered by the individuals involved, be sure to distinguish factual information from rumor and hearsay.

In harassment has occurred, your immediate responsibility is to see that it stops. Then you must confront the more troublesome issues: Should the offending employee be disciplined and, if so, how? Should the employee who suffered harassment be compensated in some way?

Unless the information you gather provides clear evidence that harassment occurred, be cautious about drawing final conclusions about the incident or disciplining an employee for harassment. If you have any doubts about the propriety of specific disciplinary action — or if you are considering compensation to the offended employee — consult your attorney before proceeding further.

Because sexual harassment often occurs out of view of the full workplace, you may sometimes find yourself unable to discipline an offending employee or resolve the allegation to your full satisfaction. In such circumstances, keep in mind that your investigation is still valuable; your willingness to pursue all allegations of harassment is, in and of itself, a strong deterrent to future harassment.

- Continue to Educate. If you encounter a sexual harassment allegation in the workplace, don't hesitate to use the occasion to remind supervisors of your policies on this issue — and ask them to remain on the alert for harassing behavior in the future.

Above all, remember that the responsibility for dealing with this complex issue rests with everyone in the organization.

The CEO must insist on a work environment that supports respect and professionalism.

The personnel office must insure that appropriate policies on harassment are in place, and that employees understand the procedures for filing harassment complaints.

Supervisors must insure that policies are properly administered on a daily basis.

An effective sexual harassment policy helps you prevent legal problems and morale problems. But its ultimate value is much greater: it helps you build a workplace conducive to the highest standards of productivity and morale.

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