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How to Handle Sexual Harassment Complaints at Your Business



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Say you only have 15 employees. You're a family. You don't have to worry about having to handle sexual harassment complaints, right? Don't be so sure. No business is inherently immune from harassment issues. And in 2016, there were almost 27,000 sexual harassment complaints filed with U.S. Equal Employment Opportunity Commission (EEOC). If you have 15 or more employees, your business must be compliant with Title VII of the Civil Rights Act of 1964. Many state and local jurisdictions have their own civil rights and/or human rights laws that have lower employee thresholds.

What Is Harassment?

Sexual harassment at work comes in two forms. One is "quid pro quo," where one party demands sexual favors in exchange for some kind of benefit. For exampl

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employees' ability to work or creates a hostile environment. This can include offensive or derogatory remarks about a sex in general, for example that women can't handle the stress of management. The important distinction with HWE harassment is that a specific employee doesn't need to be the target of the conduct to file a claim. The employee need only be affected by the conduct.

In either case, harassers can be of either sex, according to the EEOC, and the harasser and victim can be of the same sex. Additionally, the harasser doesn't have to be the victim's supervisor but can be another supervisor or co-worker in another area, as well as a third party like a client or a vendor.

Most employers have an obligation to prevent all forms of harassment, including sex harassment, and take prompt, effective action to respond to and remediate complaints. It's also essential for building a successful workplace that all employees feel safe, heard, and valued.

Create a Written Policy and Train Staff

It's best practice to have a formal, written sexual harassment policy with effective complaint procedures that is frequently communicated to all employees.

Ensure your employee handbook contains a policy that clearly defines sex harassment and other forms of harassment. Include how the company investigates and responds to such claims. Put it in writing that sex-based harassment will not be tolerated, and could lead to disciplinary action up to and including termination. Add where employees should go if they feel they are a victim of harassment. Once your new policy is ready to roll out, all employees should sign a document acknowledging that they have read and understood the handbook.

After that, train your staff. Hold a mandatory training to kick-off the new or revamped policy. Hold regular refresher trainings. Make the harassment policy part of your onboarding process for new employees. Some states have specific rules mandating a certain frequency and duration of training, so ensure that you are mindful of those requirements.

Train employees on what to do if they witness or experience sexual harassment. Additionally, train supervisors on how to identify, prevent, respond to and resolve harassing conduct.

How to Handle Sexual Harassment Complaints

If a complaint comes in, take it seriously and develop a plan for an initial investigation including what questions to ask, and who will be interviewed, including the accuser, the accused and any potential witnesses. Be sure to contact your counsel to review your decision and plan. Assure everyone that no retaliation will occur. And make it clear that the investigation is for the benefit of both parties and that it will be fair and just. You may advise witnesses

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further problems have occurred. Document all follow-up, too.

Employing effective preventative practices consistent with your policy, and working closely with experienced counsel can help you prevent and respond to workplace complaints.

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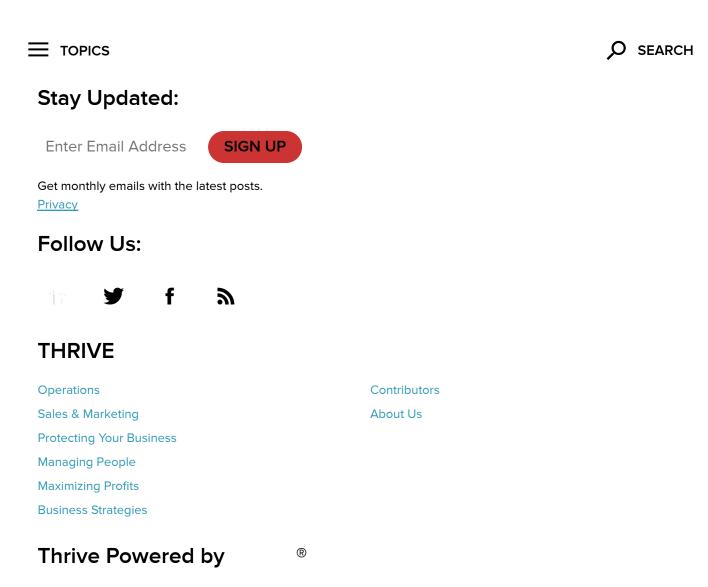
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