

Effective Policies Against Sexual Harassment and Discrimination

By Karen Sutherland

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Sexual harassment and discrimination claims are an enormous, generally uninsured drain on an employer's resources. Adoption of a policy against sexual harassment and discrimination serves two purposes: it reduces the likelihood of a claim by preventing harassment and providing a prompt, effective means for addressing it when it occurs, and it provides the employer with a legal defense to a hostile work environment claim.

An effective anti-sexual harassment policy:

- Defines and prohibits sexual harassment;
- Encourages prompt reporting of all complaints to an independent representative of the employer;
- Includes a procedure for bypassing one's supervisor in cases where the supervisor is the offender;
- Ensures the expeditious, thorough and impartial investigation and resolution of all complaints;
- Provides for immediate and appropriate remedial action, up to and including termination for violations of the employer's policy;
- Provides for progressive discipline if the harassment reoccurs;
- Applies to all employees, including managers and supervisors;
- Prohibits retaliation against employees; and
- Does not conflict with contractual, civil service or other rights of the employees. If such conflicts exist, the conflicting requirements should be modified to accommodate the need for an effective anti-sexual harassment policy.

Employee training enhances the value of the anti-harassment policy. The training should be based upon the employer's anti-harassment policy, and it should illustrate that policy through examples, role-playing, hypotheticals, quizzes and discussion in a way that enhances every employee's, supervisor's and manager's understanding of appropriate workplace behavior, the claims reporting and investigation process, discipline, and non-retaliation for making a claim.

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