

## **Preventing Sexual Harassment Claims**

**By Karen Sutherland**

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Last month, this column discussed how to recognize a "hostile work environment" that could lead to a harassment claim. This month, we focus on prevention.

- Every employer should adopt and implement a sexual harassment policy which:
  - 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, impartial, and informal investigation and resolution of all complaints;
  - Provides for immediate and appropriate remedial action including termination for violations of the employer's policy; and
  - Prohibits retaliation against employees.
- The policy should be included in employee manuals, posted on bulletin boards, and regularly communicated to all employees.
- An effective complaint procedure should provide a mechanism for employees to complain without risk of retaliation and should provide a method to complain about the employee's immediate supervisor without first going to that supervisor.
- The complaint procedure should be communicated frequently to all employees, and should provide the ability to promptly and completely investigate all allegations of sexual harassment while providing effective safeguards for employee confidentiality.
- Adoption of the above policies and procedures will be considered by the courts to determine whether the employer is liable for harassment. Although these policies are no guarantee, they substantially decrease the possibility that the employer will be held liable when an employee harasses a co-worker.

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