



The Basics of an Employer Sexual Harassment Policy

By James W. Carroll, Jr., Esquire

An effective sexual harassment policy in the workplace serves two important functions: it is a preventative tool for sexual harassment and it shields an employer from liability in a sexual harassment lawsuit. However, when creating a sexual harassment policy, an employer should bear in mind a few basic but important points. First, the goal of a sexual harassment policy is to encourage reports from employees and to provide a reasonable and quick resolution to the problem being complained of. Second, even a perfectly drafted policy will be an ineffective one if not properly disseminated to employees.

A sexual harassment policy should be written to include a definition of sexual harassment, identification of prohibited conduct, and a forceful statement communicating that sexual harassment is against company policy as well as against state and federal law. The policy should also make clear that sexual harassment will result in disciplinary action up to and including termination. In addition, the policy should set forth a complaint procedure that assures confidential and appropriate corrective action. The procedure should identify three to five people to which a victim may report sexual harassment, such as a Human Resources representative, a supervisor, or a management employee. By providing various non-confrontational options to the victimized employee, he or she will be more likely to report the harassment and the employer will be subjected to less exposure. Finally, include a statement assuring the victim that he or she will not be retaliated against in any manner when reporting sexual harassment.

One of the most important steps an employer can take to limit exposure or avoid liability in a sexual harassment suit is to publicize and distribute its sexual harassment policy to employees. This can be done in various ways, none of which is mutually exclusive. Initially, the policy must be disseminated to your employees and an acknowledgement should be signed by the employee stating that the policy has been read and reviewed. During meetings with current and new employees, discuss the policy and make sure that everyone understands each aspect of it. In particular, make sure that supervisors and management employees are familiar with the policies and procedures as laid out in the sexual harassment policy. Publish the policy by including it in employee handbooks and posting it in conspicuous places. Lastly, assure that the policy is re-communicated to employees at least once a year, whether by email, newsletters, or other means.

As with employee handbooks, a properly drafted sexual harassment policy can be extremely beneficial to employers and employees alike, but a policy that falls short of the mark can create numerous problems for employers.

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