



November, 1999

Sexual Harassment Continues as a Serious Workplace Issue

The following examples, unfortunately, remain all too common in today's workplace:



- ✓ Margaret's supervisor gives her a poor job evaluation after she declines to have an affair with him.
- ✓ A male employee puts up a pinup calendar at the office. The nude female pictures displayed on the wall make Rachel uncomfortable whenever she looks at it. The male employee ignores Rachel's request to remove the calendar.

Local, state and federal laws have been designed to protect employees by making sexual harassment illegal. Under Title VII of the Civil Rights Act of 1964, all employees, regardless of their type of job or position level, have the legal right to work in a atmosphere that is free of discriminatory intimidation based on several factors, including sex.

What is Sexual Harassment?

Sexual harassment is conduct of a sexual nature that makes someone uncomfortable or embarrassed. When submission to that unwelcome conduct is made a condition of employment and interferes with an employee's ability to do their job, or creates a hostile, intimidating work environment, sexual harassment is illegal. Even if the person who acted in such a way did not intend to offend or intimidate, such conduct is still illegal sexual harassment.

Common forms of harassment

The following list of behaviors can be considered indicative of sexual harassment:

Physical

- ◆ Unwanted touching, holding, grabbing, hugging, patting, fondling, kissing, pinching
- ◆ "Accidental" collisions or brushing up against
- ◆ Physical assault

Verbal

- ◆ Offensive jokes or language
- ◆ Threats
- ◆ Comments and questions about a person's sexual behavior
- ◆ Conversations filled with sexual innuendo and double meanings



Non-verbal/Mental/Behavioral

- ◆ Offensive gestures or motions
- ◆ Staring at a person's body
- ◆ Leaning over someone at a desk
- ◆ Displaying or circulating sexually suggestive cartoons, letters, or pictures

Need for Non-Harassment Policy

All distributors, regardless of size, must properly develop and communicate its policy concerning the forbidding of any type of harassment. This helps reassure employees that their employer will not condone any actions which are discriminatory or intimidating. Such a policy

XYZ Welding Supply Non-Harassment Policy

It is XYZ Welding Supply, Inc.'s policy to prohibit harassment of one person by another person on the basis of race, color, religious creed, ancestry, citizenship, age, sex, national origin, disability or handicap. The purpose of this policy is not to regulate our employees' personal morality. It is to assure that, in the workplace, no person harasses another in any manner.

While it is not easy to define precisely what harassment is, it certainly includes:

- slurs
- name-calling
- threats
- derogatory comments
- unwelcome jokes
- teasing
- sexual advances
- requests for sexual favors
- improper verbal or physical conduct
- uninvited touching or sexually-related comments

Any person who feels that he/she has been subject to such harassment should immediately report the matter to the President or any manager of XYZ Welding Supply, Inc. A complete investigation of the alleged incident will occur.

At least annually, all employees and especially those in supervisory positions, should be reminded of the company's belief and enforcement of its non-harassment policy. This can occur by means of employee meetings, incorporated into supervisory training programs and also through bulletin board announcements and inclusion in the employee handbook.

Steps in Investigating Sexual Harassment Charges

1. Make it easy for any employee to register a sexual harassment complaint. Don't require the employee to go through her (his) immediate supervisor. He may be the source of the complaint.
2. Treat every complaint seriously, and explain that all information will be kept as confidential as possible. The employee should understand that she will not initially have to confront the harasser.
3. Try to appoint an investigator from outside the department where the alleged harassment occurred; perhaps a manager from another work area.

4. Make sure that both the accuser and the accused understand that false statements can be grounds for discharge.
5. If a supervisor is involved, make sure that he (she) understands that any form of retaliation will not be tolerated.
6. Give the accused the same consideration when getting his (her) side of the story. Don't start with any preconceived notions about guilt or innocence.
7. Interview all witnesses and have them sign statements which verify what they saw or heard.
8. If it's determined that sexual harassment did indeed occur, make sure any discipline conforms with your written company policy. In extreme cases, discharge may be in order. For less severe infractions, you may want to consider one of these alternatives.
 - a. Put a formal letter of reprimand in the harasser's file. Make it clear that additional infractions may result in more serious discipline up to and including discharge.
 - b. If the harasser is found guilty of a second charge, he should be demoted or terminated. A company that leaves a known harasser in a supervisory role is asking for trouble.

In conclusion, all employees within your distributorship deserve to be treated fairly and free from sexual harassment in the workplace. Court settlements continue to escalate as more and more employees become involved in sexual harassment investigations. These settlements were meant to be.

*Have you ordered your
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