



# CLIENT INFORMATION GUIDE

**Section:** Human Resources

**Topic:** Sexual Harassment

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In 1986, the U.S. Supreme Court ruled that sexual harassment on the job is a form of sexual discrimination and, as such, is illegal. The court held that illegal sexual harassment occurs when unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature creates a hostile or abusive work environment.

One of the clearest examples of sexual harassment is making the granting of sexual favors a condition of keeping a job, or receiving promotions, raises or other job benefits. But examples of other behavior which can be judged as creating a hostile environment are:

- Posting sexually explicit photos
- Telling sex-related jokes or jokes that demean people based upon their gender
- Commenting on an employee's appearance in an inappropriate manner
- Requiring employees to dress in revealing attire
- Repeatedly requesting a date from someone who is clearly not interested
- Hiring strippers to perform at company gatherings
- Making statements that persons of one gender are inferior to, or incapable of performing their job as well as, people of the other gender

Employers are held to have a legal duty to take all necessary steps to prevent sexual harassment by anyone (including managers, supervisors, coworkers or customers) in connection with their employment.

Not only must employers have a policy prohibiting sexual harassment, they must also promptly investigate complaints of sexual harassment and take appropriate action to end the harassing behavior, including possible disciplinary action against the offender.

To prevent liability in this area, as well as to create a safe, positive work environment, you need to adopt an attitude and policy which makes it clear that sexual harassment is not tolerated. To communicate that, you need to establish a written policy prohibiting sexual harassment. Within that policy you need to let people know to whom they may go within the company to report offensive behavior, as well as an alternate person in case the primary person should happen to be the one doing the harassing.

That policy should also clearly state that a person who makes a charge of sexual harassment will not be retaliated against.

Please see the sample sexual harassment policy and sexual harassment investigation guide included in the sample forms section of this manual.