

# Sexual Harassment

Social service agencies, like any other business, are not immune from claims of harassment. Implementation of policies and training, along with a zero-tolerance philosophy will help to control this exposure.

Sexual harassment has been defined by the U.S. Equal Employment Opportunity Commission as:

*Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when submission to or rejection of this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment.*

The victim as well as the harasser may be a woman or a man. The victim does not have to be of the opposite sex. The harasser's conduct must be unwelcome.

The harasser can be the victim's supervisor, or a supervisor in another department, a co-worker, or a non-employee, such as a vendor, consultant, or customer.

The victim does not have to be the person harassed but could be anyone affected by the offensive conduct.

Unlawful sexual harassment may occur without economic harm to or termination of the victim.

**There are two common types of sexual harassment including:**

***Quid Pro Quo:*** means "this is for that." It is seen when a job benefit is directly tied to an employee submitting to unwelcome sexual advances. For example, a supervisor promises an employee a raise if she will go out on a date with him, or tells an employee she will be fired if she doesn't sleep with him.

***Hostile Environment:*** This occurs when an employee is subjected to comments of a sexual nature, offensive sexual materials, or unwelcome physical contact as a regular part of the work environment. Supervisors, managers, co-workers, and even customers can be responsible for creating a hostile environment. Examples include hanging explicit photos or suggestive calendars, sending inappropriate jokes via e-mail or telling of such jokes, bringing chocolates to the office which depict private body parts, etc.

A non-profit can be held liable for a hostile work environment if it knew, or reasonably should have known, of the conditions or activities and failed to take corrective action.

The Board of Directors plays a critical role in eliminating sexual harassment, by establishing a policy and strongly reinforcing a commitment to creating and maintaining a harassment-free workplace, regardless of the position of the alleged harasser.

The harassment policy should prohibit both harassment and malicious accusations of misconduct. Any violation of the policy should result in appropriate disciplinary action. The policy should be backed by a procedure for investigating allegations that protects the privacy of all parties.

Supervisors should be required to sign off confirming they have read and will follow the written policy.

Employees and volunteers should be trained. The policy should be provided and reviewed with them.

Initial staff orientations and annual training sessions should be conducted and documented.

Policies should be reviewed periodically to ensure the harassment policy is in compliance with applicable laws. You should also request staff comments on the adequacy and effectiveness of policies and procedures.

Employees should not be discouraged from reporting harassment before it escalates. Multiple resources for reporting should be available so that an employee is never put in the position of having to report harassment to the perceived harasser.

Offering a third party reporting line, such as an employee assistance plan is another option for employers to consider.

Organizations should adopt a sexual harassment policy and distribute it to all employees. It should include:

- Notice that the policy in place is designed to prevent and correct instances of harassment
- The reporting method for sexual harassment. Employees should have multiple resources to report harassment (i.e. any manager or supervisor, human resources, etc.).
- A statement of no retaliation.
- Notice that the agency will promptly investigate any legitimate complaint and will take appropriate remedial action.
- Allowing employees to report to a neutral third party like a hot line to avoid claims of intimidation.
- Consistent training of your managers and supervisors on the zero-tolerance policy for sexual harassment.
- Incorporate a sexual harassment policy in the employee handbook and provide initial and annual training.

To reduce the potential for sexual harassment claims, the policy must be established and enforced through training and ongoing communication, investigating any claim seriously and equitably, and taking appropriate disciplinary action. These controls will also help in claim defense in the event of such a claim against the agency.