

Harassment in the Workplace

Ain't Misbehavin' – Just Havin' a Little Fun?

By Lesley Sifers, Tax Favored Benefits, Inc.

Is harassment in the workplace, particularly sexual harassment, on the increase? Judging by the huge increase in complaints to the Equal Employment Opportunity Commission (EEOC), you have to believe so. Personally, I think the workplace is much the same as it has been the past twenty or thirty years. It is our *attitude* toward misbehavior that has changed. Employees today are no longer reluctant to file a complaint when they believe they are being treated badly. While some complaints do make headlines and end in large settlements for the aggrieved parties, even when the employer prevails, the legal fees and associated costs are staggering.

It remains difficult to define harassment because much of what is called harassment is really discrimination. In general terms, harassment is rude, threatening, vulgar and unwanted behavior or attention. Discrimination, on the other hand, is unequal treatment in the workplace due to gender, age, disability, race, religion, national origin, pregnancy, etc. Harassment occurs when people are made to feel belittled, intimidated or threatened. For example, denying a qualified woman a promotion while promoting a less qualified man is gender discrimination. Telling her she will be promoted if she sleeps with the supervisor is sexual harassment. (Technically, it's called "quid pro quo" or "this for that.")

Sometimes our own attitudes and personalities get in the way of dealing with potentially serious situations. I'm guilty of it myself. Most of my work experience has been in manufacturing – not a female-dominated arena. I understand that people can misbehave and think they are just having fun. They don't mean to cause a problem or offend anyone. When you talk to them about a problem, they look shocked and lie or protest that they were "just kidding around."

Part of your job is to educate people so they know the difference between misbehaving and harassing a co-worker. After twenty-plus years in human resources (HR), during which I dealt with dozens of harassment complaints, I can tell you that times and attitudes have drastically changed. What may have been perfectly acceptable ten years ago is no longer considered appropriate conduct.

Your first objective is PREVENTION. If you have a handbook, a key element is your policy on harassment, including sexual harassment. Even without a handbook, you should develop and distribute a policy to all employees. The policy should include:

- general description of behavior that will not be tolerated
- channels through which employees can make a complaint
- a statement that ALL complaints will be investigated
- methods used to investigate complaints
- discipline measures (the old "up to and including termination" clause)
- assurance that complaining employees will not suffer retaliation

Step two is to get some training for yourself and any management or supervisory personnel in your company. Good training includes role-playing and teaching people to put their own attitudes on the shelf. It also remains important to teach managers how to listen, respond and investigate a complaint.

As the owner/manager of a business, you have a serious financial interest in preventing both discrimination and harassment. Even if you never end up in a lawsuit, any workplace where harassment, discrimination (or both) are pervasive cannot be a productive, efficient and profitable enterprise.

If you would like to discuss this topic or any HR issue, please feel free to contact me. You can contact the HR Help Line at 800-683-3440 or e-mail lesley@taxfavoredbenefits.com.