

Propel HR NEWSLETTER

HUMAN RESOURCES

November 2004

HARASSMENT: IT ISN'T JUST 'SEXUAL' ANYMORE

Workplace harassment is such a serious issue that just a single claim can seriously damage a company's bottom line. And it's not just large corporations that are at risk. Private-sector organizations with 15 – 100 employees are the most common targets of harassment claims. Sexual Harassment gets most of the headlines, but settlements and jury verdicts are frequently based on claims of harassment on the basis of race, color, national origin, religion, age, disability, and other protected categories. To protect yourself from these risks, take action to prevent harassment from occurring and to minimize your liability if a claim is ever filed. The keys are employee and supervisory training. Propel HR can help!

What is Harassment?

Harassment in the workplace is defined as unwelcome conduct that is offensive in nature and that detrimentally affects the work environment or leads to adverse job-related consequences for the victims of the harassment. It does not include the legitimate exercise of an individual's supervisory authority.

What is unwelcome conduct?

The behavior is one-sided and not wanted by the victim. The harasser should reasonably know that the behavior would be unwelcome. The behavior may occur in any situation involving the employment relationship, whether at or away from the worksite.

Examples of unwelcome conduct:

Jokes or taunting; refusing to converse or work with an employee based on race, age or other protected categories. Insulting gestures or practical jokes based on the above-noted grounds. Display of racist or offensive pictures/ materials. Unwelcome remarks about a person's physical attributes or appearance or inquiries about a person's personal life.

CHECK YOUR HARASSMENT KNOWLEDGE.

Mark "true" or "false" by the following questions.

- _____ 1) To bring a lawsuit for sexual harassment, a victim does not need to show that he or she suffered a monetary or economic harm, such as being fired or demoted.
- _____ 2) An employer will not be liable for sexual harassment committed by managers or supervisors as long as it is not aware of the conduct.
- _____ 3) Jokingly calling an older gentleman "POPS" can be construed as "harassment".
- _____ 4) Managers and supervisors can never be personally sued for sexual harassment.
- _____ 5) An employer may set higher standards of conduct for its employees than the law requires.

See Answer Key on Page 2

What are my responsibilities as a supervisor/manager?

You have an obligation to provide a harassment – free workplace. In recent cases, employers have been held liable where the courts have determined that sufficient actions to prevent the harassment were not taken. Here are some specific things you can do:

- Be a role model. Never engage in or condone behavior that could be interpreted as harassment.
- Walk through the workplace to monitor the working environment. Inappropriate pictures, posters, insults or offensive jokes may indicate a harassing environment. Remove them.
- Show you take the issue seriously. Discuss your policy at meetings.
- Watch for signs that harassment is taking place. Rumors, sudden changes in turnover or illness, decreased motivation and lower job performance may indicate that harassment is taking place.
- Respond to complaints promptly. Treat confidentially. Call Propel HR at 800.446.6567 or 864.271.7611.

HOW CAN Propel HR HELP?

Policy:

Propel HR has a master policy manual for all employees which includes a Harassment Policy. Also, all employees sign an acknowledgement at the time of hire stating they know, have read, and understand our policy.

Training:

Propel HR can offer training suitable to your needs. Whether you want to use a video from our library for your employee meeting or have formal training for supervisors and managers, Propel HR can help.

HR Support:

If you have any questions or just want to discuss a “what if” situation, our professional HR staff is ready to assist you. We can give you options, do research and make recommendations on a variety of HR issues. When needed, we will obtain legal advice to ensure we are offering the best suggestions or options to you.

HR Hotline

Our clients and all employees of Propel HR have access to a confidential hot line to report any form of harassment or retaliation. The number is **1-800-STOP-IT**

(1-800-977-8674). Any employee who uses the confidential reporting hotline to report harassment should identify Propel HR, whose company identification number is 980023, as his/her employer. All employees receive this number and instructions on a business card when they are hired. Employees can also call our office at 1-800-446-6567. All complaints of harassment will be treated confidentially and will be investigated promptly and thoroughly.

IF YOU THINK ABOUT IT...

The protected categories of race, color, national origin, religion, age, and disability are the essence of diversity. Employers should capitalize on it!

- ▶ “Minorities” are the majority in six out of the eight largest metropolitan areas of the United States
- ▶ The combined African- American, Hispanic-American and Asian-American buying power is more than \$750 billion dollars.
- ▶ Women are the primary investors in more than half of US households.

Employees who mirror the customers you serve can literally and figuratively speak their language, which benefits your business. Diverse employees can understand your customers, identify their needs and suggest potential new markets. Encourage teamwork inclusive of the strengths each member adds to your organization and hopefully “harassment issues in the workplace” will only be something you read about and not something you have to experience.

Fighting the Backlash of 911

Claims of unfair treatment of Muslims and Arab-Americans have increased rapidly since the attack on 9-11-01 making it crucial that employers take proactive steps to defuse hostility based on religion, ethnicity or national origin. Having a policy against harassment is not enough. Employers should communicate the policy and make sure employees understand it. Encourage reporting, educate employees and encourage positive patriotism!

ANSWER KEY: 1) True, 2) False, 3) True, 4) False, 5) True