



WORKPLACE JUSTICE

SEXUAL HARASSMENT PREVENTION STRATEGIES FOR EMPLOYERS

Prevention should be a primary goal for employers in addressing sexual harassment. Harassment prevention ultimately requires changes in attitude and behavior, for which there is no short-term solution, as well as changes in workplace policies and procedures. Preventing sexual harassment in the first place is in the interest of both employers and employees. In addition to improving workplace safety and equality, prevention practices can help avoid the reduction in employee productivity and morale that harassment causes, as well as the costly litigation, settlements, higher insurance premiums, and negative publicity that can result for employers.

Change Starts at the Top. Harassment prevention involves changing workplace culture and practices, and that change starts at the top. The organization's highest leadership must make clear that sexual harassment in any form is unacceptable and taken seriously, and commit appropriate time and resources to implementing strong prevention and response strategies.

Comprehensive Workplace Harassment Prevention. Although many employers have a written policy prohibiting sexual harassment, and/or mandatory sexual harassment training, a policy and training on their own are not sufficient. They must be part of a broader prevention program.

Written Policies and Procedures. An employer should also have policies and procedures explaining (1) how to report harassment (with multiple avenues for making a report); (2) how harassment complaints will be promptly and thoroughly investigated and addressed; and (3) how harassment perpetrators will be held accountable. Employers should make sure their human resources departments are evaluated

on their effectiveness in investigating and addressing reports of harassment. Employers also should have strong and consistently enforced policies against retaliation.

Annual Employee Surveys. An effective prevention program should also include an annual confidential survey of employees about their perceptions of workplace climate. Drawing conclusions based solely on formal complaints can create a misleading picture about the true extent of harassment in a workplace. Employees' fear of retaliation and mistrust of workplace processes and supervisors can lead to underreporting. A climate survey allows employees to anonymously provide information regarding the nature and scope of harassment they have experienced or witnessed at work; indicate whether they feel comfortable intervening or reporting harassment; share perceptions of management's commitment to addressing problems; indicate whether they understand the organization's workplace systems and practices for addressing harassment; and identify any problems with these procedures. The survey can help reveal important issues to be included in training, and help identify problematic behavior that may be addressed before it leads to formal complaints or lawsuits.

Effective Training. Training for all employees, including leadership and supervisors, is an essential element of a larger prevention strategy. Although many employers provide sexual harassment training, it often falls short of the mark and fails to create the necessary change in workplace culture. The following guidelines can help employers craft effective harassment trainings.

- **Trainings should be mandatory and frequent.** All employees — including management, supervisors, and lower-level employees — should be required to participate in trainings. Trainings should occur frequently throughout an employee's tenure, with an initial training upon hire and re-trainings at least annually thereafter.

- **Managers and supervisors should receive additional training.** Managers and supervisors should receive additional training about their increased responsibility under law and under the employer’s policies to prevent and remedy harassment. Training should translate those duties into concrete steps that must be taken to prevent and remedy harassment, and identify the consequences for failing to do so.
- **Trainings should be live and interactive.** Many harassment trainings are not taken seriously by employees because they fail to engage employees in an interactive way that helps them acquire tools to recognize and respond to relevant workplace issues. Requiring employees to role play or problem-solve increases engagement and retention.
- **The content of an effective training must go beyond mere compliance.** Effective training must do more than simply explain legal standards and describe behaviors that are unlawful. The content of an effective training must:
 - Address behaviors the employer considers unacceptable (for example, bullying) that may escalate to unlawful sexual harassment;
 - Empower bystander intervention and ally behavior, and provide specific techniques for intervening when an employee witnesses harassment;
 - Explain how and to whom to report harassment as a target or a witness, and the reporting and investigation process;
 - Identify the consequences for engaging in harassment;
 - Identify the internal and external resources that are available to an employee who experiences or observes harassment.
- **Trainings should be tailored to the particular workplace context.** Using examples of scenarios that may realistically arise from a specific worksite or industry more concretely illustrates unlawful and unacceptable conduct for employees.
- **Trainings should be informed by the climate survey.** The development of a harassment training program should be responsive to the findings of the workplace-specific survey.

For further detail and additional recommendations, we encourage you to review the U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION’S 2016 REPORT OF THE SELECT TASK FORCE ON THE STUDY OF HARASSMENT IN THE WORKPLACE. U.S. EQUAL EMPLOYMENT OPPORTUNITY COMM’N, SELECT TASK FORCE ON THE STUDY OF HARASSMENT IN THE WORKPLACE, REPORT OF CO-CHAIRS CHAI R. FELDBLUM AND VICTORIA LIPNIC, Part Three & Appendix B (June 2016), https://www.eeoc.gov/eeoc/task_force/harassment/report.cfm.