

ANDERSON KILL EMPLOYMENT LAW INSIDER

ALERT

Time to Revisit Sexual Harassment Policies

By Bennett Pine

If you thought your company had long ago covered all bases with respect to sexual harassment, think again.

In 1991, Congressional Supreme Court confirmation hearings placed the issue of sexual harassment front and center. Following the hearings, both employers and employees became quite cognizant of sexual harassment issues. Responsible employers published, endorsed and distributed written sexual harassment policies to their employees, and many employers conducted sexual harassment training. Many employers have continued to reissue the policies to employees annually and have conducted sexual harassment training for their employees on a regular basis.

As a result, from the perspective of this management-side attorney, most males began to “get it.” The incidences of sexual harassment in which we were consulted greatly lessened in recent years.

In the past few months, however, new claims of sexual harassment from the worlds of Hollywood, television, national politics, college and professional sports and other areas have once again become front-page stories. As a result, the issue of sexual harassment has re-entered the consciousness of all employees.

The United States Supreme Court has advised employers that publishing and distributing a sexual harassment policy, educating employees and promptly investigating any claim of sexual harassment may actually constitute all or part of a valid defense to a sexual harassment claim that the employer receives.

For this reason, we strongly suggest that employers now take this opportunity to republish and redistribute their sexual harassment policies to all of their employees. A cover note from the CEO should state that the firm’s senior management opposes sexual harassment in the strongest terms and will promptly and fairly investigate and address any claim presented.

A good sexual harassment policy should also include:

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who's who

Bennett Pine is a shareholder in Anderson Kill's New York and

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- A definition of sexual harassment to include both "quid pro quo" and "hostile work environment" harassment.
- A statement that the firm's policy includes no tolerance for sexual and other forms of harassment and discrimination.
- A list of examples of the types of conduct that are unacceptable.
- A procedure for reporting claims of sexual harassment and other forms of unacceptable conduct to the employer.
- A statement that there will be no retaliation or other adverse employment action against a complaining employee.
- A statement that complaints will be investigated promptly and as confidentially as possible.
- A statement of the penalties that will be imposed against any employee found to have committed harassment.

A sample of a sexual and other illegal harassment policy is available on our website at <https://www.andersonkill.com/custom/publicationpdf/Sample-Sexual-Harrassment-Policy.pdf> for your review and use.

Should you have any questions or require additional information, please do not hesitate to contact the author at (212) 278-1288 or bpine@andersonkill.com. ▲

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