



Clear Policies on Sexual Harassment Benefit Both Employers and Employees

Sexual harassment suits, and the size of the damage awards, have become a subject of notoriety in recent years. It is clear that courts and administrative agencies take sexual harassment claims seriously. Employers are faced with the possibility of significant liability for improper or inadequate responses to sexual harassment occurring in the workplace.

Both employers and employees benefit from clear statements of policy on the part of the employer, along with a commitment to follow the law. An employer of any size should (1) have a written sexual harassment policy promulgated to employees, and (2) undertake careful and methodical investigation of any claims.

The policy should never require the employee to confront the harasser. Without a policy, an employer is very likely automatically on the defensive in the event of any claim of sexual harassment.

Further, the dissemination of a written policy lets employees know the value the employer attaches to prohibiting sexual harassment at work. Employers of any size should have a written policy manual for employees that deals with sexual harassment, as well as all other topics related to employees. The policy should contain language that reserves rights to the employer to make changes if conditions warrant it. Please call us if you need help establishing or reviewing a written employee policy manual.

We recommend the sexual harassment policy contain the following:

- ✓ A clear, understandable definition of sexual harassment. Both the EEOA Guidelines and MN Stat. 363.01, subd. 41 (1991) provide legally acceptable definitions;
- ✓ An explicit intent to investigate complaints;
- ✓ A guarantee that all information will be kept confidential;
- ✓ A method for reporting complaints. The method should provide alternative means for reporting allegations to persons other than the employee's immediate supervisor or other person who may be the harasser;
- ✓ A clear prohibition against retaliation against the employee for reporting the harassment; and
- ✓ Sanctions or disciplinary measures for supervisors or other employees who sexually harass employees, including warnings to the offending person and notations in that person's employment record in the event of future complaints.