

Solutions for Supervisors

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Sexual harassment in the workplace: beyond the basics

In this era of sexual harassment awareness, leaders everywhere are wondering whether they are doing enough to protect their employees—and themselves. The stakes are high. Sexual harassment isn't only reprehensible, it's bad for business. True costs include higher absenteeism and turnover, lower productivity, higher legal fees, and reputational harm. And the truth is that supervisors are held to a higher standard than other employees: once someone in a supervisory role is alerted to harassment allegations, the company is legally obligated to address the situation promptly.

While today's supervisors can easily recognize straightforward quid-pro-quo sexual harassment scenarios, it's the more nuanced situations that have supervisors scratching their heads: what to do when the work environment feels hostile, what to say when an employee reports questionable off-duty conduct, or how to respond when one of your direct reports says that another is harassing her on social media.

Employees' off-duty activities—including their social media posts—may contribute to co-worker conflict and reputational damage. However, employers that have too rigid a social media policy or discipline workers for off-duty activities may run afoul of the National Labor Relations Act (NLRA), which protects employees' rights. Before taking any action, it is critical to get the facts and determine whether the alleged behavior is workplace related. Report up to your Human Resources department. If you don't have answers for your employee, say so. Then promise to follow up as soon as you know more, and keep your promise.

Communication is key. It's critical to set respectful workplace

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expectations early and reinforce them often. Employees need to know from the beginning what policies are in place, how civility in the workplace is promoted, and that any form of harassment will not be tolerated. Follow up regularly with trainings, surveys, and conversations. By openly talking about these issues, people will feel more comfortable speaking up with concerns before they rise to the level of harassment allegations.

Here, the importance of leadership can not be overstated. Supervisors must model the behaviors they expect from staff, immediately address inappropriate behavior, and practice situational awareness to constantly assess for risk factors of harassment within their departments. One of a supervisor's primary roles is to be the eyes and ears of their employer.

According to a recent EEOC Select Task Force on the Study of Harassment in the Workplace, roughly three out of four individuals who experienced harassment never even talked to a supervisor about the harassing conduct because they feared inaction, blame, or social or professional retaliation. However, co-workers are often aware of the situation, and research has shown that sexual harassment affects bystanders as well by creating an atmosphere of fear and intimidation. Empower bystanders with appropriate tools to intervene when they witness harassing behavior in the workplace. It's on all of us—especially leaders—to end sexual harassment. We cannot be complicit and expect our workplace cultures to change themselves.

What to say:

When employees tell you they have experienced harassing behavior:

First, thank them for bringing their concerns to you. Then, "That's a serious allegation, and I want you to know that we take that very seriously." Avoid responses like, "That doesn't sound like Bob..." or "she didn't mean it that way." Avoid interjecting the word "harassment" into the conversation before you know what the problem is.

When employees ask if you can promise confidentiality before they reveal their concerns:

Your first instinct might be to assure them confidentiality—or cite your legal duty to report—but both extremes can have unintended consequences. Instead: "I'm here to listen. Because I don't know what you're going to tell me, I can't promise confidentiality. What I can tell you is that we don't tolerate retaliation."

When employees ask how long an investigation will last:

You can't give a definite timeline; instead, reassure them you'll stay in touch. Then follow up.



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