

1 - Sexual harassment is a form of sex discrimination that violates Title VII of the Civil Rights Act of 1964. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when submission to, or rejection of, this conduct explicitly or implicitly affects

- an individual's employment,
- unreasonably interferes with an individual's work performance, or
- creates an intimidating, hostile, or offensive work environment.

Sexual harassment can occur in a variety of circumstances, including but not limited to the following:

2 - The victim as well as the harasser may be a woman or a man. The victim does not have to be of the opposite sex.

3 - The harasser can be the victim's supervisor, an agent of the employer, a supervisor in another area, a co-worker, or a non-employee.

4 - The victim does not have to be the person harassed, but could be anyone affected by the offensive conduct.

5 - Unlawful sexual harassment may occur without economic injury to, or discharge of, the victim.

6 - The harasser's conduct must be unwelcome.

7 - It is important for the victim to directly inform the harasser that the conduct is unwelcome and must stop. The victim should use any employer complaint process or grievance system available.

8 - When investigating allegations of sexual harassment, the U. S. Equal Employment Opportunity Commission (EEOC) looks at the whole record. The circumstances, such as the nature of the sexual advances, and the context in which the alleged incidents occurred. A determination on the allegations is made from the facts on a case-by-case basis.

Following are guidelines and factors EEOC considers relevant to sexual harassment:

9 - Workers must understand what sexual harassment is and appreciate that employers and employees can be held liable if any personnel are engaged in sexual harassment.

10 - Know that any unwelcome sexual activity tied to employment decisions or benefits is sexual harassment.

11 - Recognize that sexual harassment may include jokes, vulgar language, sexual innuendoes, pornographic pictures, sexual gestures, physical grabbing or pinching, and other unwelcome or offensive physical touching or contact.

12 - Remember that every sexual harassment charge is extremely serious.

13 - Understand that employees who comply with unwelcome sexual advances can still be

victims of sexual harassment.

14 - Realize that men as well as women may be sexually harassed.

15 - Understand that employees may wait a while before lodging sexual harassment charges.

16 - Issue and communicate a strong company policy from the CEO/President against sexual harassment.

17 - Provide a clear definition of sexual harassment using examples of inappropriate behavior.

18 - Review the policy with all company personnel on a regular basis.

19 - Discuss the policy with all new employees.

20 - Ensure that third-party suppliers and customers are aware of the company sexual harassment policy.

21 - Establish procedures by appointing senior staff personnel to oversee the implementation of the policy.

22 - Supervisors and managers must be trained to recognize and prevent sexual harassment.

23 - Clearly outline procedures to use in reporting sexual harassment.

24 - Designate appropriate managers, rather than a direct supervisor, to receive sexual harassment complaints.

25 - Provide alternative routes for filing complaints.

26 - The company sexual harassment policy must be enforced and employees who do bring charges need to be free from the threat of retaliation.

27 - Investigate all sexual harassment charges quickly and thoroughly while safeguarding the rights of the accused.

28 - Accurate records of the investigation and findings must be maintained and immediate action **must be taken** when sexual harassment is suspected or discovered.

29 - Ensure that **any** employee found to have engaged in sexual harassment is disciplined appropriately.

30 - Employees must be safeguarded from third-party, work-related sexual harassment.

Conclusion

31 - Sexual harassment in the workplace presents an ongoing and growing risk to businesses. Prevention is the best tool to eliminate sexual harassment in the workplace. Employers must take the steps necessary to prevent sexual harassment from occurring by clearly communicating to employees that sexual harassment will not be tolerated.