







# Anti-Harassment Policies: Purpose

- Send a message to employees
  - Harassment is not tolerated
  - Employer expects a certain level of conduct
- Create a reference or guide
  - How to handle different situations
  - Who to go to, what process to follow
- Contribute to positive workplace culture



# Anti-Harassment Policies: Employer Expectations

- Make employer prohibitions and expectations clear
  - Prohibits harassment based on legally-protected characteristics
  - Prohibits conduct that is inconsistent with employer's workplace expectations



# Anti-Harassment Policies: Employer Expectations

- Should the policy be a “Zero Tolerance” policy?
  - May support employer goals
    - Clear expectations
    - Covers conduct beyond illegal conduct
  - But may also undermine goals
    - Could have a chilling effect on reports





# Anti-Harassment Policies: Define Harassing Conduct

- General prohibition on harassing conduct

Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature which has the purpose or effect of creating an intimidating, hostile, or offensive work environment.

Sexual harassment also occurs when unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature:

- is made explicitly or implicitly a term or condition of employment; or
- is used as a basis for an employment decision.











# Anti-Harassment Policies: Explain the Consequences for Violations

- What will happen if employees violate the policy?
  - Make sure that the discipline is proportional to the offense
  - Warn employees but allow for flexibility



# Workplace Dating Policies

- Workplace dating policies
  - Are workplace romances permitted?
    - Among whom?
    - Who needs to be notified?
    - What happens if there's a violation
  - If workplace romances are not permitted, how will you enforce the policy?
- Should employees sign waivers or other forms related to consensual relationships?



# Receiving and Responding to Complaints

- **Guidance from the EEOC:**

*An effective harassment complaint system welcomes questions, concerns, and complaints; encourages employees to report potentially problematic conduct early; treats alleged victims, complainants, witnesses, alleged harassers, and others with respect; operates promptly, thoroughly, and impartially; and imposes appropriate consequences for harassment and related misconduct, such as retaliation.*



# Receiving and Responding to Complaints

- Multiple avenues for complaints
  - Common sense in light of organization (e.g. anonymous hotline may not be suitable for small employer)
  - Make sure that employees can bypass potential harassers
- Post-complaint process should be clear
- Protect confidentiality
- Assure non-retaliation





# Creating a Positive Workplace Culture

- Publicize the policy
  - Available in multiple places
  - Remind employees during trainings
  - Provide policy to all new hires
- Confirm understanding
  - All levels of organization must know about the policy and understand how it works



