

Sexual Harassment

One of the unintended results of the move in this country toward diversity has been the introduction of women into workplace positions where men worked exclusively. If this does not work out well, it is sometimes, but not always, the result of sexual harassment.

Sexual harassment, according to the U.S. Equal Employment Opportunity Commission (EEOC), is prohibited under Title VII of the Civil Rights Act of 1964. The Act applies to employers with 15 or more employees, including state and local governments; employment agencies and labor organizations; and the federal government. Sexual harassment can occur in a variety of circumstances, including but not limited to the following:

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.

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.

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

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

The harasser's conduct must be unwelcome.¹

Many companies treat sexual harassment as an ethical issue as well as a legal issue, and they define it differently from the federal act. Often, language addressed to this issue appears in written Ethics Codes. In some cases the language is explicit; in others it is more general. In some companies, an unwritten rule or practice is to discourage any "touching" of any kind in the workplace.

Many companies have undertaken regularized training with supervisors to review the sexual harassment policy. Here is an example of language from a website of a company offering this training:

Conduct yearly meetings with your supervisors to review the sexual harassment policy, and to make sure that they understand that an employee does not need to suffer negative consequences in order to make a claim of sexual harassment. Inform the supervisors that even mild to moderate sexual jokes or statements can create an atmosphere of hostility that will make some employees uncomfortable, and could lead to the creation of an environment where sexual discrimination could develop. The supervisor should also be directed to always inform upper management of any sexual harassment complaints he or she receives from employees. Supervisors should never promise confidentiality with an employee when the information relates to sexual harassment.²

From an ethical perspective, however, the most important thing may well be the willingness of line employees to bring any evidence of sexual harassment to the attention of the supervisor of the harasser so that it can be stopped. This is especially true in circumstances where the number of men in a unit far surpasses the number of women. Finally, the "definition" of sexual harassment is often very different in other countries. Any company doing business overseas should be aware of that.

¹ http://www.eeoc.gov/types/sexual_harassment.html.

² <http://www.employer-employee.com/sexhar1.htm>