

Zero tolerance on harassment case study sample

[Business](#), [Employment](#)



Introduction

Harassment law is one of the many laws of the country that covers a lot of ground, specifically in the fair treatment of other human beings in the workplace. When looking through different sources, and when looking for terms and definitions in general, the most common form of harassment to appear is sexual harassment.

This may not be the only form of harassment, but it is the most common as it is the most obvious difference in people in a workplace. More often than not, harassment begins as nothing more than banter in a workplace, this type of exchange (and sometimes competition) is usually healthy until it turns more aggressive.

There is not universal definition of harassment in a workplace however but can be defined as the continuous and unwanted annoying actions of one party or group. This may include threats, demands and even violence . Harassment (by law) is also defined as discrimination due to race, gender and the likes and violates the 7th Title of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967 and the Americans with Disabilities Act of 1990 .

Sexual Harassment

In the definition specified by the State of California Management Bulletin, sexual harassment is the “ unsolicited and unwelcome sexual advances, request for sexual favors and other verbal, physical, visual or written conduct of a sexual nature directed to persons of the same or opposite sex”.

This in itself is not a problem that the law covers until it affects the working

environment and wellbeing of the persons involved. That is to say if such sexual advances become the basis for employment, employment decisions or it affects the employee's performance level . Additionally, the bulletin also defined sexual harassment in two manners: quid pro quo (Latin) meaning the exchange of something.

This is when the management offers the employee something in the workplace (higher pay, employment, etc.) in a verbal, physical or visual sexual manner in exchange for sexual favors. This does not end there however as part of this category is if there is an expressed or implied statement that the person will lose their job if he/she does not comply. The other form of sexual harassment is classified as hostile work environment. This in turn is defined as sexual advances that interfere with the working environment of the employee. Specifically, when it discriminates against people solely because of their gender or they are abused because of it. This is usually when the general definition of a sexist appears. The hostile work environment does not forgo the act that sexual advances are made however, sexual advances that were stated in the quid pro quo section still has an effect on the hostile work environment, this is just usually when a failed sexual advance becomes violent or oppressing for the workers. That is why, part of this section is the " unwelcomed pressure for dates or sex" which includes the scenario where both parties reciprocate mutual consent then one party stops .

Psychological harassment

This form of harassment can be classified as the type that is prevalent in almost every aspect of society. Looking at it from the workplace alone,

psychological harassment is the manipulation of a person by another or a group (more commonly referred to as mobbing) to induce stress to eliminate the competition or to solicit favors (which in this case is more commonly known as blackmail) .

The source of this section may not be American in nature, but this does prove that the problem is also not exclusive to one country. The point here is the fact that psychological harassment in a workplace usually affects a person's dignity or integrity. This form of harassment is the type that begins with banter and other juvenile acts which in turn becomes harmful for the persons involved.

Racial Harassment

Another common form of harassment, racial harassment in turn is defined as the discriminatory remarks, actions or practices against a co-worker because of their heritage. This form of harassment also includes juvenile acts such as jokes, humiliating comments or remarks based on a person racial background .

As with the other forms of harassment, this form also violates the Civil Rights Act of 1964. Also, as with the other forms of harassment, this type can also turn violent, which is another reason why employers are expected to take preventive measures, not only for their benefit, but also for the benefit of their workers. Furthermore, (when one takes a closer look into racial harassment) it can be seen from history that racial harassment has led to a number of life threatening situations and conflicts due to the fact that racial harassment has its roots placed in racism. A good example of this would be World War II (in both theaters).

Religious Harassment

A less common but still existing form of harassment, this form takes into account that not everyone in a certain workplace follows the same religion in life. Religious harassment is quite similar to racial or sexual harassment (the hostile workplace environment section) in a way where the person is being discriminated upon simply because of their beliefs .

Zero Tolerance

The easiest description of Zero Tolerance is there is a list of things not to do, break them and the person will be reprimanded severely. This policy does not only appear in the workplace, but also in other places where the civil rights of a person might be stepped upon such as schools .

This form of policy is usually put into effect due to the growing number of times when the law is not followed simply because it had too many loopholes. This policy is not without criticism however as there are times that its inflexibility can be seen as a form of harassment in itself; such is the case of applying said policy in places such as schools .

Responsibilities of the Management

In any business manual that can be looked into, it can be seen that the workplace is expected to provide a safe and fair environment for its employees to work in under law. That being said, the application of the zero tolerance policy when it comes to harassment is crucial in eliminating the problem. While different companies have different ways of implementing this, they do have a few steps in common .

An example of this is the reporting of the harassment, standing up against it,

keeping work records and evidence of the harassment, investigating upon it and even filing a lawsuit. These steps may be able to help solve the problem in the long run when the harassment has taken place, but prevention is always better than a cure. For this, the zero tolerance policy is the most efficient solution.

This can be made to look like a form of harassment upon the employees itself, but is not the case if applied properly. The first step to that is by simply putting it into writing and telling the staff verbally that there is a zero tolerance policy placed in effect for harassment. More often than not, the threat of a sanction is more effective than a sanction .

Conclusion

It is without a doubt that the laws surrounding harassment are not new as the problem itself is not something that simply appeared in the recent past. Additionally, harassment is also not likely to go away any time soon. As such, it is the responsibility of the management to ensure a safe working environment for all of its employees.

Furthermore, the reason behind this is the fact that harassment is an internal affair and should be resolved internally before the problem escalates to a point where the reputation and good standing of a company is jeopardized solely because of the actions of one or a group of people.

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