

Violence in the workplace

Law



Sexual Harassment is unwanted sexual harassment by someone at work, be it a boss or another employee, this is what I have always thought how sexual harassment in the workplace was defined. It is so much more. Sexual harassment is now defined as telling someone they look nice, yes that is sexual harassment today. Telling someone they smell good, yes that is sexual harassment today. There are so many issues that can be considered sexual harassment that there are too many to name them all in this one research paper. You cannot pick up a newspaper or turn on the news without hearing about the latest sexual harassment case. This happens everywhere, big companies, small companies, movie stars, schools, restaurants, warehouses, bus drivers, all industries, no place is immune. . Human resource departments have to stay current on all examples of sexual harassment; they must keep current with all the legalities involved in educating staff and pursuing sexual harassment cases in the workplace.

Harassment on the basis of sex is a violation of Title VII of the Civil Right Act 1964. Title VII states, “ Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct is made either explicitly or implicitly a term or condition of an individual’s employment; submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual; or such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile, or offensive working environment”.

. According to research, in 1991, one of the largest sexual harassment cases of our time was played out in our living rooms via national television. “ On

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one side of the divide was Anita Hill, 35, a specialist in the dry area of commercial law, a reserved woman who by all accounts is given more to listening than to talking. On the other was Clarence Thomas, 43, a courtly man who from his college days has enjoyed a reputation for treating women with particular courtesy and respect” (Smolowe). She was a law professor and he was soon to be inducted as the next Justice of the Supreme Court. The result of this horrible trial has caused sexual harassment in the workplace to become less tolerable today.

So what is the Human Resource Department responsibility? “ Since 1999, the EEOC has published summaries of settlements with organizations charged with workplace sexual harassment. These agreements are very useful in identifying preventive corrective actions deemed most important by the EEOC” (Hobson). Hobson goes on to illustrate in his writing that it is the responsibility of the employer to take the initiative in aggressively safeguarding employees from sexual harassment. If the employer does not comply with these laws, the EEOC will conduct an investigation and a lawsuit will occur. Employers should have yearly training in what sexual harassment prevention as well as identifying sexual harassment. It should be a mandatory training that all employees, both management and staff are required to attend. The training should include the steps an employee should take if they feel they have become a victim of sexual harassment. The training should also include wording that reassures the employee that no retaliation will be taken against them for going forward with a sexual harassment allegation.

Sexual assault has become rampant in the United States Military. According to the article, "The Key to Sexual Assault Prevention" by Lieutenant Roger Misso of the U. S. Naval Institute; "The Equal Employment Opportunity Commission guidelines. Harassment on the basis of sex is a violation of Title VII of the Civil Right Act 1964. Title VII states, "Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct is made either explicitly or implicitly a term or condition of an individual's employment; submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual; or such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment" (Misso).

The Navy uses victim advocates as actors and performs drills with commanding officers. This not only demonstrates to the commanding officers how to react or not react, it demonstrates to the military units how they can respond to advances and what their course of action should be. Unites States companies have mirrored these steps in their own Human Resource Departments in making sure that sexual harassment is taken seriously. It is not funny anymore and is taken extremely seriously.

Joan Vermeulen, legal director of Working Women's Institute in New York City, says

"the regulations recognize that sexual harassment can be an occasional comment or a

continual ongoing assault of comments that disrupt the working environment”

(Middleton). Members of the Women’s Justice Center go on to say the rules are

written in a way that allows for a cause of action to develop. The rules are neither

too strict nor too broad. They are easily understandable and serve to protect the

employee from undue harm or retribution.

“ Effective and immediate intervention also serves to minimize the injury to the victim

and sends a clear message throughout the workplace that harassment is not tolerated.

What follows are the top 10 tips for conducting an effective sexual harassment

investigation” (Cooper).

#1 Promptly report the employee’s complaint

– any complaint of sexual harassment should be reported to the HR department ‘

#2: Promptly initiate the investigation

-Start immediately, delays look like you don't take the complaint seriously.

Write down any reasons for any delay and inform everyone involved.

#3: Be familiar with EEOC guidelines

-Knowing the guidelines will successfully allow you to support claims

according to

all the rules that should be applied.

#4: Develop adequate documentation

-Write down everything and keep copies of everything

#5: Interview all potential witnesses

-If a witness is mentioned, make sure you interview them, all of them. Don't

stop at one

is enough.

#6: Take interim remedial measures during the investigation

-separate the complaining employee from the alleged harasser until the

investigation is

complete.

#7: Take steps to avoid retaliation

-Make sure the alleged harasser is informed immediately that any retaliation

will not be

tolerated. Retaliation could bring about a whole new lawsuit.

#8: Remember that confidential complaints still count

-The employer is required to investigate every complaint. Let the employee know that

you will keep it as confidential as is possible, but that you must investigate.

#9: Avoid prejudging complaints

-Do not let anyone investigate who has a working relationship or a personal relationship

with the employee.

#10: Be consistent

-All complaints should be thoroughly investigated, whether big or small...

“ The job of Human Resources in regards to sexual discrimination is an easy task for employers who understand the employment laws and enforce them and the workplace policies. Discrimination and unlawful harassment based on sex is referred to as sexual harassment. Sexual harassment can occur in any combination of working relationships – among employees or between employees and supervisors. Employers have one basic obligation to their workers – to provide a safe working environment free from discrimination and harassment.” (Mayhew)

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