

Don't Forget Remote Workers in Sexual Harassment Prevention Policies

If you have staff working from home as a result of changes wrought by the COVID-19 pandemic, you still need to stay on top of your obligations to protect your staff from sexual harassment.

Not being physically in the office doesn't seem to have had an effect on employee sexual harassment as employers paid out more than \$65 million in sexual harassment settlements and court awards in 2020, according to the Equal Employment Opportunity Commission.

While most workplace sexual harassment has historically taken place in person at the workplace, a good portion has migrated online in the form of harassment by workplace collaboration apps, e-mail, chat and texting. Just because you can't see the harassment, doesn't mean it's not happening.

Most companies, while they likely have policies prohibiting sexual harassment in the workplace, have not updated their policies to include online harassment. And that can leave them exposed to lawsuits by staff who feel they've been harassed by a manager, supervisor, co-worker or even a customer.

If you have employees, you need to make sure that you have strong policies in place that reach beyond the physical worksite.

What you can, and should, do

Review your sexual harassment prevention policies and training and update them to include employees working remotely. Make sure you have buy-in from management and supervisors for your prevention policies and training to be truly effective.

Consider policies and training that include the following:

- Information and practical guidance regarding federal and state law concerning the prohibition against, and the prevention and correction of, sexual harassment and the remedies available to victims of such harassment.
- Practical examples of harassment, discrimination, and retaliation.
- Information about preventing abusive conduct and harassment based on sexual orientation, gender identity, and gender expression.
- Procedures for employees to file a complaint of sexual harassment, as well as the company's steps for dealing with complaints.
- Appropriate remedial steps to correct harassing behavior, including the employer's obligation to effectively investigate harassment.

You should also have in place a written sexual harassment prevention policy that must also be distributed to your staff. You are also required to post sexual harassment prevention posters in the workplace.

Approach workplace harassment prevention with extreme care to reduce the risk of lawsuits, regulators' penalties, and other fallout.

Take reasonable steps, such as policy assimilation and training, to prevent discrimination and harassment from occurring.

If harassment does occur, you must take effective action to stop any repetition and to correct any effects of the harassment.

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