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PREVENTING SEXUAL HARASSMENT IN THE WORKPLACE PART 2 OF 2: AN OVERVIEW

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In part one of this series, we provided a brief overview of what type of conduct can constitute harassment, and focused on sexual harassment as defined under the law. In this article, we will discuss the steps an employer should take to help prevent harassment in the workplace.

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The following is a checklist of some of the steps an employer can take to address harassment:

Remember that in Arizona, sexual harassment liability can apply to employers with only one employee.

- 1. Implement a Comprehensive Anti-Harassment Policy.** An Anti-Harassment Policy should prohibit all forms of harassment on any protected basis, including harassment based on sex, race, color, religion, national origin, age and disability, etc. An effective policy should also: (a) clearly define prohibited harassing conduct (including sexual harassment), (b) assure employees who make complaints or provide information that they will not be retaliated against, (c) provide several different avenues for reporting harassment, (d) assure confidentiality to the extent possible (but remember complete confidentiality cannot be guaranteed), (e) describe a complaint process for prompt and impartial investigations and (f) provide a reporting procedure listing at least two individuals authorized to take complaints. Each employee should be required to sign a form acknowledging receipt of the policy when hired (either as part of your Personnel Policy Manual or separately). The policy also should be posted in a location clearly visible to all employees and it should be re-distributed on a regular basis.
- 2. Provide Regular Training to All Employees.** Conduct regular annual training on preventing harassment in the workplace for all employees. Separately train your management staff on how to properly handle harassment issues. Make sure that everyone is clear on the policy and reporting procedure.
- 3. Promptly Investigate All Complaints.** Promptly investigate all harassment complaints, even if they are not in writing. Depending on the circumstances, the company can either conduct the investigation internally or hire an outside investigator. Make sure that all those involved in the investigation know that they will not be retaliated against in any way for participating in the investigation.
- 4. Communicate the Results to the Involved Parties.** The results of the investigation should be communicated only to those involved (i.e., the grievant and alleged harasser) and to any members of management with a legitimate need to know. However, be very careful to use only general terms, not make any defamatory or derogatory statements and not make statements that may be an admission of liability.
- 5. Take Prompt Appropriate Action.** If the investigation concludes that any inappropriate workplace conduct occurred, take appropriate and proportionate disciplinary action against the offending employee. Be sure to put such action in writing in the harasser's personnel file.

DON'T BE CAUGHT OFF GUARD!

If you don't already do so, always keep clear and accurate records of any employee disciplinary action, no matter how minor such action may be. It is important evidence that can later support employment decisions or help the employer in litigation. Without good records, it is difficult to recollect facts of a matter that happened months (or even years) ago. It is definitely worth your time and effort.

If you would like to have someone added to our mailing list or want your name removed, please contact Loreen at (928) 445-0122

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