

AGAINST SEXUAL HARASSMENT CHARGES

In a unanimous decision, the U. S. Supreme, Court ruled that sexual harassment of an employee by a supervisor is illegal. These actions violate Title VII of the Civil Rights Act. The case was the first time a sexual harassment issue was brought before the Supreme Court.

The Court ruled that the employer's lack of knowledge of the harassment by the supervisor does not necessarily insulate the employer from liability. The decision on the case makes it clear that the employer must take strong and decisive actions to avoid liability for sexual harassment.

These are some suggestions for an anti-harassment program to protect your organization:

1. Promulgate a policy that is not ambiguous and is in writing.
2. Distribute the written policy to all employees.
3. Delineate prohibited actions and specify the applicable sanctions.
4. Establish a complaint procedure that bypasses the normal supervisory chain.
5. Take prompt action to investigate and resolve complaints.
6. Design an action program for dealing with incidents of sexual harassment. This action plan should include corrective action.
7. Be attentive to unreported instances of sexual harassment, just as a company would be alert to theft and/or other business problems.
8. Hold employee education sessions to inform employees about the anti-harassment program.
9. Review decisions that promote, fire, or demote employees.
10. Offer counseling to victim of sexual harassment.

The court ruling offers some protection but even the best anti-harassment program is no guarantee against litigation or liability. Many companies fear that these programs will in and of themselves bring to the forefront harassment claims that might have otherwise been ignored or forgotten.

There is no guarantee that an anti-harassment program will preclude sexual harassment claims, but until the law is changed to offer more protection, such programs are the best strategy to minimize the risk of litigation.

A CREDIT UNION POLICY ON SEXUAL HARASSMENT

It is the policy of the credit union that all employees should be able to enjoy a work environment free from all forms of discrimination, including sexual harassment.

Sexual harassment is a form of misconduct that undermines the integrity of the employment relationship. No employee, either male or female, should be subjected to unsolicited and unwelcome sexual overtures or conduct, either verbal or physical.

Sexual harassment is not an occasional compliment of a socially acceptable nature. It is behavior that is not welcome, that is personally offensive, that lowers morale and that, therefore, interferes with our work effectiveness. Sexual jokes, innuendoes or disparaging or demeaning comments based upon sex have no place in the business environment and will not be tolerated.

All employees are advised that they need not endure insulting, degrading or exploitative sexual treatment from any employee or other person at the workplace. If a complaint of sexual harassment is made and after an investigation, an employee and/or supervisor is found to have sexually harassed an employee, or to have condoned an incident of sexual harassment, severe disciplinary action, up to and including discharge, may result.

Specifically, it is against the policies of the credit union for any employee, male or female, to sexually harass another employee by (a) making unwelcome sexual advances or request for sexual favors or other verbal or physical conduct of a sexual nature a condition of an employee's continued employment, or (b) making submission to or rejections of such conduct the basis for employment decisions affecting the employee, or (c) creating an intimidating, hostile or offensive working environment by such conduct.

Any employee who believes he or she has been the subject of sexual harassment should report the alleged act immediately to the manager.

The credit union recognizes that the question of whether a particular action or incident is a purely personal, social relationship or whether the action has discriminatory employment effects requires a determination based on all facts. Given the nature of this type of discrimination, the credit union recognizes also that false accusations of sexual harassment can have serious effects on innocent women and men.

We trust that all employees of the credit union will continue to act responsibly in conjunction with the credit union's effort to insure a pleasant and productive working environment which is free of discrimination. The credit union encourages any employee to raise questions he or she may have regarding employment discrimination with the manager.