

3 Keys To Keeping Your Company Out Of Court

Article by: Eli Kantor

Recently, there has been a huge upsurge in the number of sexual harassment lawsuits. It started with Anita Hill's televised testimony at the Clarence Thomas Senate Confirmation hearing to become a Supreme Court Justice in 1991.

Then Paula Jones' lawsuit against President Bill Clinton and several multi-million dollar verdicts have caused a wave of litigation. In 1998, the U.S. Supreme Court handed down two important decisions that put the ball in the employer's court in sexual harassment lawsuits. Basically, they gave employers what we call an "affirmative defense," provided that they have a policy in place that makes it clear the company does not tolerate sexual harassment. This article will briefly summarize 3 keys to keeping your company out of court.

- **KEY #1 - Have A Written Sexual Harassment Policy**

All employers should have a written sexual harassment policy, which at a minimum provides: What sexual harassment is; sets forth a mechanism for reporting it; states that all complaints will be promptly and thoroughly investigated, and that if a violation is found, that prompt and effective remedial action will be taken.

- **KEY #2 - Communicate the Policy**

It does no good to merely have a sexual harassment policy that is sitting gathering dust in the Human Resources department or in an employee handbook, the policy must be communicated to all of the employees. It should be distributed to employees at the time of hire, explained to them, and have them sign acknowledging receipt and agreeing to abide by it. It should be posted on the wall and where appropriate, translated into Spanish. It should be discussed at meetings. Most important, it should be enforced and taken seriously whenever a complaint is made, so that employees will feel comfortable using it.

- **KEY #3 – Provide Training For Your Seminars**

Under a new law, AB 1825, California now requires all employees with 50 or more employees to provide a minimum of two (2) hours of sexual harassment prevention training to their supervisors.

While it is not required for employers with less than fifty (50) employees, it still is an excellent idea, since it improves employee morale by preventing problems in the first place; teaches supervisors how to nip the problems in the bud; and if an employer is ever sued, the first question that they will be asked is: "What have you done to train your supervisors about sexual harassment prevention?" The employer can respond by providing the attendance sign-in sheet from the training seminar. I provide training to bring employers into compliance with the new law, and to protect them from costly lawsuits. First, I check their existing policy to make sure that it is adequate, or I draft a policy for them if they don't have one. Then I go out and meet with the managers on site. I define sexual harassment for them, and go through some hypothetical scenarios with them, so they understand what is and is not acceptable behavior in the workplace. Then I go over their policy with them, have them sign off that they have read it, understand it, and will be bound by it. I tell them that if they violate the policy, it may cost them their jobs.

I provide additional tips on preventing sexual harassment at my website:
www.sexualharassmentprevention.net/sexual.jsp.

For a free evaluation of your existing sexual harassment policy or for scheduling a training seminar, contact:

ELI M. KANTOR
9595 Wilshire Boulevard, Suite 405
Beverly Hills, CA 90212
(310) 274-8216
dreli173@aol.com

www.sexualharassmentprevention.net I am an attorney in private practice in Beverly Hills, California. I represent employers in all aspects of labor and employment law, including cases involving wrongful discharge litigation, employment discrimination, sexual harassment, wage and hour laws, independent contractor status, employee handbooks and personnel practices, NLRB representation elections, union contract negotiation and grievance/arbitration, ERISA and Pension Trust Fund matters, construction labor law, entertainment labor law and immigration law. I received my B.A. Magna Cum Laude from U.C.L.A. in 1973 and my J.D. in 1976 from Loyola Law School. I was a Trial Attorney at Region 21 of the National Labor Relations Board from 1976-1980. Since 1981, I have been in private practice in Beverly Hills, specializing in Labor and Employment Law. I have lectured at U.C.L.A. Extension; at the U.C.L.A. Institute of Industrial Relations, and at numerous continuing education programs on employment related topics. I have conducted numerous seminars on Sexual Harassment Prevention Training.