

## **Techniques To Avoid Sexual Harassment**

The Pinnacle

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Sexual harassment claims have reached most corners of American life, and agriculture is no exception. In fact, the Equal Employment Opportunities Commission (EEOC) has targeted agriculture as an industry where sexual harassment is prevalent. In recent years, the EEOC has filed several class action sexual harassment lawsuits against agricultural companies in the Central Coast, seeking awards of millions of dollars. Agricultural employers need an effective program to prevent and correct sexual harassment before they find themselves embroiled in harassment lawsuits. This article will address key components of such a program.

California law requires employers to take three specific actions to prevent sexual harassment. First, the Department of Fair Employment and Housing (DFEH) requires employers to display a poster addressing sexual harassment. For agricultural workplaces, both English (DFEH-162) and Spanish (DFEH-162s) posters should be displayed. You can find these posters on the web at the DFEH's website - <http://www.dfeh.ca.gov/Publications/postersEmp.asp>.

Second, each employee must be provided with written information about sexual harassment. Toward that end, the Department's website offers an information sheet concerning sexual harassment in English (DFEH -185) and Spanish (DFEH- 185s). Alternatively, employers may provide this information in a written policy on sexual harassment. Many employers include this information in an employee manual.

Third, all California employers with more than 50 employees must train supervisors on the subject by the end of this year. This new law stipulates that the training be at least two hours in length, interactive and offered by a qualified provider.

In addition to these express statutory requirements, agricultural employers would be well-advised to take the following steps: (1) discuss with employees at the beginning of each season the policy against harassment and the procedures to bring complaints; (2) require all foremen, supervisors and managers to advise human resources immediately whenever they receive complaints of harassment; (3) implement a policy protecting complainants from retaliation of any type; and (4) provide continuing education to the human resources

manager concerning developments in employment law and techniques of in-house investigation

Finally, this firm often recommends additional preventive steps including the following: (1) a non-fraternization policy, requiring that no supervisor engage in sexual relationships with subordinates in their charge; (2) a policy holding all employees to higher standards than the minimum standards provided by law; and (3) an insurance policy for employment practices liability.

Ultimately, it is the company culture that determines whether harassment is suppressed or allowed to fester. Company culture includes the general level of courtesy, professionalism and the understanding of what conduct is appropriate in the workplace. It depends on leadership at the top. Managers establish the culture, both by what they say and what they do. They must communicate high standards and hold all employees to those standards regardless of gender, age, occupational level or national origin. They must not allow any individual to endanger the company for his own gratification.