Mitigating Workplace Harassment and Discrimination Risk

Workplace harassment is a type of discriminatory conduct that can transform a positive and collaborative work environment into a negative environment that affects all employees, even those who are neither the harasser nor the victim.

To make for a more comfortable and compliant work environment, it is best to proactively develop strong workplace harassment guidelines.

Risk Checklist for Workplace Harassment and Discrimination Prevention

☐ Develop separate policies that address sexual harassment and third-party harassment, and ensure these policies are available to be shared apart from your entire employee handbook.

☐ Make it clear that harassment is not permitted by any employee when working either onsite or offsite.

☐ Instruct employees to report any harassment they observe or experience through the reporting channels provided in the policy.

☐ Provide instructions on how to report harassment and identify a few individuals to whom the report can filed.

☐ Clearly state that retaliation for reporting harassment or taking part in an investigation of a report of harassment will not be tolerated.

☐ Clearly state that each individual employee is responsible for reporting harassment.

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☐ Make certain your employee handbook fully explains the policies and make the information easily accessible to all employees and volunteers.

☐ Ensure your reporting provision in your harassment-free policies mirror your reporting provision in your EEO policy to avoid confusion.

☐ Work with your legal advisors to provide a comprehensive definition of discrimination and ensure your harassment policies identify all groups protected from discrimination under the differing state and local laws where you employ business.

☐ Ask your legal advisors to review any policy that addresses harassment and discrimination of any kind before distributing to your employees.

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United States Department of Justice. 2020. https://www.justice.gov/crt/federal-protections-against-national-origin-discrimination-1

This checklist is for informational purposes only and is not to be considered legal advice.

☐ Make sure your employees can report harassment to more than one management source in case the harasser is a manager.

☐ Make your harassment reporting procedures simple to understand and enact.

☐ Provide regular training on your harassment and discrimination policies for all employees, volunteers, committee members, and your board of directors, and require that each person signs an acknowledgment that they attended the annual training and reviewed the policies.

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975-R5-12/21