

The EEOC Finds Workplace Harassment Pervasive and Identifies It as A Priority

October 11, 2018

On October 4, the EEOC issued a [press release](#) (“EEOC Releases Preliminary FY 2018 Sexual Harassment Data”) highlighting its significant work this past fiscal year to address the pervasive problem of workplace harassment. Acting EEOC Chair Victoria A. Lipnic stated, “I am so proud of the EEOC staff who stepped up to the heightened demand of the #MeToo movement to make clear that workplace harassment is not only unlawful, it is simply not acceptable.”

In 2018, the EEOC filed 66 harassment lawsuits, 41 of which included allegations of sexual harassment. According to the agency, that reflects a 50 percent increase in lawsuits challenging sexual harassment over fiscal year 2017. The agency also reports that it recovered nearly \$70 million for victims of sexual harassment in fiscal year 2018, up from \$47.5 million in fiscal year 2017.

This news should not surprise anyone who has followed current events. Workplace harassment has also been a priority in Congress and in state legislatures around the country. In the wake of the Kavanaugh confirmation proceedings, the focus on this topic won't let up.

If employers have been slow to review policies or provide training, now is the time to act. Every employer, regardless of size, should have a clear policy prohibiting workplace harassment including steps available to employees to address concerns. Employers should ensure that management is knowledgeable about its responsibilities under law for responding to harassment concerns. Employers should have a plan for promptly and thoroughly investigating reports of harassment. All investigations should be done without bias, sensitively, and through trauma-informed techniques. These issues should be fully considered before any complaint is received so the investigative process will be effective when needed.

The training employers offer on this topic should be carefully considered. Options for training include online, in-person, or a combination of both. The effectiveness of training will be determined by a variety of factors including the skills of the presenter.

Employers should also consider having a crisis communication plan. How will their company respond to public allegations about employee misconduct, especially if those allegations reach high levels in the company? This is another topic that should not wait until the crisis arises. Planning is imperative to effectively navigate issues that may arise.

Most important to all these efforts will be the support of corporate leadership. The healthiest corporate environments are led by executives and boards that display an intolerance for workplace discrimination or harassment and create an inclusive and welcoming climate for all employees.

Please contact us about any of these topics.

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