

Insights, News & Events

“HANDS OFF, PANTS ON” WHEN GUESTS SEXUALLY HARASS YOUR HOTEL EMPLOYEES

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In an [April 2016 survey](#) of 400 Chicago-area women working at hotels, nearly 50 percent indicated that they have had a guest answer the door naked, expose themselves, or were otherwise flashed. Worse yet, 1 in 10 said they had been kissed, grabbed, pinched, or groped by a guest. Hotel employees reported incidents in which they were assaulted, groped, propositioned, and shown sexually explicit materials when interacting with guests. These individuals and the unions that represent them insist that these survey results and anecdotal reports are not exaggerated and that sexual harassment by guests is a pervasive and significant problem.

Two major cities have responded by enacting ordinances to address the problem, while unions representing hotel employees have raised the issue in collective bargaining. But all hotels, regardless of location or whether they are unionized, should be concerned about the issue and would be wise to take steps to address it.

CITIES AND UNIONS TAKE STEPS TO COMBAT HOTEL HARASSMENT

As mentioned above, cities and unions alike have initiated responses to address the problem of guest harassment of hotel employees. In November 2016, voters in Seattle approved the Hotel Employees Health and Safety Initiative, which requires hotels to provide a “panic button” to employees working alone in guest rooms. An employee may use the button and stop performing their work if they

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reasonably believe that an ongoing crime, harassment, or other emergency is happening in their presence.

The law further requires employers to maintain a list of all guests accused of violence or sexual harassment against an employee within the five preceding years. When a listed guest stays at the hotel, employers must notify any employee assigned to work alone in that guest's room of the situation and warn them to exercise caution. Further, if a guest is accused of assault or harassment of any kind, and that accusation is supported by a sworn statement, the hotel must refuse service to that guest for a period of three years. Finally, Seattle's new law provides certain protections for employees who report assault or sexual harassment, and requires employers to post notices of the law in the workplace.

In October 2017, Chicago passed similar legislation, called the "Hands Off Pants On" ordinance. Like Seattle's law, the ordinance requires hotels to provide panic buttons to all employees who work alone in guest rooms or other areas. The ordinance further requires hotels to develop, maintain, and comply with a policy prohibiting sexual harassment. Among other things, the policy must:

- encourage employees to report incidents of sexual harassment and assault by guests;
- describe the procedure that the hotel and employee are to follow when a complaint is made;
- allow employees to stop their work and leave the area if they perceive danger;
- offer employees reassignment for the duration of the offending guest's stay at the hotel; and
- prohibit retaliation against employees who use the panic button or report sexual assault or harassment.

You should expect to see similar legislation passed in other jurisdictions during the coming months and years. Even if your business does not have operations in Seattle or Chicago, you should consider taking similar steps in an effort to reduce problems and provide safer working conditions for your employees.

In addition to anti-harassment legislation, unions representing hotel employees have prioritized the issue of

guest harassment at the collective bargaining table. As a result of negotiations, housekeepers at all unionized hotels in New York City have been equipped with panic buttons since 2013. Just recently, unions representing hotel employees in Las Vegas announced their plan to request panic buttons in upcoming negotiations, and you can be sure the issue will be a top priority for other unions across the country in coming years.

HOTELS EVERYWHERE SHOULD TAKE PREVENTIVE STEPS NOW

Should hotels outside Chicago, Seattle, New York, or Las Vegas be concerned? In short, yes. Under Title VII and many state antidiscrimination statutes, you may be held accountable if an employee is sexually harassed by a hotel guest or other third party. Generally, an employer can be found liable if it knew or should have known of the harassment, and then failed to take prompt and effective remedial action. Moreover, the employer may face tort liability for such harassment if it knew in advance or should have known that a guest posed a risk.

In large measure, the steps you should take to protect employees from guest harassment—and, incidentally, minimize liability from such harassment—are from a familiar playbook. As with any anti-harassment policies, you should clearly state that sexual harassment by guests (or any other third party, for that matter) is unacceptable. The policy should explain how employees should respond if they are subjected to such harassment and provide multiple avenues for reporting an incident. Also include a statement assuring employees that they will not be retaliated against for making such a complaint.

However, having a policy in place is only the first step. You should train employees on your policies, as well as how to respond if they are faced with guest harassment. In the same vein, train management how they are to respond to employee reports of sexual harassment by a guest. In some instances, managers will be required to respond quickly and may not have time to seek guidance from upper-level management, human resources, or legal counsel.

In addition to training your employees, you should conduct assessments of your operating procedures and physical premises to determine what means are available to reduce or eliminate any risks to employees who work alone, such as

implementing the panic buttons required in Seattle and Chicago.

CONCLUSION

In this era of heightened awareness about sexual harassment, all employers need to make sure their employees are afforded a professional working environment. Now that you know how frequently hotel employees encounter naked guests or receive unsolicited kisses, hugs, and propositions for sex, hoteliers are increasingly responsible for protecting their staff from sexual harassment. Your employees need to know that you find these kinds of actions absolutely unacceptable and that you will take every effort to prevent their occurrence. The simple steps outlined above can help to protect your employees, while also minimizing your hotel's legal liability.

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