

HARASSMENT – AREN'T EMPLOYEES SMART ENOUGH TO KNOW BETTER?

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Some employers mistakenly believe that harassment was a problem in the 1990's and supervisors and employees now know better. They are wrong. Contrary to popular belief, harassment is not a thing of the past – and the evidence shows that some employees don't know better.

The Equal Employment Opportunity Commission (EEOC), the government agency responsible for enforcing the federal laws against discrimination and harassment, reports many recent lawsuits and settlements on its website involving harassment. Moreover, the EEOC statistics indicate that in 2010 alone, approximately 3,000 charges were filed that contained allegations of harassment. This represents a nearly 30% increase in the number of harassment charges since 2001. Additionally, in 2010 the EEOC recovered \$98.5 million in settlements related to harassment charges, and this does not include monetary benefits received through litigation. Clearly, problems with harassment continue to plague employers.

While sexual harassment tends to grab the headlines, harassment is also illegal based on other protected classifications, such as race, age, national origin, etc. These forms of harassment can be just as damaging as sexual harassment case, but can sometimes be overlooked. For example, employees incorrectly assume that joking (characterized in litigation as "harassment") about age is not as problematic as comments involving race. However, under the law, harassment is equally illegal regardless of the protected classification affected. It's not just the employers who get sued. In many cases, the supervisors and managers are also sued in their individual capacities.

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J. Hagood Tighe

Partner and Co-Chair, Wage
and Hour Practice Group

803.740.7655

It is important that employers take steps to try to avoid the risk and costs associated with litigation. Good management and prevention is far less expensive than defending against litigation. Be sure your employees know better.

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