

EMPLOYERS' NO-HARASSMENT POLICIES NEED TO BECOME LESS SEXY

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In recent years, many high-profile workplace harassment lawsuits have grabbed headlines, complete with lewd and salacious allegations.

Sexual harassment is indeed a form of gender discrimination and courts have issued many important opinions in handling these cases. But for both practical and legal reasons, it would be a big mistake to focus workplace no-harassment efforts strictly upon sexual harassment. In fact, many employers should review their policies and practices to ensure that everyone in the workplace understands that no harassment is much more than a sexy topic.

Federal and state laws prohibit discrimination and harassment based not only on sex, but also characteristics such as age, race, color, national origin, pregnancy, religion and disability. Unfortunately, defense lawyers find that many employer policies — especially those that have not been updated for a few years — focus too narrowly on sexual harassment, without making it entirely clear that the company prohibits all such harassment.

About one-fourth of all charges alleged age discrimination, and another 25 percent included allegations of disability discrimination — a single EEOC charge may include allegations of discrimination on more than one basis.

A well-written and effective no-harassment policy, which a company effectively practices, can provide a useful legal defense when charges or lawsuits are filed. More importantly, they can help prevent illegal discrimination or harassment in the workplace, which is the intent of the law

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in the first place. Thus, employers should review their policies and practices to ensure that theirs are not too sexy — but are instead effective.

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