

# DEVELOPING ANTI-HARASSMENT PROCEDURES



## Key Questions to Ask

Most dealerships would agree that every employee under their roof is entitled to fair and equal treatment, regardless of any protected characteristic. And that everyone should be able to work in a professional atmosphere that promotes equal employment opportunities and prohibits discriminatory practices, including harassment. So, how do you build policies and procedures that support equal opportunity for all employees?

## Sexual Harassment Defined

Sexual harassment can be defined as unwelcome sexual advances, requests for sexual favors, and other statements or actions of a sexual or gender-based nature when:

- The harasser states or implies that giving in to or rejecting such conduct will affect an individual's employment; or
- Such conduct unreasonably interferes with an individual's work performance or creates an intimidating, hostile, or offensive working environment.

### Some common examples:

- Threatening to, or actually making, job decisions if sexual favors are not granted
- Demanding sexual favors in exchange for preferential treatment
- Use of stereotypes or gender-related remarks which are offensive, insulting, derogatory, or degrading
- Unwelcome and/or repeated flirtations, propositions, advances or comments about appearance or physical contact
- Improper gestures
- Sexual jokes, gender or sex-based pranks, or use of sexually explicit or offensive language, in person, in writing, through e-mail, or social media
- The display in the workplace of sexually suggestive objects or pictures

## Other Harassment

Harassment is not limited to sexual harassment. Statements or actions that ridicule or are critical of an individual because of the individual's protected characteristic are offensive. Offensive conduct can create an intimidating, hostile work environment and may unreasonably interfere with the individual's work performance.

### Some common examples:

- Using epithets or slurs
- Mocking, ridiculing, or mimicking another's culture, accent, appearance, or customs
- Threatening, intimidating, or engaging in hostile or offensive acts that focus on an individual's protected characteristic
- Offensive jokes or pranks
- Posting offensive material on walls, bulletin boards, or elsewhere on company premises or at company-sponsored events
- Circulating offensive material in the workplace, by e-mail, on social media, or otherwise

## Questions to Ask When Developing Your Anti-Harassment Procedures

<b>Reporting Certain Consensual Relationships</b>	How does your organization deal with the occurrence of consensual romantic or sexual relationships between co-workers?
<b>Reporting Unlawful Harassment and Discrimination</b>	If someone witnesses or believes they are being harassed, who should they notify? What is the alternative if that person is implicated?
<b>Investigations</b>	What is your process once someone has reported an incident? How do you maintain confidentiality throughout the investigation?
<b>Resolving Reports; Penalties</b>	After the investigation is completed, what's the appropriate action to take to correct the situation? Does it include oral or written warnings, referral to formal counseling, disciplinary suspension or probation, reassignment, or termination of employment? What are the circumstances that determine the level of discipline?
<b>No Retaliation</b>	How do you ensure that the person filing the report does not face retaliation? What should they do if they're retaliated against for filing the incident?
<b>Duty to Report</b>	What is your workforce's responsibility regarding reporting obligations, and what should they do if they become aware of a suspected violation?

*Just a reminder: We're not your lawyer. Since we're not, remember that this article is for informational purposes and not intended to provide legal advice.*