



# Commit Now to a Sexual Harassment-Free Workplace

11.16.2017 | By **John T. Kennedy**

Unfortunately, 2017 will most likely be remembered as the *Year of Sexual Harassment*. Notwithstanding that AB 1825 mandated harassment prevention training in California in 2004, the statute was amended to require training on bullying and abusive conduct in 2015 (AB 2053), and recently to require training in 2018 on gender identity, gender expression, and sexual orientation (SB 396), sexual harassment continues to permeate the work place. Given the profound impact sexual harassment has on individuals and workplaces, it is time for change.

As painful as it is to hear the many stories of abhorrent behavior and the resulting emotional distress, it is good that attention is being paid to this persistent problem. Our society still has a long way to go to address it effectively. In considering the accounts that have been in the media, a common theme emerges: Victims have been afraid to speak out because they fear retaliation, which may be immediate and apparent, or long term and much more difficult to pinpoint.

As this year comes to an end and a new one begins, this is an excellent time for employers to reassess their sexual harassment prevention policies and training - not only to ensure that they are legally compliant but also effective and embraced by everyone. It is also an excellent time to reaffirm your company's commitment to maintaining a workplace free of sexual harassment (as well as any other harassment and discrimination) where everyone feels safe and respected and understands that retaliation is unlawful.

To assist employers in reassessing their policies, we provide you with some helpful guidelines from the California Fair Employment and Housing Department and the Equal Employment Opportunity Commission: (1) anti-harassment guideline; (2) risk factors and strategies; (3) leadership and accountability; (4) elements of an anti-harassment policy; (5) elements of harassment reporting systems and investigations; and (6) elements of compliance training.

**Key takeaways to prevent and address workplace harassment: \*\***

- Committed and engaged leadership
- Consistent and demonstrated accountability
- Strong and comprehensive harassment policies
- Trusted and accessible complaint procedures
- Regular, interactive training tailored to the audience and the organization

\*\*See also: PROPOSED Enforcement Guidance on Unlawful Harassment

**How Nossaman Can Help**

Nossaman provides client-focused, high caliber, legal services that exceed our clients' expectations while staying within their budgets. Our employment attorneys provide litigation, counseling, advice, and training services to private and public companies and public entities throughout California, as well as meeting their out-of-state-needs. Within the scope of our representation, we counsel employers in developing and implementing legally compliant harassment and discrimination policies and practices. We are qualified and experienced trainers for State mandated sexual harassment prevention training. Our counseling and training services help employers avoid or mitigate costly administrative proceedings and litigation by proactively reviewing and establishing policies and procedures to be consistently applied in the workplace. Our training workshops and seminars empower our clients to better comply with and navigate the complex labyrinth of employment issues like those associated with harassment and discrimination.