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Defining, mitigating, and reducing harassment in the workplace

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You do not have to look very long or hard lately to find cases of harassment in the workplace. Employees are increasingly coming forward to report harassment by a manager, employee, faculty member, student, or even a customer. Surprising to many is the fact that the number of charges of alleged harassment filed with the Equal Employment Opportunity Commission (EEOC) has increased each year over the last three fiscal years (FY) from 26,820 in FY 2014 to 27,893 in FY 2015 to 28,216 in FY 2016. Keep in mind that these totals do not include reports filed with state or local Fair Employment Practices agencies.

To understand what is involved in such cases, one must first be aware of what the federal government defines as “harassment.”

Definition

If an organization employs 15 or more people, Title VII of the Civil Rights Act and the Americans with Disabilities Act provide coverage for employees. For companies employing 20 or more people, the Age Discrimination in Employment Act also provides coverage. Per the EEOC, harassment is defined as:

Unwelcome conduct that is based on race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability, or genetic information. Harassment becomes unlawful where (1) enduring the offensive conduct becomes a condition of continued employment, or (2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.

If an organization is a covered federal contractor or subcontractor required to abide by regulations under the jurisdiction of the Office of Federal Contract Compliance Programs (OFCCP), then sexual orientation, gender identity, and protected veteran status are classifications that are also protected. Unlawful conduct could take the form of offensive jokes, slurs, name calling, physical threats, insults, or even the use of pictures or objects.

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