EEOC Task Force Identified Risk Factors for Harassment in the Workplace

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Last month, an EEOC Task Force issued a lengthy report on harassment in the workplace. The report begins with mention of the prevalence of harassment claims, which appear in almost a full third of the employment discrimination charges that the EEOC received in 2015. Given this, the report recommends that employers reboot their anti-harassment measures. Among other helpful research and advice, the report discusses risk factors that make a workplace more susceptible to harassment, many of which are discussed below:

- **Workforce comprised of many young workers.** Those in their first job may not yet understand appropriate workplace behavior. Reduce this risk by providing orientation to all new employees covering anti-harassment rules and complaint procedures.

- **Workplace where the job requires completion of monotonous or low-intensity tasks.** Employees who are not actively engaged may turn to harassing behavior to pass the time. Reduce this risk by considering restructuring job duties to reduce monotony.

- **Isolated workspace.** An employee working in an isolated area, such as a housekeeper in an individual hotel room, may become a target for harassment given the lack of witnesses. Reduce this risk by ensuring that employees in isolated areas understand complaint procedures and by creating opportunities for employees to connect with each other to share concerns.

- **Workplace with a culture of alcohol consumption.** Workplaces that tolerate or encourage drinking, such as in sales, allow employees to interact with lowered inhibition and impaired judgment. Reduce this risk by training coworkers to intervene if they observe alcohol-related misconduct and by effectuating a process for handling customers who are inebriated and inappropriate.

- **Workforce where some workers do not conform to workplace norms.** An employee, such as a lone female working in a male-dominated group, may perceive remarks or humor that is part of the workplace norm as harassing.

Reduce this risk by leadership communicating an expected workplace culture of civility, respect, and professionalism.

- **Decentralized workplace.** Local managers may feel unaccountable for their actions or be unsure of how to handle harassment complaints. Reduce this risk by ensuring that compliance training reaches all levels of the organization and by developing systems for employees in geographically diverse locations to connect and communicate.

- **Coarsened social discourse outside of the workplace.** A community's heated discussion of current events involving a particular protected group may impact treatment toward that protected group in the workplace. Reduce this risk by proactively identifying current events that are likely to be discussed in the workplace and reminding employees of the type of conduct that is unacceptable.

In addition to the risk reduction strategies discussed above, an employer may minimize its vulnerability to harassment simply by assessing its workplace for each risk factor and then paying closer attention to the relations of the implicated work groups. Proactive employers should use these risk factors as helpful starting points for conducting anti-harassment training and in monitoring their workplace for potential harassment.

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