

# *Warning to Businesses Employing Over 15 People: Protect your company from costly harassment lawsuits now!*

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## Liability



- **Lawsuits can cost a company from \$200,000 to \$34,000,000!**
  - Employers can now be held liable for what “they should have known,” whether or not they knew of the harassing behavior.
  - Title VII compliance includes all protected classes, not just sexual harassment.
  - Supervisors can now be sued as individual employees.
  - **In cases of quid pro quo harassment, the company is always responsible for the actions of its supervisors and agents.**
  - **Employers can be liable for behavior that occurs outside the workplace.**
  - In cases of hostile work environment, the courts emphasize that a person does not have to suffer a nervous breakdown in order to claim psychological injury.
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## Protection



When determining liability in harassment cases, the courts look closely at the extent to which the company

- Publishes a clear policy against all forms of harassment.
  - Posts the policy so that all employees and agents of the company are continually reminded of its presence and content.
  - **Provides annual or semi-annual training and updates to educate employees on all aspects of harassment (see Title VII Compliance).**
  - Provides training to new employees.
  - Continually monitors the behavior of all employees and agents of the company.
  - Takes all complaints seriously and investigates them thoroughly.
  - Acts quickly to solve problems.
  - Treats the person filing the complaint with respect and fairness.
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## Prevention



Policy, updates, and training programs should include the following:

- Definition of the Title VII Guidelines on *quid pro quo* and *hostile work environment* harassment.
  - Definition of “reasonable person” standard.
  - Examples of what constitutes acceptable and unacceptable behavior.
  - Guidelines on handling harassment when it occurs.
  - Guidelines on how to prevent harassment from occurring.
  - Review of company policy, including how to file a complaint.
  - Company liabilities.
  - The unique responsibilities and liabilities of supervisors and managers.
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