

# Sexual Harassment in the Workplace

Sexual harassment is a serious issue that can have a significant impact on organizations. Employees have the right to feel safe and respected in their environment, free from harassment or discrimination. Any unwelcome or unwanted sexual advances, requests for sexual favors, or other verbal, non-verbal, or physical conduct of a sexual nature that creates an uncomfortable, hostile, or intimidating work environment for the recipient, is harassment.

Sexual harassment can take many forms, ranging from explicit and overt acts to subtle and covert behaviors. It can include unwanted comments, jokes, gestures, or displays of explicit material. It can also involve unwanted physical contact, such as touching, groping, or assault. Regardless of the form it takes, sexual harassment can have serious psychological, emotional, and professional consequences for the recipient.

The impact of sexual harassment can be far-reaching. It can cause significant distress, anxiety, and depression, leading to a decline in mental health and overall well-being. An employee who experiences sexual harassment often has feelings of shame, guilt, and powerlessness, which can affect their self-esteem and confidence. Additionally, sexual harassment can have detrimental effects on an employee's work performance, leading to decreased job satisfaction, decreased productivity, and even a separation from the organization.

It is important to note that sexual harassment can happen to anyone, regardless of gender, age, or social status. Both men and women can be victims, and perpetrators can be of any gender as well. It is crucial to understand that no one deserves to be subjected to sexual harassment, and it is never the fault of the recipient.



### **Below are some ways to prevent sexual harassment in the workplace:**

1. Establish a clear employee handbook policy: The first step in preventing sexual harassment is to have a well-defined policy. This policy should clearly define what constitutes sexual harassment, explain the consequences of engaging in such behavior, and outline the reporting process. Ensure this policy is communicated to all employees and they understand the expectations.
2. Provide training and education: Education and awareness are essential in preventing sexual harassment. Conduct regular training sessions for all employees to educate them about sexual harassment, how to identify it, and how to avoid it. These sessions should also include information on bystander intervention and promptly reporting incidents.
3. Foster a respectful and inclusive culture: Creating a culture of respect is crucial in preventing sexual harassment. Promote a work environment that values diversity and inclusion, where all employees are treated with dignity and respect. Encourage open communication, empathy, and understanding among colleagues.

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4. Encourage reporting and support: It is important to create an environment where employees feel safe and supported when reporting incidents of sexual harassment. Establish multiple reporting channels, such as a dedicated hotline or an anonymous reporting system. Ensure that all reports are taken seriously, investigated promptly, and appropriate action is taken to address the situation.



5. Lead by example: Leaders play a crucial role in setting the tone for the organization. Managers and supervisors need to lead by example and demonstrate zero tolerance for sexual harassment. They should actively promote a respectful workplace and intervene when they witness inappropriate behavior.

6. Regularly review and update policies: Sexual harassment prevention efforts should be ongoing. Regularly review and update your policies and procedures to ensure they are effective and aligned with the current legal requirements. Seek feedback from employees and use it to improve your prevention efforts.

7. Support employees who experience sexual harassment: If an incident of sexual harassment does occur, it is essential to provide support to the recipient. Offer resources such as counseling services or employee assistance programs. Ensure that the recipient's privacy is respected and that they are not subjected to any retaliation.

Preventing sexual harassment requires a proactive and comprehensive approach. Organizations should set clear policies that condemn and prohibit sexual harassment, with mechanisms for reporting and addressing complaints in a confidential and supportive manner. With an effective training program and the promotion of an inclusive work environment, organizations can create a safe work environment for their all employees.



## EEOC v. Chipotle Services, LLC

September 2023, the U.S. Equal Employment Opportunity Commission (EEOC) announced the Chipotle company has agreed to pay \$400,000 to three former crew members at its Sammamish, Washington, restaurant location. In addition it will provide other relief to resolve a sexual harassment lawsuit filed by the EEOC.

According to the EEOC's lawsuit, Chipotle permitted three young crew members, including one who was only 17 years old at the time, to be harassed by their 29-year old service manager and subsequently by a 24-year old coworker. The harassment included the manager sexually assaulting the underaged employee and touching another worker's buttocks. He also made unwelcome sexual comments and requests for sex, and isolated employees by trapping them in the restaurant's walk-in refrigerator— blocking their exit—and caused them to fear for their safety. Despite the employees' reports to the Sammamish restaurant's general managers of being sexually harassed, Chipotle failed to adequately investigate their complaints and did not take adequate remedial measures to stop the sexual harassment.

Such alleged conduct violates Title VII of the Civil Rights Act of 1964, which requires employers to investigate and take steps to prevent sexual harassment in the workplace. The EEOC filed its lawsuit (EEOC v. Chipotle Services, LLC and Chipotle Mexican Grill, Inc., Case No. 2:22-cv-00279-RSL-MLP) in U.S. District Court for the Western District of Washington at Seattle after first attempting to reach a pre-litigation settlement through its conciliation process.

Under the three-year consent decree settling the suit, Chipotle will pay \$400,000 to the three former employees and will appoint an internal consent decree coordinator to review, revise and implement anti-discriminatory policies and procedures that prohibit sexual harassment and retaliation. Chipotle will provide additional sexual harassment training to its employees, supervisors and managers at seven of its Washington restaurants in Bellevue, Redmond, Issaquah and Sammamish. Chipotle will also provide additional training to its HR investigators on how to conduct sexual discrimination and harassment investigations. Chipotle will also adopt and disseminate policies holding its supervisors and managers accountable for their compliance with its EEO policies and procedures.