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Ryan D. Nelson, Esq.
Utah President

Harassment Resources to Consider

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1. What is Hostile Work Environment Harassment?

Simply stated, harassment is unwelcome conduct based on protected characteristics. Petty slights, annoyances, and isolated incidents (unless extremely serious) will not normally rise to the level of illegality. Indeed, the laws proscribing harassment do not create a general code of civility for the American workplace.

Unlawful harassment occurs when behavior is:

- Directed at the employee because of the employee's protected status;
- Unwelcome to the employee;
- Offensive to a reasonable person; and
- Severe or pervasive such that it creates an intimidating, hostile, or offensive environment.

2. What are the Protected Characteristics?

- Employers with 15 or more Employees
 - o Race, Color, Religion, National Origin, Sex, Pregnancy, Disability, Genetic Information
 - o Utah adds: Sexual Orientation, Gender Identity, Religious Liberty (expressing religious or moral beliefs, or religious, political, or personal convictions)
- Employers with 20 or more Employees
 - o Age (40 and older)

3. How is Sexual Harassment Different?

Sexual harassment is unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment.

The victim as well as the harasser may be a woman or a man. The victim does not have to be of the opposite sex. The victim does not have to be the person harassed but could be anyone affected by the offensive conduct.

4. When and How to Respond to Harassment

Whenever a complaint of workplace harassment arises, employers must promptly and impartially collect and assess facts, and then take effective remedial action. An investigation alone, however, is not enough. An investigation that appears to be rigged to reach a pre-determined conclusion or is otherwise conducted in bad faith is insufficient. It may also result in the employer being determined to have adopted the offending conduct and its results, quite as if they had been authorized affirmatively as the employer's policy.

5. How to Protect your Organization

Prevention is the best tool to eliminate harassment in the workplace. Employers must take appropriate steps to prevent and correct unlawful harassment. They must clearly communicate that unwelcome harassing conduct will not be tolerated. They must establish an effective complaint or grievance process, providing anti-harassment training to their managers and employees, and taking immediate and appropriate action when an employee complains. Employers should strive to create an environment in which employees feel free to raise concerns and are confident that those concerns will be addressed.