

**WHY YOUR BUSINESS ABSOLUTELY NEEDS
TO HAVE A HARASSMENT POLICY
By Robert S. Halagan, Halagan Law Firm, Ltd.**

One of the most powerful tools a company can have to protect against claims for harassment is a well-written and well-communicated policy against harassment. A harassment policy can ensure the company can be a powerful tool to limit your exposure to a harassment claim.

Harassment has become the basis for a lawsuit when it is connected to a person's sex, race, age, religion or some other protected characteristic. Harassment generally, even if it is not based on one of those characteristics, is damaging, wasteful conduct that can severely damage morale and productivity. It is the type of behavior that every employer should want to eliminate and prevent.

A good harassment policy not only identifies the behavior that is prohibited but also clearly states the steps an employee should take if they feel they are a victim of such behavior. It must also be accompanied by a commitment from the employer to fairly investigate and respond to any complaints. Most importantly, it needs to be distributed to employees, posted somewhere noticeable and periodically re-published so that there are no excuses for an employee not following the policy if they have a complaint. If you have a well-designed and well-communicated policy, the policy can be an effective defense against a claim for harassment that isn't submitted through the company process. In many cases, an employer can avoid liability or at least significantly reduce it if an employee fails to follow the policy.

Conversely, the lack of a policy can be used as evidence that the company did not have a commitment to prevent discrimination. The lack of a policy is an open door to a claim that the company tolerated and did nothing to prevent unlawful harassment.