

Legal Update Article

Strategies to Help Manufacturers Prevent Harassment, Effectively Respond to Harassment Claims

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Harassment in the workplace can occur anywhere and manufacturing facilities are no different. Manufacturers can take steps to increase their ability to prevent harassment and to effectively respond to harassment claims.

Most manufacturing employees tend to work in small, isolated groups, away from public view and often away from human resources personnel. Additionally, manufacturing has traditionally been a male-dominated industry. Women and other underrepresented minorities are not always welcomed.

Employees and state and federal agencies all too often file lawsuits against manufacturing employers alleging harassment based on various protected characteristics. For example, the U.S. Equal Employment Opportunity Commission filed a lawsuit against an oil refinery employer alleging racial harassment on behalf of a former employee. In another case, an employee filed a lawsuit against an automaker claiming she was subjected to sexual and weight-based harassment. When employees prevail on these claims, damages can be significant. For instance, a former employee claiming racial discrimination was awarded a multimillion-dollar jury verdict against an auto manufacturer.

Even where harassment is not severe or pervasive enough to give rise to a legally cognizable claim, it contributes to low employee morale and turnover.

Steps manufacturers should consider taking to enhance their ability to prevent harassment and maximize the likelihood of an effective response to harassment claims include:

- Evaluating their policies and practices to ensure they consistently maintain and implement preventive and remedial measures. Policies should encourage employees to report both experiencing and witnessing harassment. They should provide multiple persons to whom or ways in which employees can report complaints in case an employee is uncomfortable reporting to their direct supervisor. Remedial measures should promptly address claims and make clear that retaliation for making claims is prohibited. Even where no proof of harassment is found, changes in assignments may be warranted.
- Examining training strategies and ensuring they provide regular, interactive training to management and employees that is tailored to both the audience and the company. Training should focus on issues specific to manufacturing, offer clear guidance to help employees navigate uncomfortable situations, and encourage bystander intervention by helping participants to identify harassing conduct and to understand the role they can play in creating a safe environment.
- Regularly reinforcing anti-harassment policies and procedures with managers and ensure managers are aware of the negative impact harassment has on the workplace. Manufacturers should actively engage managers on this topic since they are uniquely situated to convey and reinforce messages to employees on an on-going basis and effectuate change.

Exact best steps will depend on the situation and resources available; however, it is important that companies make combatting harassment an important priority. For more information about this topic, please contact a Jackson Lewis attorney.

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