

IF IT'S UNWANTED, IT'S HARASSMENT.

PREVENT work place harassment in the funeral home



By Stephanie Ramsey; The Foresight Companies, LLC

Is your funeral business at risk of an EEOC investigation for sexual harassment/sex-based harassment? When I ask funeral business owners and managers this question, most immediately indicate that they do not have a problem with sexual harassment in their businesses. When I inquire about their confidence on this issue they proclaim, “our business has a professional atmosphere and we have great employees”.

Unfortunately, a professional work environment does not mean that everything is perfect. Even “great” employees are accused of harassment. More importantly they are found guilty of such harassment. If your employees have not been given training to specifically understand what constitutes sexual harassment your business might

be at risk of facing a complaint. This is especially true given the current public climate that is supporting those who come forward with stories of harassment.

Funeral business owners need to recognize some of the vital statistics and develop a plan to prevent sexual harassment. A recent ABC News-Washington Post poll on why the “Me Too” campaign went viral revealed startling results illustrating that sexual harassment, especially in the workplace, is a full-blown epidemic. Specifically, this poll found that more than half of all American women have experienced “unwanted and inappropriate sexual advances” at some point in their lives. In fact, this poll indicates that 30 percent of women have endured sexual harassment from their male colleagues.

Even more disturbing, the poll found that 33 million U.S. women have been sexually harassed in work-related incidents.

Women are not the only victims! Approximately 17 percent of the sexual harassment complaints filed with the EEOC in recent years are filed by males. This is almost double the number of previous complaints filed between 1990 and 2009. Another recent Washington Post poll showed that 10 percent of men have experienced workplace sexual harassment. Clearly there is a significant problem of workplace sexual harassment in the United States.

Sexual harassment is a form of sex discrimination that violates Title VII of the Civil Rights Act of 1964. This federal law specifically applies to employers with more than 15 employees as well as local, state and federal government employers.

However, it is important to note that having less than 15 employees does not mean that as an employer you might not face this type of complaint. Many states, counties and cities have a lower threshold or no threshold for the minimum number of employees before a complaint can be filed. The best protection for funeral business owners is to understand themselves what constitutes sexual/sex-based harassment to prevent such incidents from occurring within their businesses.

Let's start with what constitutes sexual/sex-based harassment according to the EEOC: Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment 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.

Sexual harassment can occur in a variety of circumstances, including but not limited to the following:

- 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 harasser can be the victim's supervisor, an agent of the employer, a supervisor in another area, a co-worker, or a non-employee.
- The victim does not have to be the person harassed but could be anyone affected by the offensive conduct.
- Unlawful sexual harassment may occur without economic injury to or discharge of the victim.
- The harasser's conduct must be unwelcome.

Here are some examples of sexual harassment that can occur in the workplace:

- ▶ Any unwanted touching, such as groping a co-worker in a sexual manner, is sexual harassment.
- ▶ Frequent lewd jokes around the workplace or dirty sexual anecdotes can be considered sexual harassment.
- ▶ Displaying sexual signage or posters in the workplace can be considered sexual harassment.
- ▶ The sharing of suggestive images (nude images, porn, etc.) with co-workers if it offends them.



- ▶ Asking invasive questions about one's sexual history or sexual orientation.
- ▶ Rude or offensive comments about an individual's sexual orientation or gender identity can lead to a sexual harassment case. This includes a boss referring to his secretary in an offensive way.
- ▶ Frequent suggestive emails, notes, or letters that constitute an unwanted advance can be considered harassment.

- ▶ Making frequent sexual comments about an employee's attire or body. A co-worker making inappropriate remarks about another co-worker's blouse can be sexual harassment.
- ▶ Catcalling and whistling at an employee in the workplace.
- ▶ Blowing kisses, offensive hand gestures, using thrusting motions with the body or even continually staring at other employees in the workplace.

Almost daily there are new reports of well-known public figures accused of sexual harassment. From Hollywood superstars to political figures, the growing list of accusers and abusers astounds the public. There has not been this much public interest in sexual harassment since 1991 when Anita Hill accused U.S. Supreme Court nominee Clarence Thomas of sexual harassment.

Historically sexual assault has been one of the lowest reported crimes in the United States. It is believed that sexual harassment is also significantly under-reported. In fact, the Equal Employment Opportunity Commission (EEOC) estimates 75% of workplace harassment incidents go unreported. However, it seems that the tides are changing. More individuals are coming forward with accusations in virtually every industry.



► Develop an employee handbook which includes a clear, concise sexual harassment policy as well as a non-discrimination policy. The sexual harassment policy should define sexual harassment, explicitly

set forth that sexual harassment is not tolerated, explain the consequences of such harassment and set forth a process for reporting and investigating complaints. It is vital that there be an avenue available to employees for filing a complaint against their manager or the owner. For example, what if the policy indicates that all complaints be made to the funeral home manager, and the manager is the harasser, who can the employee notify?

► Training is critical! Your employees should be trained on how sexual harassment is defined as well as examples: it is recommended that your employees receive sexual harassment training several times a year, focusing on common situations that some employees might not consider to be sexual harassment, but are.

► Monitor the workplace: make it a regular practice to talk to your employees and ask them about their working environment to make sure it stays harassment free. Create an anonymous survey that employees can answer and submit to upper management.

► Encourage employees to report inappropriate behavior or other concerns they may have. It is important that employees understand and believe that anything they tell you will be kept confidential and will not in any way affect their career opportunities.

► Investigate all complaints. If the complaint has any basis, remedy the situation immediately.

► Remember prevention starts at the top!

Sexual harassment/sex-based harassment can create a tense and ineffective office atmosphere. Employees working in this type of atmosphere are not going to be motivated to provide the level of quality service you want your families to experience. Taking steps to prevent and address this type of harassment will likely be welcomed by your employees who deserve a safe and productive workplace. This in turn can increase employee moral which benefits the families you serve in the long run.

If you believe you might have a sexual harassment/sex-based harassment situation currently in your funeral business or you are not sure how to implement preventive measures don't hesitate to reach out to us for assistance.

Stephanie Ramsey is the HR Specialist for The Foresight Companies, LLC. She has a unique perspective on the challenges funeral and cemetery business owners and managers face when dealing with employee issues. She has written many Employee Handbooks and other job specific documents for clients nationwide. Stephanie writes a quarterly newsletter on HR matters that can be viewed at www.f4sight.com. She can be reached at Stephanie@f4sight.com.

