

# Take action to prevent customers from harassing employees

Employees are entitled to work in a harassment-free environment—and that includes more than freedom from harassment by supervisors and co-workers. Employers also have to take reasonable steps to protect workers from harassment by customers, clients and others over which the employer has some control.

**Recent case:** Ernest Nelson worked part time as a resident caretaker for a community action program in Anoka County. The program provides housing for the disabled and low-income residents.

Nelson claimed a female client was sexually harassing him by repeatedly exposing herself and making sexually explicit suggestions. Nelson said the woman exposed herself regularly, sometimes twice a day, and that it made him feel demeaned, embarrassed and offended. Nelson told his supervisors about the harassment, but claimed they did nothing to stop the woman's behavior.

Eventually, he filed an EEOC complaint and followed up with a lawsuit alleging a sexually hostile environment.

The court said his case could go to trial. A jury will decide whether the alleged harassment was severe enough to affect his job and whether the agency did enough to prevent the behavior in the first place or stop it from happening repeatedly.

The court did hint that the nature of Nelson's job might make it less likely his claim would win out. Many of the program's clients have mental disabilities, making it difficult for the agency to prevent such inappropriate behavior. (*Nelson v. Anoka County Community Action Program*, No. 07-4693, DC MN, 2008)

**Final note:** Don't be shy about empowering managers and supervisors to stop customer harassment. This is one situation in which the customer is wrong.

## Checklist: 6 practical ways you can stop sexual harassment

Use the following checklist to see whether your company has done all it can to prevent sexual harassment:

- **Train your employees on your sexual harassment policy.** You can't rely on a written policy alone. Be sure to document your training efforts.
- **Get managers and supervisors on board.** It is virtually impossible to maintain a harassment-free workplace if significant numbers of the management team don't take harassment seriously. Managers must be willing to step in to stop management colleagues as well as rank-and-file employees who harass.
- **Repeat the message often.** Your annual sexual harassment training session can quickly turn into a joke. Don't let it. Impress on everyone that the company takes the matter seriously by conducting regular harassment-awareness programs. Remind employees by providing harassment information on bulletin boards,

in newsletters and with regular e-mail messages.

- **Develop a zero-tolerance policy.** While a single joke or suggestive comment does not a hostile environment make, why risk escalation? Instead, adopt a zero-tolerance policy for *any* possible harassment, including sexual, racial, ethnic or any other form of harassment. Employees should know that the latest Irish, Italian or Polish joke is unwelcome, too.
- **Empower managers and supervisors to stop customer or client harassment.** They should be free to use their judgment when it comes to clients or customers who may be harassing employees. Customers who harass staff should be asked to leave. If they refuse, have them escorted off the premises.
- **Place limits on electronic communications.** While you can't control every message or e-mail that comes across the Internet or that lands in employee BlackBerrys or e-mail accounts, you can let employees know you are watching their activities. Employees who know their web and e-mail activities are being recorded are less likely to view or download porn or other offensive materials. Your IT staff can set up filters that block access to suspect web sites that may contain questionable or offensive images or information.