

## Harassment is no laughing matter

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No doubt the grocery chain employees using bananas inappropriately enjoyed and saw no harm in entertaining their friends and fellow staffers at the grocery chain. The merriment did not stop there as some employees

brought in cakes shaped like human body parts. There were many other incidents along the same vein but the laughter died down as 40 employees sought relief under the law and received a big award for harassment including hefty punitive damages.

You might think this is story from decades ago before employers were hip to harassment issues. Not so, according to Rebecca Winterscheidt, partner at Snell Wilmer Attorneys at Law, harassment is not declining in organizations and neither are the penalties companies are paying.

As a consultant who is in hundreds of businesses each year, I agree. It is amazing the things that otherwise pleasant, everyday people think is OK behavior in companies. It was not long ago that I walked into a new client's production area and saw pictures of semi-nude figures being used as screen savers. When I mentioned to the CEO that he really should ask his attorneys' opinion of this, he said, "Maybe, but we used to have calendars and now we've just substituted screen savers. I think they're OK." "You might be right," I said, realizing I am not an attorney but, "Why not just be safe and check?" Later he sheepishly told me his attorney had banned both the screen savers and calendars!

Winterscheidt said, "There is a \$300,000 basic award for large employers with no limit on tort claims and the tort claims can run into multi-million dollar awards." Many small companies erroneously believe that only large companies face harassment complaints. Not so, says Winterscheidt. "You only need to have one employee in Arizona, and 15 in federal to fall into the state and federal statutes." According to Winterscheidt, small employers are particularly vulnerable. Often the small company fosters a family atmosphere where everyone lets their guard down. While trust is high, relationships close, and casual, the overlooked reality is that it

just takes one offended person to file a complaint. In a company with 15 or more employees, federal statutes apply and they start at \$50,000 plus punitive damages. Although awards at small companies may not be as large as in a large firm, the percentage of annual revenue can be significant. Few small firms can easily absorb the loss.

Winterscheidt stresses that not only sexual harassment is an area of potential complaints. Racial, national origin and in some cases, sexual preference are areas needing special policies and handling. She recommends the following five best practices for ALL companies:

*Sharon Youngblood is a Management Consultant, Corporate Coach and Speaker. She works with leaders to improve performance and profitability of firms. Contact her at say@youngbloodconsulting.com or (520) 795-7498. Additional articles are available: [www.youngbloodconsulting.com](http://www.youngbloodconsulting.com)*