



Webinar 20 – October 22, 2025

Harassment in the Workplace – From Prevention to Investigation

WEBINAR OUTLINE

INTRO/SETTING THE STAGE

- Legal Compliance and Why it Matters

WHAT IS HARASSMENT IN THE WORKPLACE

DEVELOP AN EFFECTIVE ANTI-HARASSMENT POLICY

TRAIN EMPLOYEES

RISK ASSESSMENT

WHAT TO DO WHEN THERE IS A COMPLAINT

THE INVESTIGATION

HRtelligence TIPS

INTRO/SETTING THE STAGE

Legal Compliance and Why it Matters

- Creating a workplace that is safe, respectful, and free from harassment is a fundamental responsibility for employers, even in states where there are no mandated sexual harassment training laws.
- A proactive approach to harassment prevention not only protects employees, it fosters a positive organizational culture — and minimizes legal risks.

WHAT IS HARASSMENT IN THE WORKPLACE?

Types of workplace harassment

There's not just one type of harassment or one surefire way to fight it. Here are some of the most common and impactful forms of workplace harassment.

- **Sexual Harassment:** Explicit or implicit requests for sexual favors in exchange for employment benefits. Or unwelcome sexual advances, comments, or behavior that creates an uncomfortable, hostile, or offensive work environment.

Sexual harassment can be verbal or physical, both of which are discriminatory.

Examples of sexual harassment include:

- Unwanted touching
- Unwanted sexual gestures
- Sexual jokes, comments or questions
- Requests for sexual favors

The only effective way to address this pervasive type of harassment is to bring it to the surface. Unwelcome sexual advances and inappropriate sexual remarks between employees happen, and although sexual harassment towards women is most common, people of all genders can be both victims and perpetrators.

Quid Pro Quo Sexual Harassment

The Latin phrase “quid pro quo” translates to “something for something” or “this for that”. It is used to describe an exchange of services (or goods) in return for a favor.

In the event of quid pro quo harassment, an employee in a superior position may demand sexual favors from a subordinate employee in exchange for a benefit, such as a pay increase or promotion. They also may threaten consequences, such as termination, demotion or withholding a promotion, if the subordinate does not comply.

Hostile Work Environment

A hostile work environment consists of discriminatory harassment, victimization, violence or offensive conduct as defined by the EEOC. This unwanted behavior is

usually severe, persistent and disruptive to the complainant's work. It is typically based on race, color, religion, sexual orientation, gender identity, pregnancy, national origin, disability and more.

- **Discriminatory harassment:** Treating people unfairly or unfavorably due to their race, gender, age, religion, or other protected characteristics. Or based on disability (disability harassment), where people make derogatory comments, mock, or exclude others from opportunities. This type of harassment at work may be verbal, written or physical.
- **Bullying:** Persistent, aggressive behavior intended to intimidate, degrade, or humiliate a person. It often involves a power imbalance between the bully and the victim. Harassment might also be carried out through electronic communication (emails, social media, chats), and it's known as cyberbullying.
- **Verbal harassment:** Inappropriate comments, slurs, or offensive language that creates a hostile workplace.
- **Psychological/emotional harassment:** Actions that cause distress, anxiety, or fear. For example, constant criticism, humiliation, or giving someone the silent treatment.

Note: Harassment is typically not illegal, unless the behavior is based on a protected characteristic.

A claim of harassment generally requires several elements, including:

- The complaining party must be a member of a statutorily protected class;
- The individual was subjected to unwelcome verbal or physical conduct related to their membership in that protected class;
- The unwelcome conduct affected a term or condition of employment and/or had the purpose or effect of unreasonably interfering with their work performance and/or creating an intimidating, hostile or offensive work environment.

DEVELOP AN EFFECTIVE ANTI-HARASSMENT POLICY

Develop and disseminate a comprehensive anti-harassment policy. This policy should:

- Define what constitutes harassment, including examples of sexual harassment, bullying, and other forms of inappropriate conduct.
- Clearly state that harassment will not be tolerated under any circumstances.
- Explain the procedures for reporting harassment and ensure confidentiality to the extent possible.

- Outline the steps the company will take to investigate and address complaints.

New York State Requirements for Sexual Harassment Prevention

Every employer in the New York State is required to adopt a sexual harassment prevention policy. An employer that does not adopt the model policy must ensure that the policy that they adopt meets or exceeds the following minimum standards.

The policy must:

- prohibit sexual harassment consistent with guidance issued by the Department of Labor in consultation with the Division of Human Rights
- provide examples of prohibited conduct that would constitute unlawful sexual harassment
- include information concerning the federal and state statutory provisions concerning sexual harassment, remedies available to victims of sexual harassment, and a statement that there may be applicable local laws
- include a complaint form
- include a procedure for the timely and confidential investigation of complaints that ensures due process for all parties
- inform employees of their rights of redress and all available forums for adjudicating sexual harassment complaints administratively and judicially
- clearly state that sexual harassment is considered a form of employee misconduct and that sanctions will be enforced against individuals engaging in sexual harassment and against supervisory and managerial personnel who knowingly allow such behavior to continue
- clearly state that retaliation against individuals who complain of sexual harassment or who testify or assist in any investigation or proceeding involving sexual harassment is unlawful

TRAIN EMPLOYEES AND SUPERVISORS

Provide regular harassment prevention training to all employees. Training should cover:

- Understanding what constitutes harassment and discrimination.
- The importance of bystander intervention and supporting colleagues.
- How to report incidents and the company's commitment to handling complaints seriously.
- The consequences of engaging in or condoning harassment.

Tailor training programs to address the specific needs and challenges of your organization. Generic training may not be as effective as content tailored to your company's culture and industry.

Provide regular, ongoing training to reinforce positive behaviors and update employees on any policy changes. To achieve that, use interactive workshops and group activities to encourage open discussions.

Equip managers and supervisors with the tools to recognize, prevent, and respond to harassment:

- Teach them how to handle complaints sensitively and confidentially.
- Ensure they understand their responsibility to model respectful behavior and enforce anti-harassment policies.
- Provide guidance on how to create a positive and inclusive team environment.

Include real-life case studies in management training to boost understanding of complex situations. Discussing these scenarios allows managers to develop the skills needed to handle similar situations in the workplace.

RISK ASSESSMENT

Conduct regular feedback sessions with employees to gather insights on the workplace environment. Use this information to identify potential issues and proactively address concerns.

Regularly assess the workplace environment to ensure policies and training are effective:

- Conduct anonymous surveys to gauge employees' perceptions of workplace culture and safety.
- Review and update policies and training programs based on feedback and any changes in the legal landscape.
- Adapt policies and practices based on this feedback.

WHAT TO DO WHEN THERE IS A COMPLAINT

Employers must act quickly and effectively when complaints arise. This includes conducting thorough investigations, maintaining confidentiality, and protecting complainants from retaliation. Employers who ignore or delay responses often face legal repercussions.

Take all complaints seriously, whether formal or informal, and document everything from the start.

Make it easy and safe for employees to report harassment:

- Offer multiple channels for reporting, such as a dedicated HR contact, an anonymous hotline, or an online reporting system.

- Ensure that employees are aware of these reporting options and trust that their complaints will be taken seriously and handled promptly.

Mandatory Reporting

- Supervisors must report any harassment that they observe or know of even if no one is objecting to it.
- Harassment must be promptly reported to the employer
- Supervisors may be subject to discipline for failing to report suspected sexual harassment.
- Supervisors may also be subject to discipline for engaging in retaliation.

Bystander Intervention

If you witness or become aware of potential instances of sexual harassment, you should report it to a supervisor or designee.

It is unlawful for an employer to retaliate against you for reporting suspected sexual harassment or assisting in any investigation.

THE INVESTIGATION

Make sure that all investigations are conducted promptly. In complex situations, consider involving external experts in the investigation process. This enhances objectivity and shows commitment to a fair resolution.

Assign a Neutral Investigator

- Choose an unbiased, trained, and neutral investigator to ensure a fair process.

Develop the Investigation Plan

- Create an investigation plan, including who to interview, what evidence to collect, and a timeline for the process.

Gather Evidence

- Collect all relevant evidence, such as emails, documents, CCTV footage, and any other forms of physical or digital proof.

Conduct Interviews

- Interview the complainant, the alleged harasser, and any witnesses to gather detailed information about the alleged incidents.
- Ask open-ended questions to understand the nature of the harassment, when it occurred, who was involved, and how it affected the complainant.

Evaluate Findings

- Evaluate the credibility of the complainant, accused, and witnesses, looking for consistency and any discrepancies in their statements.

Make a Determination

- Make a good-faith determination based on the evidence collected.

Take Remedial Action

- Take immediate and necessary actions to stop the harassment and prevent it from recurring.

Document and Follow Up

- Thoroughly document the entire investigation process in a confidential file.
- Communicate the results to the involved parties and follow up to ensure the situation has been resolved and that no retaliation occurs.



Prevention is the best tool to eliminate harassment in the workplace. Employers are encouraged to take appropriate steps to prevent and correct unlawful harassment.

- Clearly communicate to employees that unwelcome harassing conduct will not be tolerated.
- Establish an effective complaint or grievance process, providing anti-harassment training to their managers and employees, and taking immediate and appropriate action when an employee complains.
- Employers should strive to create an environment in which employees feel free to raise concerns and are confident that those concerns will be addressed.