

EEOC Issues Harassment Prevention Guidance



THE EQUAL Employment Opportunity Commission has issued new guidance for preventing harassment on construction industry worksites.

The guidance, while not binding, can be used as a template for construction firms to implement anti-harassment policies. According to the EEOC, the industry has an especially high incidence of harassment complaints.

The guidance, "[Promising Practices for Preventing Harassment in the Construction Industry](#)," outlines the main principles for implementing an effective strategy to prevent workplace harassment:

Buy-in from leadership

Worksite leaders, from the project owner to crew leads to union stewards, should clearly, frequently and unequivocally message and demonstrate that harassment is prohibited.

The EEOC recommends that project owners and general contractors prioritize and emphasize worksite-wide collaboration to prevent and correct harassment. The general contractor is typically well positioned to coordinate harassment prevention across a worksite and serve as a backstop for resolving difficult issues.

General contractors should assist subcontractors and staffing agencies with their legal obligations under federal anti-discrimination laws by referring them to the [EEOC's Small Business Resource Center](#).

It also recommends that project owners or sponsors consider requiring that contract bids include a plan to prevent and address workplace harassment.

Strong and comprehensive harassment policies

Policies should include:

- A clear description of prohibited conduct, with examples tailored to the work environment.
- An unequivocal statement that harassment is prohibited.
- A description of complaint and reporting processes and where to find more information about them.

- A commitment that the employer will provide a prompt, impartial and thorough investigation, and that the employer will keep confidential the identity of individuals who make reports.
- A statement that workers are encouraged to report harassment, bullying or other inappropriate conduct even if they are not sure if the conduct violates the policy.
- A discipline policy that is prompt, consistent and proportionate to the severity of the harassment or related misconduct, such as retaliation.
- An unequivocal statement that retaliation for reporting harassment is prohibited.
- Account for language barriers in the workforce, such as non-native English speakers or workers with poor literacy.

Regular and effective training

All workers should be regularly trained on the harassment policy and complaint system.

Training should be:

- Clear, easy to understand and offered in languages commonly used by on-site workers.
- Tailored to the specific workforce and work environment.
- Interactive if feasible. Alternative options include providing training through an interactive module accessible via mobile phone or watching a series of short video clips, followed by a guided discussion about the clips.

The takeaway

While the guidance isn't legally binding, employers should consider following its recommendations as doing so can reduce their risk of liability.

Just a note of caution: There are inherent risks when one employer relies on another employer to adhere to policies, as it can create friction between partnering organizations. ❖