



E-Tips – TrainRight Survey Results Harassment-Discrimination Benchmark

40% Report Harassment Complaints
March 28, 2006

Last month, E-Tips readers responded to a survey sponsored by TrainRight Solutions to gain benchmarking information about employer practices in equal employment opportunity (EEO) and harassment training.

The responses provided insight into what companies across the country are doing to address discrimination and harassment in the workplace. **The survey found that slightly more than 40% of responding organizations reported one or more sexual harassment complaints annually. More surprising is the fact that 42% of the companies surveyed indicated that they do not provide harassment training at all, even though well-established principles of harassment indicate that training can help employers prevent liability.**

Who Participated. The survey was completed by 957 participants representing employers in all 50 states and from a cross-section of industries, including healthcare, technology, finance, retail, transportation, manufacturing, and wholesale distribution. Over 50% of the respondents were from small companies with less than 100 employees, but companies with over 5,000 employees participated as well. Fifty-two percent of the participants were human resources professionals, while many of the rest were primarily in upper level management positions.

Significant Survey Findings. The survey also looked at what policies and procedures employers have in place to combat discrimination. Ninety-seven percent of responding employers have sexual harassment policies, 95% address discrimination, and 77% cover their obligations under the Americans with Disabilities Act. Interestingly, 61% of the respondents said they have Employment Practices Liability Insurance coverage as additional protection against employee claims.

Only 58% of the surveyed employers reported they train employees about sexual harassment and/or discrimination prevention. This statistic is particularly surprising since court cases and the Equal Employment Opportunity Commission (EEOC) consistently penalize employers that do not train their employees in harassment and discrimination issues. Perhaps as a result of the lack of training, sexual harassment complaints were not uncommon among the responding employers. As noted above, over 40% of the employers surveyed indicated they had one or more harassment complaints annually. To break this down further, 16% said they had at least one complaint, 16% indicated they had between two and four complaints, 6% had between 5 and 20 complaints, and 2% had between 21 and 100 complaints.

The survey also looked at the number of discrimination complaints the employers had. Forty-two percent of the responding employers reported that they had at least one discrimination complaint annually. Most responding employers (84%) are able to resolve their harassment and discrimination complaints through their internal procedures. However, 6% of the responding companies had to go to court to reconcile their EEO claims.

Steps to Prevent EEO Complaints. The survey also indicated that most of the responding employers that had to pay out on harassment or discrimination complaints paid up to \$50,000 per claim, and an unlucky few paid over \$250,000. So, given the time and monetary costs, you really don't want to be in the position of defending against an EEO claim, even if you win in the end. A better plan is to take proactive steps to prevent claims from being filed in the first place. And, clearly, training is one of the best protective measures you can implement in your workplace. To be effective, training should target supervisors who have the authority to hire, fire, or make other employment decisions. At a minimum, you should provide your supervisors with regularly updated information and instruction on the following:

1. The basic requirements of the numerous federal and state EEO laws, the actions needed to implement them, and the legal consequences of noncompliance;
2. The constructive steps that can be taken to eliminate workplace discrimination;
3. The practical benefits of supporting EEO laws;
4. The process for responding to complaints of discrimination; and
5. The proper documentation of complaints and their resolution.

In addition, you should train all other employees about their obligations under discrimination and harassment laws. In particular, you should focus on what workplace behavior is acceptable and how to make complaints internally.

The Bottom Line. Training really is not optional if you want to limit your EEO liability. So, you can either treat the training as a necessary evil or turn it into an opportunity to enhance good employee relations. The latter approach makes the most sense since it both builds a positive work environment and a sound legal defense.

Talk with KAFF Systems about Harassment Prevention Training. 440-349-6624 or HR@KAFFSystems.com.

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