

# A GUIDE FOR PREVENTING SEXUAL HARASSMENT IN THE WORKPLACE

## WHAT IS SEXUAL HARASSMENT?

"A means of making sexual advance towards a person, by another person, which is reasonably regarded as unwelcomed, offensive or humiliating by the person towards whom the sexual advance is made".

- Section 2 of the Draft Sexual Harassment Act

## WHAT CONSTITUTES SEXUAL HARASSMENT?

The actions listed below are typically considered inappropriate and, depending on the circumstances, may meet the definition of sexual harassment:

- Any unwelcomed physical contact;
- Promises or threats in exchange for sexual favours;
- Emails with vulgar or sexually suggestive language;
- Lewd comments on an employees appearance;
- Persistent invitations that are unwelcomed;
- Cornering an employee in the office; or
- Sexually suggestive gestures.

## PREVENTION OF SEXUAL HARASSMENT IN THE WORKPLACE

Every employer should:

- Issue a written sexual harassment policy aimed at preventing harassment at work and protecting workers from unwelcomed sexual advances.
- take immediate and appropriate action to deal with sexual harassment of a worker.

An employer who fails to act, shall be liable and the worker may make a complaint in respect thereof to the labour tribunal in Jamaica.



## WHY SHOULD WORKPLACES CREATE A SEXUAL HARASSMENT POLICY?

Sexual Harassment policies educate employees and guide employers on the correct procedure for preventing, and dealing with sexual harassment in the workplace. It should inform the investigative and corrective process, and educate employees about avenues for dealing with unwanted conduct.

Without a sexual harassment policy, employers are more susceptible to facing labour action, for having not taken sufficient steps to protect its employees from harassment in the workplace.

## WHAT SHOULD BE INCLUDED IN A SEXUAL HARASSMENT POLICY?

- A definition of sexual harassment.
- A statement to the effect that an employee is entitled to a sexual harassment free environment.
- Disciplinary measures for cases of sexual harassment.
- Internal mechanisms and procedures available to employees to make sexual harassment complaints.
- A statement regarding confidentiality of complaints.
- A statement informing employees of the right to seek redress and the need to exhaust all internal mechanisms.

## QUESTIONS?

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