

## REMEDIAL SEXUAL HARASSMENT COUNSELING

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Sexual harassment in the workplace has become a major problem for business and industry, and the source of expanding litigation. Many companies have already recognized the need to address this problem preventatively. They have established sexual harassment policies and grievance procedures, which may even be required by both general and employment practice liability insurers. A wide variety of sexual harassment awareness training programs are being offered to address the company's culture with respect to gender bias and identification of potential harassment. However, even though these are valuable steps to make the workplace conscious of discriminatory and harassment issues, they are often not enough once harassment has been identified.

Unlike a sexual harassment preventive training program to avoid a problem, once harassment is claimed, the company already has a problem. The problem is often not easily solved and may have complex sources. Of course, if the alleged harasser's actions have been sufficiently egregious, the proper response of the company could be termination. When the harassment has been less egregious, disciplinary action or sexual harassment preventive training can fall short of rectifying the problem--and may merely postpone a subsequent disaster. Counseling the individual must involve a more personalized approach. This should include an *assessment* of both the alleged harasser and the employment setting, identification of *target areas* that led to the harassment and meaningful remedial *intervention*. Trained psychological consultants can be valuable in this process.

The proper *assessment* involves a clear understanding of the events in question. This first comes from the company having conducted a thorough investigation. A review of any investigative reports is, therefore, important for the consultant. The personnel file of the alleged harasser needs to be scrutinized and input from human resources personnel and supervisors must be taken into account. Knowing whether or not there is a sexual harassment policy and if sexual harassment preventive training has been provided are also crucial.

The individual needs to be interviewed not only with regard to the circumstances surrounding the complaint, but also organizational and interpersonal factors that may be relevant. Of particular importance are attitudinal and psychological predispositions to harassment behavior. Questionnaires and other psychological testing instruments may be helpful to identify sexual harassment awareness, general levels of stress, and contributing personality factors.

The *target areas* on which to focus for such an evaluation include the characteristics of the individual and the organization which may play a role in the harassment. The individual's characteristics can be situational, attitudinal, interpersonal and psychological. It is important, for example, to determine the level of participation in the sexual harassment, the degree of denial or externalization of blame, and the extent of rationalization for what has occurred. Cultural and gender biases must also be exposed. Is the individual aware of the nature of sexual harassment behavior, sexual harassment policy, sexual harassment law and employer liability? What is the individual's personal relationship to the complainant? Has there been romantic distortion? Is there a history of retaliation or potential retaliation?

From a psychological standpoint, does this individual show a pattern of personal inadequacy and a need for power assertion? Although power assertion is usually considered the primary motive for sexual harassment, there are some individuals who also have sexually distorted

behavioral patterns. Is there a recognizable personality disturbance? What marital issues may be playing a role? At times, trouble in a marital relationship leads to inappropriate displacement of anger or seeking of unmet needs in the workplace. Is there an element of substance abuse that may be playing a role? Are there personal mental health issues that need to be addressed?

From an organizational standpoint, it is necessary to evaluate the work environment and its overt or covert support for sexual harassment and discrimination. At times there also may be company or work group dynamics which are affecting morale, productivity and relationships which then set the stage for sexual harassment behavior. What level of stress is present in the workplace? Are personnel becoming frustrated and acting out their distress?

It is also important to take a good look at the position in the company of the alleged harasser. What kind of demands are being placed in that role? Is there sufficient role clarity? Has that individual demonstrated good stress tolerance or is there a history of deterioration under stress? A frequent source of stress and frustration in the workplace is employment insecurity. Is this an area for which the individual has reason to be concerned? Is this likely to improve, or does the sexual harassment complaint now only add to insecurity?

Although the proper foundation for sexual harassment policy is that of no tolerance, the interpersonal relationship between the alleged harasser and the complainant should be investigated. Was this only a professional relationship, and what is likely to happen to it now? Is it viable for both to continue working together in the same or similar capacity? Is separation of the two something to consider? It is also important to look at the complainant's personal issues. At times a sexual harassment complaint comes in the framework of personal or organizational issues unrelated to the alleged harassment. For example, it may follow performance problems, poor motivation, misbehavior, or the complainant's own employment insecurity. The complainant's behavior should also be scrutinized for the presence of welcomeness and provocation of harassment. Some studies have shown that previous abuse or harassment can lead to a repetition compulsion in which similar situations or claims are actually sought. Is there a record of the complainant being hypersensitive or also having a personality disturbance?

With a proper assessment and identification of target areas of concern, *intervention* becomes more focused. From the standpoint of the alleged harasser, there could be counseling regarding maladaptive situational and interpersonal factors. There could also be recommendations for psychological treatment where appropriate. This could include referral for personal counseling, marital therapy or treatment of substance abuse problems. Where there have been identified stress factors or low stress tolerance, recommendations for stress management may be helpful. Increasingly, stress management programs are finding their way into the workplace because of a recognized need.

The crux of remedial sexual harassment counseling is addressing sexual harassment awareness issues in a personalized way and providing tools for the individual to tackle future situations more appropriately. Once an individual's myths or biases which result in boundary crossings or boundary violations are uncovered, they can be specifically discussed. Individuals can be tested to see whether they understand how their personal behavior, both generally and in the workplace, has constituted sexual harassment. They can be later tested to see if their understanding is becoming modified. In addition, they can be individually taught to put themselves in the place of a "reasonable woman" who may be offended or an employer who faces significant liability for such behavior. Understanding what constitutes a boundary crossing versus a boundary violation can make individuals anticipate a potential problem. Most

importantly, they can be shown through personal training and counseling the deleterious effects to themselves and their career from a sexual harassment complaint.

Intervention also includes feedback to the employer regarding identified contributory factors and what recommendations have been made, without having to specifically divulge personal and private psychological issues. Employers are also advised as to relevant interpersonal conflicts and organizational dynamics which may need to be modified or remedied. Feedback needs to go both ways: from the consultant to the employer in the form of progress reports, and from the employer to the consultant regarding workplace observations. Initial improvement in the wake of an unsettling complaint is not uncommon, but lasting behavioral change is harder to achieve. Long-term monitoring, therefore, is the best method of assuring successful remedial counseling.

If employers are going to reduce the level of sexual harassment in their companies, create an environment of equal work opportunity, and prevent devastating litigation, a preventive approach coupled with effective intervention is necessary. Training employees about sexual harassment is an important step, but rectifying a known problem is even more important since it is likely to recur. Sexual harassment preventive training does not always accomplish this end and may not identify target areas within the alleged harasser or the organization which led to harassment. Remedial sexual harassment counseling with a comprehensive assessment and personalized approach is more likely to be successful.