

RETRAINING THE SEXUAL HARASSER

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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 are establishing sexual harassment policies and grievance procedures, many of which are being required by both general and employment practice liability insurers. A wide variety of sexual harassment awareness training programs are also being offered to address the company's culture with respect to gender bias and identification of harassment. However, even though these are valuable steps to ensure that the workplace is conscious of discriminatory and harassment issues, it is often not enough once harassment has been identified.

Unlike a general training program, if harassment has been identified, the company has a problem. This problem is not easily solved and may have complex sources. Of course, if the harasser's actions have been sufficiently egregious, the proper response of the company is termination. When the harassment was less egregious, remedial disciplinary action or generic sexual harassment training can fall short of rectifying the problem--and can merely postpone a subsequent disaster. Retraining the sexual harasser must involve a more personalized evaluation. There should be an assessment of both the individual and the employment setting. Target considerations need to be identified for corrective action. And, intervention should include a range of potential measures that are tailored to the specific circumstances. Trained psychological evaluators can greatly assist this process.

The proper assessment involves a clear understanding of the events in question. This comes from a proper investigation and review of reports. The personnel file of at least the harasser needs to be scrutinized and input from the human resources personnel and supervisors must be taken into account. Whether or not a sexual harassment policy and/or sexual harassment training has been incorporated is also crucial.

The identified harasser 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 outline sexual harassment awareness, general levels of stress, and personality factors.

The target considerations for such an evaluation need to focus on both the harasser's characteristics as well as organizational issues. The harasser's characteristics include situational, attitudinal, interpersonal and psychological. It is important, for example, to determine the level of participation in the sexual harassment, the harasser's degree of denial or externalization of blame, and extent of rationalization for what has occurred. Cultural and gender biases are also important to identify. Is the harasser aware of the nature of sexual harassment behavior, sexual harassment policy, sexual harassment law and employer liability? What is the 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 harassment, there are some individuals who also have sexually deviant behavioral patterns. Is there a recognizable

personality disturbance? What marital issues may be playing a role? At times, trouble in a personal relationship leads to displacement of anger or 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 may be company or work group dynamics which are affecting morale, productivity and relationships that 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 discomfort?

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

Although the proper foundation for sexual harassment policy is that of no tolerance, the interpersonal relationship between harasser and 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 personnel issues. At times a sexual harassment complaint is a reflection of other personal or organizational dynamics. For example, it may come in the context of 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 of similar situations and/or claims. Is there a record of the complainant being hypersensitive or also having a personality disturbance?

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

The crux of retraining the sexual harasser is, of course, addressing sexual harassment awareness issues in a personalized way. Once an individual's myths or biases 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" or an employer who faces significant liability for their behavior. Most importantly, they can be shown through personal training and counseling the deleterious effects to themselves and their career from sexual harassment.

Intervention also includes feedback to the employer regarding the level of consultation and recommendations made, without having to specifically divulge personal and private psychological issues. Employers can also be advised as to relevant interpersonal conflicts and organizational dynamics which may need to be modified or remedied. Feedback needs to go both ways: both from the trainer to the employer in the form of progress reports, and from the employer to the trainer 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 is, therefore, the best method of assuring successful training.

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 preventative 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. Generic sexual harassment training does not accomplish this end and does not identify or target key factors within the harasser or the organization. Retraining the sexual harasser with a comprehensive approach is more likely to be successful.

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