What is Zero Tolerance on Sexual Harrassment?

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One encouraging organizational response to the recent spate of high-profile sexual harassment allegations has been the instant announcement of a zero-tolerance policy. But merely calling for zero tolerance or citing a lack of reported complaints as evidence of an already-effective policy doesn't ensure a harassment-free workplace. Indeed, a lack of complaints often means exactly the opposite: that employees fear nothing will be accomplished except to expose themselves to retaliation.

The simple announcement of a zero-tolerance policy alone will not make previous fears disappear, nor non-functioning systems for complaints and protections roar to life, and the culture will not change. Anyone who complains after such an announcement is likely to be at the same risk as before—or worse, unless critical new steps are taken.

A true zero-tolerance policy requires not only good intentions but also a trustworthy, independent system, staffed with the proper skills to conduct swift, full, and fair investigations and to carry them to a just resolution, observing principles of confidentiality and discretion, and including ongoing protection of those who report. Only if the board and top-level officers back the process will investigators be able to provide the truth. Multiple channels are needed so that all concerned employees can find a comfortable and trusted avenue for reporting a problem.

First, everyone must be confident that if they report a problem, action will be taken, and they will be protected from retaliation and career damage. The best programs focus on prevention but are ready to respond swiftly when incidents arise. They go to lengths to ensure protection, including review of all proposed discipline to check if it might be payback for some prior complaint. These protections should extend to witnesses who take the risk of coming forward.

Second, a trusted program must be established that has the power to protect and investigate, rectify career
can inform employees that actions have been taken against perpetrators or that behavior in support of zero tolerance has been rewarded. What gets measured gets treasured.

Fifth, periodic assessments are needed to determine accurately whether employees believe they can come forward without fear, and to learn if unreported sexual misconduct or other noncompliance is occurring. As recent events have proved, lack of reported incidents does not mean there is no harassment, and intimidation can pervade a workplace below the surface despite a stated zero-tolerance policy. Such assessments almost always require an independent outside entity confidentially administering anonymous surveys and interviews. The best of these use benchmarked and validated questions that can provide insight into the effectiveness of the compliance program and whether employees trust the system.

Finally, in those workplaces in which employees have formed a union, it is critical that they be involved in the development, implementation, and assessment of the policy. They hear things and know things that management will probably not otherwise be able to learn, or may be likely to overlook.

Calling for zero tolerance is a good start, but is only the beginning of the journey to real protections and cultural change. Achieving zero tolerance requires sustained and focused leadership on the programs, systems, skills, and backing for reporting, investigation, and accountability. In the absence of this ongoing investment by business and political leaders, we may simply be witnessing a wave of celebrity firings and embarrassing political resignations, with no lasting change away from the glare of floodlights. A zero-tolerance promise without an underlying system to redeem that promise is an invitation for nothing to happen, or worse.