San Diego Scandal Puts Sexual Harassment in Spotlight

By Holly Culhane, Contributing Columnist

The sexual harassment controversy involving San Diego Mayor Bob Filner is spiraling out of control so fast that it is hard to keep up. So far, more than a dozen women have accused Filner of sexual harassment.

A former female aide to the mayor is suing Filner and the City of San Diego, alleging sexual harassment. The 70-year-old mayor is refusing to resign, instead offering up "sort of apologies," while denying wrongdoing. However, Filner says he will undergo two weeks of therapy. The mayor's lawyer says taxpayers should cover Filner's legal fees, because the city is partly to blame. He alleges the city failed to provide Filner with sexual harassment prevention training. City officials respond that Filner declined to attend offered training. On top of it all, a long-shot recall of the mayor has been launched.

Suffice it to say that things are a mess in what San Diego boosters like to call "America's Finest City."

And the scandal is complicated by the fact that many of the alleged incidents occurred while Filner served two decades in the House of Representatives – an arena in which each congressional office basically is a fiefdom headed by a politician who sets his or her own standards. Yes, there are House ethics rules. No, elected representatives are not required to take sexual harassment prevention training.

I suppose the common belief is that the people we elect to represent us in Washington know groping and flapping potty mouths are unacceptable and legally unprotected conduct. Unfortunately, we know how that belief has generally panned out in recent years.

One thing the Filner scandal has done is put the problems and risks of workplace sexual harassment in the national spotlight. Every business owner and manager, and every employee should be paying attention.

Sexual harassment is a growing workplace problem, with an increasing number of employers spending more and more dollars on costly lawsuits. Federal and state laws have been passed that expand the definitions of sexual harassment, give protections to those who file charges, and reduce the burden of "proof of harm."

Simply stated: The old days when employers, supervisors and even co-workers could make unwanted advances, demand sexual favors or fill the workplace air with "blue" language and jokes have long passed, but for some reason it continues in too many workplaces.

To be on the right side of the law and demonstrate "reasonable care" has been taken to prevent sexual harassment, employers should:

--Adopt and enforce written, "no-tolerance" sexual harassment policies that apply to the workforce, as well as to others who interact with employees, including contractors, vendors and customers.

--Establish procedures to encourage the reporting of incidents.
--Investigate allegations and take appropriate actions. Follow and document disciplinary measures.
--Provide regular sexual harassment recognition and prevention training to supervisors and employees. After all, it's the law. California employers with 50 or more persons working on their premises are required to provide two hours of such training, bi-annually, to supervisors in the workplace.

In California, an employer is generally responsible for a supervisor's inappropriate conduct if the conduct was committed within the scope of the supervisor's employment.

But the law offers employers a defense: The employer must be able to prove that reasonable care is exercised to prevent sexual harassment and to stop it when it is discovered.

This article written by Holly Culhane first appeared online and in The Bakersfield Californian on Tuesday, August 8, 2013. Holly Culhane is president of the Bakersfield-based human resources consulting firm P.A.S. Associates. She can be contacted through her website www.pasassociates.com and through the PAS Facebook page or by phone at 631-2165.