

Construction-Industry Employers: Take a Look at the EEOC's New Guidance on Preventing Harassment on Your Worksites

07/29/24

On June 18, 2024, the Equal Employment Opportunity Commission ("EEOC") issued "[Promising Practices for Preventing Harassment in the Construction Industry](#)" (the "Guidance"), an overview of the core principles for construction-industry employers to effectively prevent harassment on their worksites. In support of these principles, the Guidance contains several recommendations for such employers to prevent harassment while remaining in compliance with federal laws.

Leadership and Accountability

The EEOC believes a successful harassment prevention strategy starts at the top, recommending:

- worksite leaders – from the project owner to crew leads to union stewards – should clearly, frequently, and unequivocally message and demonstrate that harassment is prohibited;
- project leaders and general contractors should focus on preventing harassment against all site workers regardless of whether those workers are covered by anti-discrimination laws;
- general contractors should assist subcontractors and staffing agencies with their legal obligations under federal anti-discrimination laws by referring them to the EEOC's [Small Business Resource Center](#); and
- project owners should provide or coordinate anti-harassment training, monitor the workforce for anti-harassment compliance, require that contract bids include a plan to prevent and address workplace harassment, and seek feedback from workers about anti-harassment efforts and whether harassment may be occurring.

Comprehensive and Clear Harassment Policies

The EEOC expects construction-industry employers to maintain and provide a clear and comprehensive anti-harassment policy to workers. According to the EEOC, the policy should:

- provide a description of who is covered under the policy, what conduct is prohibited, and complaint and reporting procedures;
- indicate the employer's commitment to conduct a prompt and thorough investigation of any reported harassment; and
- be regularly updated, understandable to all employees, and posted in easy-to-find places (ex. breakroom or near the timeclock).

Effective and Accessible Harassment Complaint System

The EEOC highlights the importance of an effective harassment complaint system for construction-industry employers, recommending that:

- onsite employers and leaders should work together to provide a "no wrong door" environment to workers;
- the system should include both formal and informal methods of reporting harassment; and
- the system should be explained in languages commonly used by workers.

Effective Harassment Training

The EEOC emphasizes the importance of regular interactive, and comprehensive training of all workers on a construction site. According to the EEOC, the anti-harassment training should be:

- clear, easy to understand, and offered in languages commonly used by onsite workers;
- tailored to the specific workforce and work environment; and
- interactive if feasible, but if not, then alternative options include providing training through an interactive module accessible via mobile phone, or watching a series of short video clips, followed by a guided discussion about the clips.

TAKEAWAY: Construction-industry employers should review their policies and practices to prevent harassment on their worksites in light of the Guidance. If you are a construction-industry employer seeking additional guidance on implementing these recommendations, contact [any member of the Wilentz Employment Law Team](#).

Attorney

- Tracy Armstrong

Practice

- Employment Law