

## SEXUAL HARASSMENT WITH A TEENAGE WORKFORCE

By: Anne Scheer, Esq.  
Email: [ascheer@devinemillimet.com](mailto:ascheer@devinemillimet.com)  
Phone: 603.410.1708

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Sexual harassment claims, and presumably sexual harassment itself, continues to decline among adult employees in the workplace. But, the number of these claims by teen workers is rising rapidly. By and large most employers are doing good job writing, training on and enforcing clear policies prohibiting sexual harassment by adult workers. But, employers' anti-harassment efforts don't seem to be reaching teen employees.

There are probably a number of reasons that teen employees aren't getting the message on complying with employer sexual harassment policies including:

- Teen workers tend to work part-time, nights, irregular, temporary and/or seasonal hours. As a result many teen employees do not attend a company's annual sexual harassment training.
- The places teens tend to work, such as restaurants and movie theaters are often casual places both in their public and non-public areas. This sense of casualness is often interpreted by a teen to allow them to act in the workplace in the same way they would at a party or other social environment. This is especially true when they are working with other teenagers and/or at night when there may be less experienced supervisors present.
- Teens lack experience in how to act at work, and given the places and times they work they may encounter very few adult in the workplace to model appropriate supervisor/employee or co-employee behavior.
- In workplaces that commonly employ large number of teens the supervisor/manager in charge during their work hours is likely to also be a teen or young adult and is likely to be fairly inexperienced in their position. In fact a teenager's

### Labor, Employment & Employee Benefits

**Mark Broth, Chair**  
603.695.8558  
[mbroth@devinemillimet.com](mailto:mbroth@devinemillimet.com)

**Newton Kershaw**  
603.695.8571  
[nkershaw@devinemillimet.com](mailto:nkershaw@devinemillimet.com)

**Karen Levchuk**  
603.695.8618  
[klevchuk@devinemillimet.com](mailto:klevchuk@devinemillimet.com)

**Patricia McGrath**  
603.695.8537  
[pmcgrath@devinemillimet.com](mailto:pmcgrath@devinemillimet.com)

**Anthony Augeri**  
978.475.9100  
[aaugeri@devinemillimet.com](mailto:aaugeri@devinemillimet.com)

**Margaret O'Brien**  
603.695.8631  
[mobrien@devinemillimet.com](mailto:mobrien@devinemillimet.com)

**Anne Scheer**  
603.410.1708  
[ascheer@devinemillimet.com](mailto:ascheer@devinemillimet.com)

**Laurel Van Buskirk**  
603.695.8565  
[lvanbuskirk@devinemillimet.com](mailto:lvanbuskirk@devinemillimet.com)

**Anne Trevethick**  
603.695.8725  
[atrevethick@devinemillimet.com](mailto:atrevethick@devinemillimet.com)

**DEVINEMILLIMET.COM**

[EMPLOYMENT@DEVINEMILLIMET.COM](mailto:EMPLOYMENT@DEVINEMILLIMET.COM)

supervisor is often a friend, classmate or their best friend's girl/boyfriend or ex-girl/boyfriend, who they go to school and hang-out with outside of work.

- Teenagers are often impulsive and tend not to think through the effect or consequences of their words/actions on others.
- Teens in our society are constantly bombarded with sexual messages that consciously or unconsciously many mirror.

Having an abundance of young workers it is not surprising that restaurants have the worst record of any industry for teenage sexual harassment complaints. Recent Equal Employment Opportunity Commission ("EEOC") statistics show about 85% of teen harassment claims are for sexual harassment, and about 60% of those claims are against restaurant employers. Both public and non-public areas of most restaurants tend to be informal and youth oriented, restaurants have high employee turn-over, employ many part-time, irregular, night and seasonal workers and often have very young and inexperienced front line "supervisors."

Recognizing increasing problems with sexual harassment in industries with high concentrations of teenage workers, state and federal enforcement agencies are currently targeting these industries for enforcement actions. All employers with a high number of teenage employees should re-examine their sexual harassment policy, training and enforcement to try to avoid these claims, or at the very least in order to have a credible defense to a claim.

Specifically any employer that employs a number of teenage workers should:

- Review its sexual harassment policy to determine whether a teen is likely to understand it, and edit it if needed. Have someone that "speaks teenager" help with this if at all possible.
- Alter company training times so that all workers are included. In a company with a high turn-over rate or frequent new hires consider holding harassment training sessions more often. Although, by this point most adult employees have been through years of harassment training sessions teen employees have never had this training. This training is especially critical for teen supervisors/managers. Remember, if a company puts someone in a supervisory position the company is strictly liable for any sexual harassment the person commits, regardless of the person's youth or inexperience. And, although it is generally best for an employer to hold its own sexual harassment training sessions for its own employees, in order to hold

#### Office Locations:

111 Amherst Street  
Manchester, NH 03101  
T 603.669.1000  
F 603.669.8547

300 Brickstone Square  
Andover, MA 01810  
T 978.475.9100  
F 978.470.0618

43 North Main Street  
Concord, NH 03301  
T 603.226.1000  
F 603.226.1001



more frequent training sessions to catch all employees without breaking the bank consider joining forces and holding training sessions with another similar employer in your area.

- Adopt and implement a training program with special emphasis on workplace issues that affect teen employees. Make sure the person who conducts the training connects with teens. A terrific trainer for adults may or may not be the best choice for reaching teenage employees.
- Make sure teens are reminded on a regular basis who it is they should report any claim of sexual harassment. It is not enough to once give this age group a handbook/manual with a policy directing them who/how a report should be made. Conspicuously post in the workplace who/how they should make a report. And, make it easy for them to make a report. Some companies with large numbers of young employees print on every paycheck a toll-free, hotline number that can be called anytime of day/night or during times specified on the check to make a report. Similarly, teens can be directed to make an initial report by e-mail or text message. Teens are up late at night and, unlike adult workers, are more likely to have time to make their complaint outside of the usual work hours a company's human resource department may be open. And, they are much less likely than adult employees to write/print out a hard copy of their complaint and give it to someone. These young adults live in an electronic world and an employer needs to think how it can best connect with them using the technology they are most comfortable using.
- Show teens the company means what it says in its sexual harassment policy by enforcing it. To teens especially, actions do speak louder than words.
- Have an "adult" presence in the workplace at all times.

We welcome you contacting any of us for assistance in making your company's sexual harassment policy, training and enforcement work for your teen employees.

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