

Paul Plevin & Sullivan LLP

Serving California Employers

Recent
Developments

INTERNET PORN CREATES SEXUAL HARASSMENT LIABILITY (August 22, 2000)

Summary

A federal judge in Illinois has recently ruled that an employee's viewing of internet pornography could constitute sexual harassment because it could create a hostile work environment. This is the first case to directly address this issue, and it serves as a cautionary reminder to employers, particularly in California, where the law requires employers to affirmatively take all reasonable steps to prevent sexual harassment from occurring.

What this means

With the increasingly pervasive use of computers and the internet in the workplace, employers need to watch out for the problems that this connectivity may cause. Specifically, to avoid potential sexual harassment problems, employers should do two things:

- 1. Adopt a technology policy.** Although all workplace policies should be tailored to the particular employer's culture, a good technology policy should:
 - Prohibit employees from viewing or downloading information from the internet that could be offensive to others;
 - Notify employees that the personal use of his or her computer (and telephone, fax machine, etc.) should be limited and occasional (or is prohibited altogether);
 - Prohibit employees from downloading any software or executable files without authorization;
 - Prohibit employees from disclosing any computer passwords to outsiders; and
 - Notify the employees that the employer has the right to monitor or access any information on any computer (telephone, fax machine, etc.), without notice.
- 2. Enforce the technology policy,** including disciplining employees who violate it.

The adoption and enforcement of a simple, thoughtful technology policy should help employers minimize the risk of internet-related sexual harassment.

SAVE THE DATE: On Wednesday, October 18, 2000, between 8:00 a.m. and noon, our firm will present "Getting Ready for 2001: What You Need to Know" at the Hilton La Jolla Torrey Pines. Enrollment is \$50. To ensure a seat, please email seminars@paulplevin.com.

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