

With Spotlight on Sexual Harassment, Employers Should Take Heed, *Newsday*, ft. Ellen Storch

Ellen Storch, partner in the Kaufman Dolowich & Voluck LLP Long Island office, was quoted in a Newsday article written by Jamie Herzlich, published on December 31, 2017.

It's not enough to follow the law, experts say. Companies should take a hard look at their culture and implement best practices.

Also, in order to prove that a victim was sexually harassed, the person has to show he or she thought the behavior was offensive, says Ellen Storch, a partner at Kaufman Dolowich & Voluck in Woodbury.

It has to be offensive from a subjective view (meaning the victim has to have been offended) and from an objective perspective (meaning another reasonable person would also find the conduct offensive), she says.

Sometimes this can be hard to prove in cases such as a text exchange in which the now-victim participated in the banter, she says.

Storch says she reviews the texts to see if there was an opportunity for the victim to express in some way that he or she wasn't enjoying the comments or exchange.

"To establish a case the plaintiff has to establish that the conduct was unwelcome," she says.

To protect your business, train employees and managers on what constitutes sexual harassment.