

New York contractor to pay \$1.5M to settle 'severe' sexual harassment, retaliation claim, *ConstructionDive*, ft. Erik Ortmann

Erik Ortmann, partner and vice chair of the KD Construction Law practice group, was quoted in an article written by Kate Tornone and Jean Dimeo for ConstructionDive - July 23, 2020.

Dive Brief:

A contractor will pay \$1.5 million to settle claims it ignored "severe" sexual harassment and retaliation, New York's attorney general announced July 13. Eighteen former employees will share the settlement.

Dive Insight:

Human resources departments at construction firms and other businesses should train managers to listen for harassment complaints, acknowledge them and escalate them through the proper channels, employment experts say.

If HR follows up with a good-faith investigation and action reasonably calculated to end any improper behavior, an employer will be in a good position to defend any later legal action.

The best defense against discrimination or harassment is prevention, industry lawyers told Construction Dive. A contractor's most effective tool is a robust employee policy, said attorney Erik Ortmann with Kaufman Dolowich Voluck in New York, which puts in place clear rules to foster a nonhostile work environment. Equally important, he said, is to make sure any workplace policy includes a complaint mechanism and a clear outline of the potential disciplinary actions violators could face.

"[Contractors] have to implement the policy and staff it with people who are going to be accountable," Ortmann said.