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A Model Employment Policy Prohibiting Sexual Harassment

By Robert A. McCormick

In December 1989, the Michigan Supreme Court Task Force on Gender Issues in the Courts issued its final report. That report grew out of an extensive, two-year examination of the Michigan courts which revealed, among other things, that gender bias exists, in perception and fact, in many areas of the Michigan court system. The task force recommended a variety of reforms to address this finding, including revisions in the rules, procedures and administration of the courts to assure equal treatment for men and women, free from gender bias, which the task force properly viewed as undermining the vital principle of equal justice.

Among their recommendations, the task force urged that the State Bar establish model employment policies in the areas of sexual harassment, alternative work schedules and family/medical leave for the use of the Michigan legal community. It also recommended that the Bar assemble information and educational resources concerning these and other related issues. In pursuit of these objectives, Deborah Gaskin, then-assistant executive director for an open profession, asked the Labor and Employment Law Section of the Bar to take a leadership role in carrying out the task force's recommendations. Thus, about a year ago, I set out to convene a balanced committee made up of some of our state's finest employment lawyers to attempt the delicate and impor-

tant task of bringing the mission of the task force to fruition.

The result of my entreaties to these individuals—all of whom lead demanding professional lives—was gratifying and inspiring. While many individuals and groups lent assistance to the project, several of your colleagues made contributions without which this draft policy simply would not have been created. Diane Soubly of Butzel Long; Janet Cooper, Deputy Director, Michigan Department of Civil Rights; Sheldon Stark of Stark and Gordon; Adele Rapport, Regional Attorney of the U.S. Equal Employment Opportunity Commission; Martha Goodloe of Bodman, Longley and Dahling; Sheryl Laughren of Berry, Moorman, King and Hudson; Maurice Jenkins of Bowman and Brooke, and Tom Kienbaum of Dickinson, Wright, Moon, Van Dusen & Freeman were prominent among those who gave freely of their time and their abundant experience and wisdom in drafting this model. Michael Franck, executive director of the State Bar, and Christina Mui, Ms. Gaskin's successor as assistant executive director, provided guidance and editorial assistance as well. Finally, the law firms of Stark and Gordon, and Miller, Canfield, Paddock and Stone, provided their facilities and helpful assistance to the committee.

Fortunately, the committee itself could look to and rely upon policies adopted by Bar organizations in other states and cities. Particularly helpful in this regard was the 1990 report of the ABA Commission on Women in the Profession and the Workplace chaired by Hillary Rodham Clinton,

as well as model policies adopted by the Philadelphia, California and Canadian Bar Associations. In the main, however, the draft was the result of many hours of discussion and, to say the very least, spirited debate among the committee.

A draft of the Model Employment Policy Prohibiting Sexual Harassment may be obtained by contacting Christina Mui, (517) 372-9030 (ext. 3006). It will, the committee hopes, inspire deliberation and discussion among Michigan lawyers and judges. The committee will present this model policy to the State Bar Representative Assembly on April 23, 1994, for their consideration. Comments, criticisms and suggestions regarding it would be welcomed and should be sent to Michael Franck. Thereafter, if the Representative Assembly approves it, it will be published in the *Michigan Bar Journal*.

The committee will continue to meet to draft the remaining two elements of our mission: Alternative work schedule and family/medical leave policies. We welcome any insight you might have as we embark upon this project. In the end, we hope our efforts will serve the Bar by aiding its members in leading the way toward ensuring that our own work places are free from invidious discrimination, just as we pursue principles of equal justice in our professional lives. ■

Robert A. McCormick is a professor at the Detroit College of Law and is past chairperson of the Labor and Employment Law Section of the State Bar of Michigan.