Anti-Harassment Training for All Employees

Sexual Harassment in the Workplace

EEOC's Definition of Sexual Harassment

- **It is unlawful to harass a person because of that person's sex.**
- **Harassment includes "sexual harassment" or unwelcome sexual advances, requests for sexual favors, and other verbal or physical harassment of a sexual nature.**
- **Harassment does not have to be of a sexual nature, however, and can include offensive remarks about a person's sex.**
- **Harassment is illegal when it is so frequent or severe that it creates a hostile or offensive work environment.**

Quid Pro Quo

- **Quid pro quo is Latin for "this for that" or "something for something." It refers to an exchange.**
- **Quid pro quo occurs when employment decisions and conditions are based upon whether an employee is willing to grant sexual favors. Some of the working benefits that can be made conditional on sexual favors are: hiring, promotions, salary increases, shift or work assignments, and performance expectations.**

Hostile Work Environment

- **A hostile work environment is one in which unwelcome conduct of a sexual nature creates an intimidating, offensive, or disruptive work environment for one or more members of the company.**

Other Forms of Sexual Harassment

- **Sexual harassment does not occur just between a male boss and a female subordinate. Sexual harassment may occur in a variety of circumstances: between peers;By a subordinate toward a supervisor;By women against men;Between members of the same sex — men harassing men, women harassing women;And by a third party, such as a vendor, customer, or contractor, against an employee.**

Intent vs. Impact

- **When dealing with behaviors and choices that could lead to a sexual harassment complaint, your intent is irrelevant. It is only the impact of your choice that has relevance.**

Considering the "Reasonable Person Standard", Severity, and Duration

- **In order to be illegal, the conduct must be severe or pervasive, and offensive to a reasonable person in similar circumstances. Under this standard, onetime unwelcome behavior will seldom qualify as sexual harassment, unless it is sufficiently severe.**

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Where Can Workplace Sexual Harassment

- **Harassment can occur whenever and wherever employees are fulfilling their work responsibilities, including in the field, at any employer-sponsored event, trainings, conferences open to the public and office parties.**
- **Employees can be the target of sexual harassment through calls, texts, email and social media.**

Bullying

The Truth About Bullying

- **Bullying is illegal when it violates federal or state laws prohibiting discrimination and harassment in the workplace.**

Identifying Bullying

- **The elements to look for in bullying are:**
  - **Repeated infliction of verbal abuse, such as the use of derogatory remarks, insults, and epithets**
  - **Verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating.**
  - **The gratuitous sabotage or undermining of a person's work performance**

Gender Discrimination, Harassment, and Stereotyping

Understanding Gender Harassment

- **Harassing a person because that person does not conform to gender stereotypes as to "appropriate" looks, speech, personality, or lifestyle is considered sexual harassment.**
- **The following terms define characteristics in gender expression and identity:**
  - **Gender Expression is considered a person's gender-related appearance or behavior, whether or not stereotypically associated with the person's sex at birth.**
  - **Gender Identity is a person's identification as male, female, a gender different from the person's sex at birth, or transgender.**
  - **Transgender is a general term that refers to a person whose gender identity differs from the person's sex at birth.**
  - **Gender Stereotyping is an assumption about a person's appearance or behavior or about an individual's ability or inability to perform certain kinds of work based on myth, social expectation, or generalization about the individual's gender.**

Gender-Based Discrimination

- **Gender discrimination involves treating someone unfavorably because of that person's gender.**
- **Discrimination against an individual because of gender identity, including transgender status, or because of sexual orientation is considered discrimination.**

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- **The law forbids discrimination when it comes to any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoff, training, fringe benefits.**

Retaliation

Protected Activities

- **"Protected activities" with regard to harassment include:**
  - **Making a complaint to a supervisor, manager or another person designated by your employer to receive complaints about harassment**
  - **Making a report of suspected harassment, even if you are not the target of the harassment**
  - **Filing a formal complaint about harassment**
  - **Opposing discrimination**
  - **Assisting another employee who is complaining of harassment**
  - **Providing information during a workplace investigation of harassment, or testifying in connection with a complaint of harassment filed with a government agency or in court**

What is and is not Retaliation

- **Retaliation can be any such adverse action taken by the employer against the employee that could have the effect of discouraging a reasonable worker from making a complaint about harassment or discrimination.**
- **When employees continue to be subject to all job requirements and disciplinary rules after having engaged in such activity then this is not considered as retaliation.**

The Supervisor's Responsibility

Preventing Harassment

- **A solid harassment prevention program should include training program that includes objectives, such as:**
  - **Learning the definition of sexual harassment**
  - **Identifying other types of harassment**
  - **Legal issues involved in harassment, behaviors that constitute harassment**
  - **What someone should do if they are harassed**

Responsibilities of Managers/Employers

- **Directly ask the offender to stop or ask someone in the higher authority to perform the action.**
- **Report incidents of unwelcome behavior by others in accordance with company policy and procedures.**
- **Supervisors must exercise their authority to ensure that their workplace is free of any type of illegal harassment, including sexual harassment.**

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- **Take every complaint seriously and respond promptly to employees expressing concerns.**

Experiencing, Witnessing and Reporting Harassment

What Should I Do If I Am Harassed?

- **Report harassment to a supervisor, manager or another person designated by your employer to receive complaints so the employer can take action.**
- **Behavior does not need to be a violation of law in order to be in violation of the policy.**
- **Complaint or grievance process includes providing anti-harassment training to managers and employees and taking immediate and appropriate action when an employee complains.**

What Should I Do if I Witness Sexual Harassment?

- **Anyone who witnesses or becomes aware of potential instances of harassment should report it to a supervisor, manager or designee.**

Investigation and Corrective Action

- **An investigation of any complaint should be commenced immediately.**
- **Employers "can only promise limited confidentiality," and that the information may be limited to individuals on a "need to know" basis.**
- **Any employee may be required to cooperate as needed.**

Investigation Process

- **Following are the investigation process:**
  - **The designated person or office will conduct an immediate review of the allegations, and take any interim actions, as appropriate**
  - **Relevant documents, emails or phone records will be requested, preserved and obtained.**
  - **Interviews will be conducted with parties involved and witnesses**
  - **Investigation is documented as outlined in the harassment prevention policy**
  - **The individual who complained and the individual(s) accused of harassment are notified of final determination and that appropriate administrative action has been taken.**

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