

Sexual Harassment in the Workplace



Learning Objectives

- Definition of sexual harassment
- Learning the different types of sexual harassment
- Identifying sexual harassment
- Steps to filing a complaint



Definition

- Unwelcome verbal, visual, or physical conduct of a sexual nature that is severe or pervasive and affects working conditions or creates a hostile work environment.



Breaking down the definition :

“Conduct”

- Conduct is NOT sexual harassment if it is welcome. For this reason, it is important to communicate (either verbally or in writing) to the harasser that the conduct makes you uncomfortable and you want it to stop.



“Of a Sexual Nature”

- **Verbal/Written:** Comments about clothing, personal behavior, or a person’s body; sexual or sex-based jokes; requesting sexual favors or repeatedly asking a person out; sexual innuendoes; telling rumors about a person’s personal or sexual life; threatening a person, sending emails or text messages of a sexual nature
- **Physical:** Assault; impeding or blocking movement; inappropriate touching of a person or a person’s clothing; kissing, hugging, patting, stroking

“Of A Sexual Nature”



- **Nonverbal:** Looking up and down a person's body; derogatory gestures or facial expressions of a sexual nature; following a person
- **Visual:** Posters, drawings, pictures, screensavers, emails or text of a sexual nature

Of a Non-Sexual Nature

- ** Non-sexual conduct may also be sexual harassment if you are harassed because you are female, rather than male, or because you are male, rather than female.
- For example, it may be sexual harassment if you are a woman working as a carpenter on an all-male job, and you are the only one whose tools are frequently hidden by your male co-workers.

“Severe or Pervasive”

- The conduct of the harasser must be either severe or pervasive to be classified as sexual harassment.
- Although a single unwanted request for a date or one sexually suggestive comment might offend you and/or be inappropriate, it may not be sexual harassment. However, a number of relatively minor separate incidents may add up to sexual harassment if the incidents affect your work environment.

Questions to ask yourself:



- How many times did the incidents occur?
- How long has the harassment been going on?
- How many others have been sexually harassed?
- Who were witnesses to the harassment?

“Affects working conditions or creates a hostile work environment”

- It may be sexual harassment if the conduct unreasonably interferes with your work performance or creates an “intimidating, hostile, or offensive work environment.”
- For example, it may be sexual harassment if repeated sexual comments make you so uncomfortable at work that your performance suffers or you decline professional opportunities because it will put you in contact with the harasser.

Sexual Harassment Facts

- *The victim as well as the harasser may be a woman or a man.
- *The harasser can be the victim's supervisor, an agent of the employer, a supervisor in another area, a co-worker, or a non-employee.
- *The victim does not have to be the person harassed but could be anyone affected by the offensive conduct.

Sexual Harassment Facts:

- * Unlawful sexual harassment may occur without economic injury to or discharge of the victim.
- * Same sex harassment violates Title VII if the employee is harassed because of his or her gender.
- * Unwelcome conduct under a protected basis violates Title VII if it creates an intimidating, hostile, or offensive work environment.
- * The harasser's conduct must be unwelcome.

Sexual Harassment Facts

- An employer is always liable for harassment by a supervisor that results in tangible employment action.

Remember...

- * Intentions do not matter if a person feels harassed or humiliated.
- * Different people have different reactions to the same behavior and different interpretations

Types of Sexual Harassment

- Quid Pro Quo
("This for that")

A person in a position of authority, typically a supervisor, demands sexual favors as a condition to getting or keeping a job benefit.



Hostile Work Environment

- Verbal, physical or visual forms of harassment, that are sexual in nature, "sufficiently severe, persistent, or pervasive" and unwelcome fall under the category of Hostile Environment Sexual Harassment.
- A single, severe incident, such as a sexual assault, could create a hostile environment. More commonly, a "hostile environment" is created by a series of incidents.

Examples of Sexual Harassment

- Unwanted jokes, gestures, offensive words on clothing, and unwelcome comments and witty responses.
- Touching and any other bodily contact such as scratching or patting a coworker's back, grabbing an employee around the waist, or interfering with an employee's ability to move.
- Repeated requests for dates that are turned down or unwanted flirting.

Examples of Sexual Harassment

- Transmitting or posting emails, texts, or pictures of a sexual or other harassment-related nature.
- Displaying sexually suggestive objects, pictures, or posters.
- Playing sexually suggestive music.



PREVENTION

Prevention is the best tool to eliminate sexual harassment in the workplace.

PREVENTION TOOLS

- * Anti-Harassment Policy
- * Educate and Train Employees
- * Monitor enforcement of anti-harassment policy
- * Investigate allegations of sexual harassment

Prevention

- * Protect individuals confidentiality
- * Protect individuals against retaliation
- * Take a corrective action IMMEDIATELY

CORRECTIVE ACTIONS TO ENSURE THAT HARRASSMENT DOES NOT RECUR:

- * oral or written warning or reprimand
- * transfer or reassignment
- * demotion
- * reduction of wages
- * suspension

CORRECTIVE ACTIONS TO ENSURE THAT HARRASSMENT DOES NOT RECUR:

- * training or counseling of harasser to ensure that he or she understands why his or her conduct violated the employer's anti-harassment policy; and
- * monitoring of harasser to ensure that harassment

SUMMARY

- * Includes any action of a clear or potentially sexually-motivated nature.
- * Words or actions will become sexual harassment if:
 - * They are unwelcome to the recipient;
 - * are directly, or even by implication, linked to
 - * employment decisions; and form the basis of
 - * such decisions.

SUMMARY

- * VIOLATES TITLE VII OF THE CIVIL RIGHTS ACT OF 1964
- * IS AGAINST THE LAW
- * WILL NOT BE TOLERATED
- * TITLE 230 - PART 401



Steps to File a Complaint

1. Let the harasser know that his/her conduct is unwanted and unwelcome.
2. Go to a manager and explain the circumstances. Be sure to take with you documented dates, times, and specific occurrences if you have them. Also, report the incident to human resources. If the appropriate supervisor is unavailable, or is the offender, report the incident directly to the owner.

Questions

Deputy John Morgan
Community Policing Officer
Livingston County Sheriff's Office
4 Court Street
Geneseo, NY 14454
Desk Phone: (585) 243-7921



Test

1. Can a man be sexually harassed?

Yes No

2. If a woman dresses provocatively in the work place is that a form of sexual harassment?

Yes No

3. Is A, B, or C a type of sexual harassment.

A. Unpleasant Working Environment

B. Hostile Environment

C. Stressful Environment

4. Sexual harassment is in violation of Title _____ of the Civil Rights Code.

A. Title VII

B. Title V

C. Title VI

5. Can a third party be the recipient of sexual harassment?

Yes No

6. Is saying "No" a tool to prevent sexual harassment?

Yes No

7. Which of these is the best Prevention tool for sexual harassment?

- A. Ignore it
- B. Complain
- C. Education and Training

8. Is saying "No" a step to take to stop sexual harassment?

Yes No

9. How do you prevent sexual harassment from recurring?

- A. Move the person being harassed
- B. **Oral or written warning**
- C. Institute a dress code.

10. A co-worker comes up to you and makes a joke of a sexually oriented nature. But, you are not in any way offended could this still be a form of sexual harassment, and why?

YES

A third party could have also heard the joke and taken offense to it.

That is indirectly a form of sexual harassment.