



Sexual Harassment in the Workplace

The main objective of this session is to inform you about sexual harassment, so that your awareness of this issue will help prevent it. By the end of the session, you should be able to:

- Recognize sexual harassment;
- Differentiate between the two main kinds of harassment;
- Understand and follow workplace policy regarding sexual harassment;
- Report incidents and cooperate in investigations of sexual harassment; and
- Help promote and maintain a comfortable, productive work environment.

This session will discuss:

- Why it's important for you to know about sexual harassment;
- The laws that prohibit sexual harassment in the workplace;
- What constitutes sexual harassment;
- Who is affected by sexual harassment;
- What to do about it; and
- How to prevent sexual harassment.

Just how widespread is the problem of sexual harassment? Consider these statistics:

- About 70% of women and 20% of men have experienced sexual harassment in the workplace.
- There are about 15,000 cases of sexual harassment filed each year in the United States.
- These charges cost U.S. companies almost \$40 million each year.
- The number of complaints filed by men has more than tripled in recent years, indicating this is not just a woman's problem.

Why do you need to know about sexual harassment? First of all, we want you to work in an environment that is free of sexual harassment. If you and your colleagues understand what it is and why it is harmful, this will help prevent it. In addition, you need to know about this subject because:

- We all have the right to fair treatment at work;
- Sexual harassment harms everyone, not just the victim;
- It undermines the trust and respect necessary for a productive work environment; and
- Sexual harassment is not just a woman's issue—men and women on every level may be either harassers or victims.

Let's consider what the law says about sexual harassment.

- Title VII of the Civil Rights Act generally prohibits employers from discriminating on the basis of race, color, national origin, religion, or sex;
- The courts have interpreted sexual harassment as a form of sex discrimination that is prohibited under Title VII;

- State laws that address civil rights and fair employment practices also prohibit sexual harassment in the workplace; *and*
- Finally, the U.S. Equal Employment Opportunity Commission, or EEOC, has issued a comprehensive definition of sexual harassment, which we will discuss further on the next slide.

The EEOC defines sexual harassment as sexual conduct that is unwelcome, harmful, or illegal.

- *Unwelcome* conduct can include sexual advances, requests for sexual favors, verbal or physical conduct of a sexual nature, or displays of sexually explicit or suggestive materials.
- *Harmful* conduct can harm either the physical or emotional health of the victim, or of witnesses to the conduct. This can also negatively affect the atmosphere of the workplace in general.
- Finally, remember that all forms of sexual harassment are *illegal* and cannot be tolerated.

There are two main forms of harassment:

1. “Tangible employment action” is also known as *quid pro quo*, or “this for that.” Essentially, it means that the victim is the target of a *tangible employment action* because he or she refuses a sexual request.
 - Examples might include being fired, or being passed over for a promotion or a raise, or being given less desirable work assignments by a person in authority for refusing his or her sexual advances. Alternately, a person might be promised a raise or other job benefit in return for sexual favors. Tangible employment action focuses on the harm done to the victim rather than on the specific conduct of the harasser.
 - The employer is automatically liable if a supervisor takes tangible employment action against an employee.
2. “Hostile work environment” is the other main form of sexual harassment.
 - Conduct that is either severe or pervasive, or both, constitutes a hostile work environment. In other words, the offensive conduct might be aimed specifically at certain persons, or it might be more generalized throughout the workplace.
 - This kind of regular and repeated conduct can include items displayed in the workplace that unreasonably interfere with job performance or that create an intimidating, hostile, or offensive work environment.
 - Examples of a hostile work environment include:

- Posting sexually explicit pictures, calendars, graffiti, or objects around the work area, *and*
- Regularly using dirty words, making sexual jokes, using obscene gestures, or making rude comments of a sexual nature.

It's important to understand who is affected by sexual harassment laws and workplace policies when it occurs in the workplace.

- Those who commit acts of sexual harassment can be anyone in the organization, at any level. In other words, unlawful sexual harassment can travel up, down, and sideways within the organization.
- Similarly, non-employees can also be guilty of committing sexual harassment against employees.
- Finally, harassers and victims can be members of the same sex. There can be male-on-male or female-on-female acts of sexual harassment. As mentioned earlier, the key is not the sexual orientation of the person or persons involved, but rather that the act of harassment is sexual in nature. Ordinary socializing in the workplace that may include horseplay or even flirtation between members of the same sex will generally NOT be considered harassment; instead, the harassment must be of a severely hostile or abusive nature.

Sexual harassment laws and policies also affect those who experience the harassment.

These include:

- Direct targets of sexual harassment—for example, someone who is constantly subjected to a co-worker's sexual advances is a direct target of sexual harassment and, therefore, a victim of an unlawful act.
- Bystanders and witnesses may also be considered to be sexual harassment victims, depending on the specifics of the case. In other words, if you witness acts of sexual harassment against a co-worker, you may also be affected by harassment and may be protected under the law.

Now let's talk about prevention—what we all can do to prevent sexual harassment. Both the workplace and you, as an employee, have responsibilities.

As a workplace, we work to create, communicate, and enforce a policy on sexual harassment that accomplishes the following goals:

- First, it provides a clear statement of our position against sexual harassment, so that everyone understands what is and what is not acceptable behavior.
- Second, it promotes compliance, as well as prevention, by defining the responsibilities of managers and employees in preventing sexual harassment and in responding quickly and thoroughly to any complaints.
- Finally, it protects your rights and fosters respect for everyone. We want to maintain a respectful and dignified work environment by preserving

confidentiality whenever possible, and by communicating and enforcing a policy of “no retaliation” against anyone who reports sexual harassment.

Here are some of the things you can do to help prevent sexual harassment:

- First, know and comply with workplace policy on sexual harassment. Be sure to take the time to read it, and ask your supervisor or HR representative if you have any questions about your responsibilities.
- Next, and more specifically, it’s very important to address incidents of sexual harassment immediately. Report any incident that you reasonably believe is offensive, whether you are the direct target or not. If you can, respond directly to anyone who is committing sexual harassment, making it clear that this behavior bothers you. If it’s uncomfortable for you to address them directly—for example, if the harasser is your supervisor—report the incident to your supervisor’s manager or to an HR representative. Record the time, place, and details of the incident, including the names of any co-workers who might have observed it.

In addition, you can help prevent sexual harassment by supporting victims of sexual harassment as much as possible. Encourage them to report incidents according to workplace policy, and support them throughout the process until it is resolved to everyone’s satisfaction.

Finally, cooperate with investigations of sexual harassment. Provide any information you might have about an incident, and do your part to help make the investigation run smoothly and move as quickly as possible toward a resolution.

In conclusion, here are the key points you should remember from this training material on sexual harassment:

- Sexual harassment is prohibited, both by law and by workplace policy;
- Sexual harassment involves more than just physical conduct; it can also be verbal or visual;
- Sexual harassment harms us all because it takes away from having a respectful, dignified, and comfortable work environment; and
- Finally, you have the power to help prevent sexual harassment. Know the workplace’s policy, and do your part to confront sexual harassment, report incidents, and support victims.