Sexual Harassment Prevention for the Modern Workforce

As the media showcases story after story of sexual harassment in the workplace, it’s becoming very clear that we have a large problem on our hands for companies both big and small. In today’s modern workforce, it’s not enough to just have a policy against sexual harassment, it’s time to start building a culture that won’t accept it.

Traditional sexual harassment training has proven to be ineffective, especially when you take a look at the 6,696 sexual harassment charges brought to the Equal Employment Opportunity Commission (EEOC) in 2017 alone. Which doesn’t even begin to account for the estimated one in four people that don’t report incidents of sexual harassment. Research is beginning to reveal there has been too heavy a focus on legal liability and not enough attention to the human factor and human respect side of training. The past has focused too much on what we should not be doing, and not enough on what we can do to prevent harassment.

Sexual harassment can be a stressful and uncomfortable topic in the workplace, but being knowledgeable on the topic is essential to being an effective supervisor. As a company leader, it is a supervisor’s responsibility to deal quickly and fairly with allegations of sexual harassment within your department whether or not there has been a written or formal complaint. As a supervisor, it’s time to acknowledge that sexual harassment is real, it is a problem and it is preventable.

As a company leader, you get to balance the fine line between legal liability for sexual harassment charges against your company and the human factor of making sure your staff is being treated with respect by everyone they come into contact with during their workday. No simple task.

Additionally, in a typical mindset, as we think of sexual harassment training, workers and management are typically presented with two labels – victim and harasser. As we begin to think about training in the modern workplace, it’s time to start looking at a third option – that of a bystander. Through bystander intervention and building a culture of intolerance to sexual harassment we can begin stopping sexual harassment in its tracks. Let’s take a look at both essential sides of sexual harassment training – legal requirements and strategies for prevention that can guide your company to a stronger culture of respect:

**THE LEGAL FACTOR**

The EEOC specifically states that it is unlawful to harass a person (an applicant or employee) because of that person’s sex. The harasser can be the victim’s supervisor, a supervisor in another area, a co-worker, or someone who is not an employee of the employer, such as a client or customer. Harassment does not have to be of a sexual nature, however, and can include offensive remarks about a person’s sex. For example, it is illegal to harass a woman by making offensive comments about women in general.

Both victim and the harasser can be either a woman or a man, and the victim and harasser can be the same sex. Although the law doesn’t prohibit simple teasing, offhand comments, or isolated incidents that are not very serious, harassment is illegal when it is so frequent or severe that it creates a hostile or offensive work environment or when it results in an adverse employment decision (such as the victim being fired or demoted).

**What is Sexual Harassment?**

Workplace Sexual harassment is unlawful and occurs whenever unwelcome conduct on the basis of gender or of a sexual nature affects a person’s job.

**Types of Sexual Harassment**

According to the EEOC there are two types of sexual harassment claims:

1. **Quid Pro Quo** – “This for That”: This occurs when a member of management makes employment decisions based on an employee’s willingness to submit to sexual advances. This type of harassment always results in a tangible enforcement action that negatively impacts a subordinate’s employment status.

   **Examples:**
   ▲ A superior gives a subordinate who continues turning down invitations for a date a poor job evaluation.
   ▲ Disciplining or firing a subordinate who ends a romantic relationship.

2. **Hostile Work Environment** – This is created when conduct by somebody in the workplace has the purpose of unreasonably interfering with an employee’s work performance by creating an intimidating or offensive work atmosphere.
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Usually created by a series of pervasive gender-based incidents, but a single, severe incident (such as sexual assault), can also create a hostile environment.

Examples of behaviors used to create a hostile work environment:

- Frequent comments about body parts or sexual behavior of an employee.
- Subjecting a co-worker to leering, whistles and crude comments.
- Suggestive pictures, posters calendars or cartoons being openly displayed, disseminated or put in a co-workers personal work area.

Behaviors & Unwelcome Conduct that Constitute Sexual Harassment:

- PHYSICAL - assault; impeding or blocking movement; inappropriate touching of a person or a person's clothing; kissing, hugging, patting, stroking.
- NON-VERBAL - looking up and down a person's body; derogatory gestures or facial expressions of a sexual nature; following a person; sabotaging the victims work.
- VERBAL - 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; using demeaning or inappropriate terms.
- VISUAL - displaying sexually provocative posters/pictures; drawings, pictures, screensavers or emails of a sexual nature.

Supervisor Responsibilities:

- Take all complaints or concerns of alleged or possible harassment or discrimination seriously no matter how minor or who is involved.
- Ensure that harassment or inappropriate sexually oriented conduct is reported to human resources immediately so that a prompt investigation can occur.
- Take any appropriate action to prevent retaliation or prohibited conduct from reoccurring during and after any investigations or complaints.

THE HUMAN RESPECT FACTOR

Bystander Intervention – A Concept for the Modern Employee

This is a relatively new concept to workplace sexual harassment training, it asks us to bring our responses to sexual harassment down to a human level, making it a matter of respect.

Bystander Intervention is a philosophy and strategy for preventing sexual harassment that is based on the fact that people make decisions and continue behaviors based on the reactions they get from others. For instance, commonly-asked questions in bystander intervention trainings are: “Why don’t we pick our noses in public?” or “Why don’t we eat hot dogs for breakfast?”

The answer tends to rely on the expectations that social interactions place on us, and the cultural conditioning and norms taught to us through subtle reactions from others. If our employees begin to treat incidents of sexual harassment with the same cultural disdain and “grossness” we do of someone picking their nose in public, we can begin shifting our cultural norm to one of intolerance of harassment.

What makes this approach different from previous approaches to sexual assault prevention?

- Discourages victim blaming
- Offers the chance to change social norms
- Shifts responsibility to both men and women

What can you do as a bystander?

Empowering the bystander equips everyone in the workplace to stop harassment, instead of offering people two roles no one wants: harasser or victim.

- Talk to the harasser later, by asking questions but not lobbing accusations: “Were you aware of how you came off in that conversation?”
- Disrupt the situation, such as by loudly dropping a book or asking the victim to come to the conference room.
- Report harassment! Particularly if it feels unsafe to directly intervene.
- Talk openly about inappropriate behavior, like asking colleagues: “Did you notice that? Am I the only one who sees it this way?”
- One crucial element, is for bystanders to talk to targets of harassment. Ask them if they are ok, or would they like help reporting the incident.
- Confronting the harasser in the moment isn’t advised. This can potentially escalate the situation. If comfortable doing so, a bystander can say something like, “That joke wasn’t funny.”
- Bystander intervention is not about putting on your cape and saving the day – it’s about talking to your co-workers and creating a culture of respect.

A good workplace culture stops sexual harassment before the offenses get worse. Bystander intervention might sound a little scary at first because it goes against norms and pushes us to take responsibility in a society that readily relies on blame. But once we begin to push for a better culture, we can stop going to work and worrying about ourselves or our coworkers being harassed.