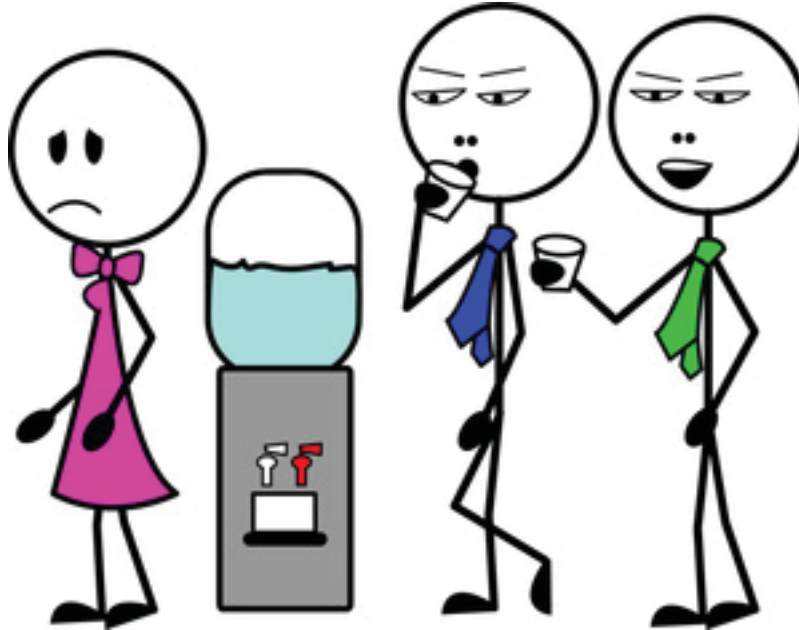


Sexual Harassment in the Workplace: What Employers Need to Know

Sexual harassment can be a stressful and uncomfortable subject 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 his or her department(s) whether or not there has been a written or formal complaint.



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.

The Equal Employment Opportunity Commission (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. (*i.e., a woman's place is in the home.*)

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.

Examples:

- ▲ A superior gives a subordinate who continues to turn down invitations for a date a poor job evaluation.
- ▲ Disciplining or firing a subordinate who ends a romantic relationship.
- ▲ Demanding sexual favors in exchange for a promotion or raise.

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.

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:

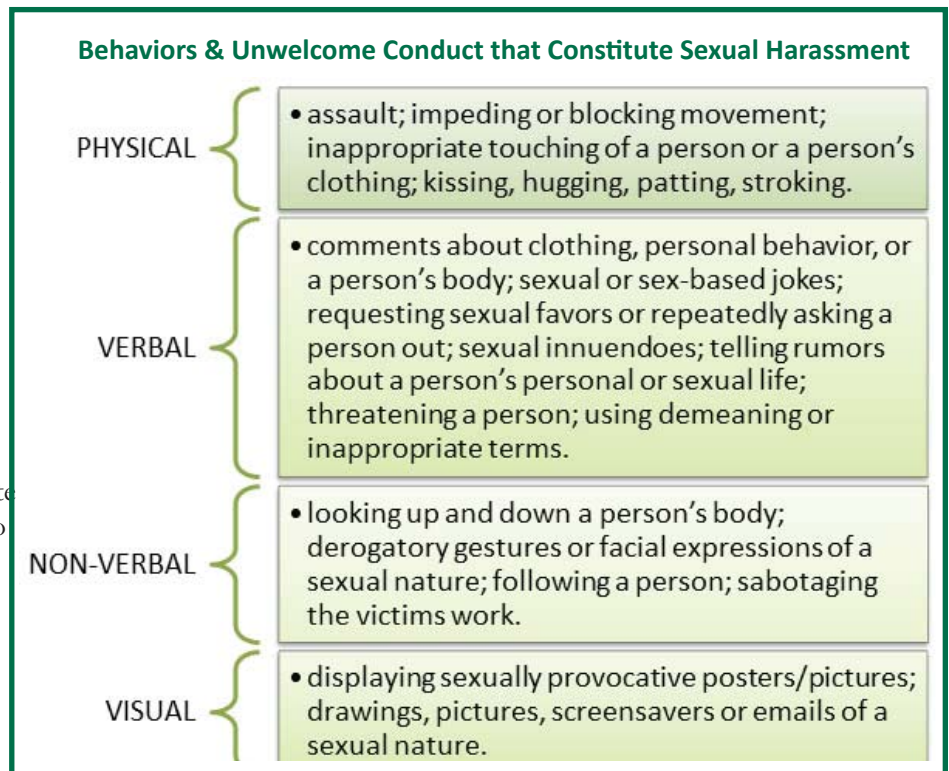
- ▲ Comments about body parts or sexual behavior of an employee spoken of regularly.
- ▲ Subjecting a co-worker to leering, whistles and/or crude comments.

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- ▲ Excessive attention in the form of love letters, phone calls or gifts.
- ▲ Suggestive pictures, posters calendars or cartoons being openly displayed, disseminated or put in a co-workers personal work area.

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.



How to Avoid Being Labeled a Harasser:

Be aware of your behaviors and recognize that you are in a professional environment—not in your home with close friends. Also, the circumstances that create a hostile environment are subjective to each individual—never assume that your actions and words are acceptable to your co-workers.

Avoid behavior that is demeaning on the basis of gender and if you are unsure of your behaviors ask yourself these questions:

- a. Would I want any member of my family to be treated this way?
- b. If a member of my family was in the room, would my behavior change?
- c. Is my behavior reflecting a professional relationship with my colleagues, or am I treating co-workers like my close friends who know me well?

Tips to Share with Your Employees - Dos & Don'ts if You Experience Sexual Harassment:

DO

- ▲ Admit that a problem exists.
- ▲ Tell the offender specifically what you find offensive.
- ▲ REPORT to an appropriate official if you experience/witness the situation – get help.
- ▲ Tell the offender that his/her behavior is bothering you.
- ▲ Say specifically what you want or don't want to happen, such as “please do not tell that kind of joke in front of me,” or “please call me by my name, not Honey.”

DON'T

- ▲ Blame yourself for someone else's behavior.
- ▲ Choose to ignore the behavior, unless it is truly inoffensive.
- ▲ Try to handle any severe or recurring harassment problem by yourself.

Important Facts about Sexual Harassment:

1. Does not have to be sexual in nature – it is equally unlawful to harass people using gender-based conduct of a non-sexual nature.
2. NO occupation is immune from sexual harassment.
3. Men can be sexually harassed.
4. Offenders can be supervisors, co-workers, customers, vendors, or anyone in the work environment.
5. Harassment does not have to be directed at a particular individual. (An offensive poster placed in a break room or other work area can be viewed as sexual harassment.)
6. Harassment can take place between the same gender as well as between opposite genders.
7. Harassment does not have to be intentional – it is still considered sexual harassment to tell a crude joke that you personally find inoffensive.
8. Retaliation by a company official against a report of sexual harassment is ILLEGAL.