

Sexual Harassment in the Workplace



Discussion Topics

In this session, you will learn:

- How to recognize sexual harassment
- What to do if you encounter sexual harassment
- How to prevent sexual harassment in your work place



Discussion Topics

How to recognize sexual harassment



Sexual Harrassment

Discussion Topics

How to recognize sexual harassment

what is Sexual Harrassment



Three Kinds of Discrimination



- **Adverse Treatment** – Intentionally treating someone different based on their personal traits, not their ability
- **Adverse Impact** – Usually and unintentional form of discrimination where a policy acts to prohibit qualified people from applying for a job.
- **Retaliation** – The targeted person is penalized or harmed due to a claim that they have filed.

Prohibited Discrimination (Bases)

Title VII Civil Rights bases covered in Federal Sector:

It is the policy [See § 1614.101] of the U.S. Government to prohibit discrimination in employment because of:

- Race
- Color
- Religion
- Sex
- National Origin
- Age (40 and above)
- Disability
- Retaliation
- Sexual Orientation*

*Sexual Orientation is not a basis covered by Civil Rights Law. ED has an internal policy that allows employees to pursue a complaint [Complaint will not be heard by EEOC.]

Issues

- ✓ appointment
- ✓ awards
- ✓ promotion
- ✓ demotion
- ✓ reprimand
- ✓ suspension
- ✓ termination
- ✓ duty hours
- ✓ working conditions
- ✓ performance evaluation
- ✓ harassment
- ✓ sexual harassment
- ✓ pay/overtime
- ✓ reassignment
- ✓ time and attendance
- ✓ training
- ✓ retirement
- ✓ accommodation

Sexual Harassment:



- Is a form of gender-based discrimination
- Involves
 - unwelcome sexual advances,
 - requests for sexual favors, or
 - other unwanted verbal or physical conduct of a sexual nature
- Is illegal if it
 - becomes a condition of employment,
 - affects decisions about a person's job or career,
 - interferes with work performance, or
 - creates a hostile work environment

Types of Harassment

- VERBAL, VISUAL OR PHYSICAL -

- **Quid Pro Quo** - Requires an employee submit to sexual harassment to keep their job or to get a promotion
- **Hostile Work Environment** - Unwelcome, repetitive behavior that is based on sex and gender-related. It must be severe, offensive, and interfere with job performance.



Landmark Sexual Harassment Cases: 1998

- **Faragher vs. Boca Raton** upheld a former lifeguard's verdict against the city
- **Burlington Industries Inc. vs Ellerth** allowed a woman to sue her former employer over threats allegedly made but never carried out.

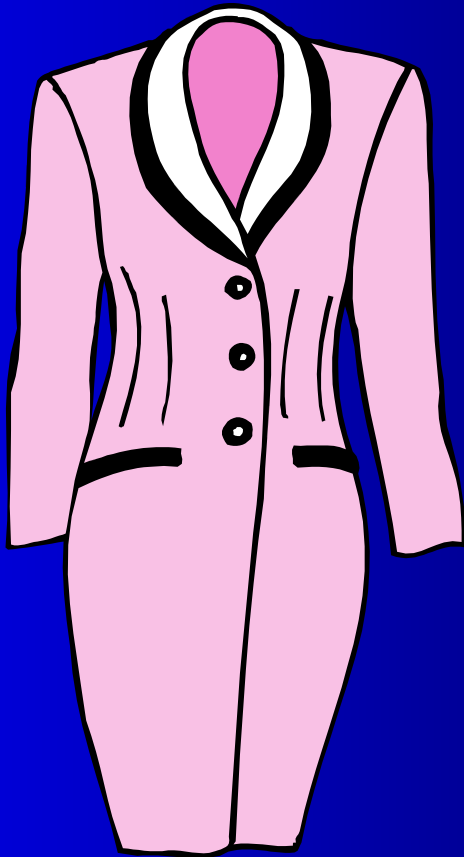
In these cases, the court ruled that an employer could defend itself if

(a) the employer exercised reasonable care to prevent and correct promptly any sexually harassing behavior and

(b) the employee failed to take advantage of any preventive or corrective opportunities provided by the employer or to avoid harm otherwise.



Appropriate Dress



- The law states that attire can be used in court to determine if sexual conduct is welcomed or uninvited
- Know the appropriate dress for your work environment

What To Do If You Encounter Sexual Harassment

- Stay Calm
- Explain What Is Offensive
- Confront The Harasser
- Put It In Writing
- Report To Supervisor or Human Resources
- Follow Organizational Procedures
- Don't Delay





Supervisory Responsibilities

- Become educated & educate employees on what sexual harassment is and what to do
- Stop sexual harassment if you see it occur or hear about it happening
- Investigate any claims if they occur
- Learn the best ways to interview witnesses
- Keep information confidential
- Treat victims with respect

Motivation To Harass

- Desire to have power over another person
- Desire to boost harasser up by having control over another
- Desire to protect turf
- Build dominance and superiority



Common Responses

- Ignore
- Submit
- Participate
- Act out anger
- Be internally angry, but act appropriately by confronting harasser and contacting supervisor or human resources



Sexual Harassers

Some people accused of sexual harassment are simply clueless, they “don’t get it” and are in denial of their role....

- Watch use of jokes, emails
- Think how you would want your mother/father, wife/husband, sister/brother, daughter/son treated in same situation



Discussion Questions: Part I

SITUATION A: A female supervisor – Jennifer - attends a performance review meeting with her manager, Rob. Rob drops hints that he finds her attractive, and especially appreciates how her style of dress (business suit skirts and dresses at mid-thigh, tight sweaters and blouses) “liven up the office scene.” At first Jennifer is taken by surprise. Although she is attracted to Rob, she has not generally thought that it would be a good idea to date people she works with. But, they agree to have dinner together after work that Friday.

QUESTION: 1) Is Rob’s behavior considered sexual harassment in the workplace?
2) What should Jennifer do?



Discussion Questions: Part II

SITUATION B: Jennifer and Rob go out together several times during the next month or so. They try to be very discreet because the company's directors are, as Rob puts it, "real twentieth-century plods." Jennifer is undecided about the whole thing, but continues with the developing relationship. At a certain point, however, she decides that things have gone far enough. She calls Rob at home to break things off, and he is distraught. They talk far into the night, but nothing is really resolved.

The next day Rob asks her to come to his office. He tells her that he needs her, can't let her go, and that if she does break it off with him "she'll be sorry." For the next two weeks Rob constantly makes excuses to come to her workstation, or call her into private meetings. Each time they talk privately he warns her that he won't let her "leave him." At one point he threatens to fire her.

QUESTION: 1) Is Rob's behavior considered sexual harassment in the workplace?
2) What should Jennifer do?



**The ONLY test:
Sexual Content + Discrimination =
Sexual Harassment**

An employee must demonstrate that the sexual content they experienced led to discrimination in the same way as they would if they experienced race, national origin, or religious discrimination. This is an important point about which employers must educate their employees and supervisors.



How to act if Harassed

- Keep your cool and be discreet
- Confront the source of harassment
- Clearly state that the activity is unwelcome
- Document your activities and the harassment thoroughly
- If the harassment does not stop, make an official complaint to the appropriate management level



EEOC

The EEOC enforces

- Title VII of the Civil Rights Act of 1964, which prohibits employment discrimination based on race, color, religion, sex or national origin;
- the Age Discrimination in Employment Act; the Equal Pay Act; prohibitions against discrimination affecting individuals with disabilities in the federal sector;
- sections of the Civil Rights Act of 1991;
- and Title I of the Americans with Disabilities Act, which prohibits discrimination against people with disabilities in the private sector and state and local governments.

Further information about the Commission is available on the agency's web site at www.eeoc.gov.



Sexual Harassment and Men



- Sexual harassment is not limited to male-on-female harassment in the workplace



"Men account for 11.6 percent of all sexual harassment cases filed with the EEOC."

Oncale v. Sundowner Offshore Services, Inc. -1998

Same Sex Harassment

In the case of Oncale v. Sundowner Offshore Services, Inc. the Supreme Court ruled that same-sex sexual harassment is a form of discrimination protected by Title VII of the Civil Rights Act. The Oncale ruling gave **both** the employee and employer victories.



The ONLY test:
Sexual Content + Discrimination = Sexual Harassment

Time Limits

- **Internal** - Organizations typically require initial reporting 10-30 days after incident(s)
- **External** - Equal Employment Opportunity Commission requires incidents of sexual harassment be reported within 180 days or 6 months



Advantages of Lawsuit

- Recuperating psychological damages or loss of wages
- Sending a message to organization
- Sending a message to community



Disadvantages of a Lawsuit....

- Expensive
- Loss of suit sends unintended message to community or organization
- May take a long time and extensive effort



Sexual Harassment Prevention



- Know the law
- Educate yourself on your organization's policies regarding sexual harassment
- Take steps to set a positive personal example
- Take personal responsibility to make sure your organization has appropriate policies and people are educated about them

Taking the measure of sexual harassment.....

After watching each of the videotaped vignettes, let us consider these questions:



- 1) Does this situation represent sexual harassment in the workplace according to the law?**
- 2) If so, what elements make it so? If not, why not?**
- 3) How should you handle this situation as:
 - a) The victim**
 - b) The manager****

..and now, to the tape.....



- After each vignette the class should use the handout to indicate whether or not the situation presented can be defined as sexual harassment in the workplace
- Then, we'll call for a show of hands to see what the majority opinion is
- Be ready to discuss your vote
- Voting and discussing your opinion when called upon is **REQUIRED** to get credit for this discussion group

Sexual Harassment: Discussion #69 Evaluation Questions



USE:

- a. Strongly agree
- b. Agree
- c. Disagree
- d. Strongly disagree
- e. Don't know

1. I found the presentation material easy to understand.

2. This Advantage session increased my knowledge of the subject presented.

3. I will be able to use some of the information from this session in the future.

4. The presenter was well prepared for this Advantage session.

5. This presentation should be repeated in future semesters.

Discussion Topics

Sexual Harassment

Sexual Harrassment Examples





Coming together is a beginning.

Keeping together is progress.

Working together is success.

- Henry Ford

Recognize People. Engage People. Treat People like Equals.

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