Sexual Harassment

* Everyone interprets events based upon their own background, experiences, and sense of personal space and privacy.
* You cannot be sure that someone will interpret your questionable behavior as innocent. Remember the reasonable person standard – other people will get to decide.
* Current events will be interpreted in light of subsequent events – very important for supervisors.

Sexual Harassment may occur in and under a variety of circumstances:

* + PEER TO PEER HARASSMENT: Effective complaint procedure needed
  + SUBORDINATE HARASSMENT OF A SUPERVISOR: As a supervisor, you must seek help from a higher level of management
  + MEN CAN BE SEXUALLY HARASSED BY WOMEN
  + SAME SEX HARASSMENT: Harassment is unwelcome sexual behavior regardless of gender
  + THIRD PARTY HARASSMENT: Non-employees can harass your staff or vice versa (customers, the soft drink vendor, or delivery person)
  + OFFENDERS CAN BE: Supervisors, co-workers, vendors, and/or customers

Simple examples of sexual harassment:

* Unnecessary touching
* Excessive touching
* Friendly massages
* Invasion of personal space
* Not stopping the behavior when asked
* Sexting
* Making lude gestures
* Comments on body parts
* Statements of how both would be great together
* Standing in someone’s way
* Locking an exit

It won’t stop until you say something.

Reasons people don’t speak out is due to fear:

* Being overlooked for advancement
* Becoming part of the Rumor Mill
* Being wrong
* Retaliation
* Not being believed
* Ostracized by coworkers

Or being labeled:

* trouble maker
* feminist
* overly sensitive
* hypersensitive male
* Effeminate male
* Mentally unstable

What to do

* You are encouraged to tell the individual causing the harassment that his or her behavior is offensive and must stop.
* If the behavior does not stop immediately or you are uncomfortable telling the individual to stop, you must immediately report the incident to your supervisor, the Human Resources department, or another appropriate supervisor.
* The Human Resources department will investigate all reports of harassment. Investigations will be kept confidential, consistent with the organization’s need to investigate.
* No retaliation will be tolerated against any employee who makes a good faith complaint of harassment to the company.

What Not to Do

* Defend the situation: “that’s just the way Charlie is; we just tolerate him.” “perhaps you are overacting to this.”
* Why questions: “why didn’t you do something about this before?” why questions are often considered judgmental.
* Multiple choice questions: “did she touch you on the arm, the shoulder, or the face?” instead ask “where did the person touch you?” or “can you be more specific?”
* Leading questions: “I think we can handle this informally, don’t you?”
* Minimize the person’s experience

So is it harassment?

* Would a *reasonable person* perceive this as sexual harassment or a hostile work environment?
* This is the standard used by the courts to determine whether or not unlawful conduct as occurred

From the company’s *standpoint*, it is harassment if you *feel* it was harassment.

How the company encourages employees to report

* By making it safe for an employee to speak up
* By setting an example of how to behave
* By being receptive to employee concerns
* By reminding employees of policies related to harassment
* By reminding employees of the various ways they can raise concerns
* By reminding employees of the protections against retaliation
* By educating employees about harassment in the workplace as a measure of prevention

Employer Obligations

* Develop procedures for dealing with / investigating incidents or complaints
* Prevent or minimize bullying and harassment
* Draft a workplace policy statement
* Develop reporting procedures
* Train workers and supervisors

Retaliation

Retaliation occurs when an employer punishes an employee for engaging in legally protected activity. Retaliation can include any negative job action, such as demotion, discipline, firing, salary reduction, or job or shift reassignment. But retaliation can also be more subtle, such as repeatedly giving an employee the worst assignments, or working all the holidays.

Retaliation

* Just like harassment and discrimination, retaliation in response to a complaint is against state and federal law.
* Retaliation is conduct by the   
  Employer that would discourage a reasonable person from reporting harassment.
* Retaliation against an employee after a complaint or threatening to retaliate if he or she complains or participates in an investigation is *ILLEGAL.*
* Once a potential harassment situation is raised, all persons who have knowledge are responsible for ensuring an investigation is undertaken.

The company takes all complaints of sexual harassment extremely seriously.

All employees are encouraged to report any forms to a manager or administration.

Harassment doesn’t have to happen to you – if you see something, say something.

The company considers someone witnessing sexual harassment of a coworker and NOT saying or doing anything as complicit with the negative behavior and will be subject to disciplinary action of a level appropriate to the negative behavior witnessed.