



Sexual
Harassment
in the
Workplace

Learning Objectives

- Definition of sexual harassment
- Understanding various types of sexual harassment
- Recognizing signs of sexual harassment
- Procedures for lodging a complaint



Definition

Unwelcome verbal, visual, or physical conduct of a sexual nature that is severe or pervasive and affects working conditions or creates a hostile work environment.



Breaking down the definition : "Conduct"



Conduct is NOT sexual harassment if it is welcome. For this reason, it is **important** to communicate (either verbally or in writing) to the harasser that the conduct makes you uncomfortable and you want it to **stop.**

"Of a Sexual Nature"

Verbal/Written: 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; telling rumors about a person's personal or sexual life; threatening a person, sending emails or text messages of a sexual nature

Physical: Assault; impeding or blocking movement; inappropriate touching of a person or a person's clothing; kissing, hugging, patting, stroking



"Of A Sexual Nature"



- Nonverbal: Looking up and down a person's body; derogatory gestures or facial expressions of a sexual nature; following a person
- Visual: Posters, drawings, pictures, screensavers, emails or text of a sexual nature

Intent vs. Impact

How do you know if your comments or actions are unwanted or unwelcome? Test yourself by asking these questions:

- Is there equal power between me and the person I'm interacting with?
- Is there equal initiation and participation between me and the person I'm interacting with?
- Would I behave the same way if the person I'm in a relationship with were standing next to me?

Intent vs. Impact

- Would I want someone else to act this way toward a person who I'm in a relationship with?
- Would I want any of those behaviors to be the subject of a column in my agency's newsletters or to appear on the evening news?
- Have I examined and acknowledged my sex-role stereotypes?

Harassment of a Non-Sexual Nature

- Non-sexual conduct may also be sexual harassment if you are harassed because you are female, rather than male, because you are male, rather than female, or because you are gender non-conforming.
- For example, it may be sexual harassment if you are a woman working as a carpenter on an all-male job, and you are the only one whose tools are frequently hidden by your male co-workers.

Sexual Orientation & Gender Identity Harassment

Examples of sexual orientation and gender identity harassment that either interferes with an individual's employment or creates a hostile work environment include:

- Stating or implying *in a negative manner* that an employee is a gay, lesbian, bi-sexual, transgender, or gender non-confirming.
- Making jokes about gay, lesbian, bi-sexual, transgender, or gender non-confirming individuals.

Sexual Orientation & Gender Identity Harassment

- Inquiring into the sexual practices of gay, lesbian, bi-sexual, transgender, or gender non-confirming individuals as a group.
- Derogatory slang about a gay, lesbian, bi-sexual, transgender, or gender non-confirming individual.
- Repeatedly expressing negative opinions about gay, lesbian, bi-sexual, transgender, or gender non-confirming individuals.

Any harassing activity that is directed towards an employee due to the employee's sexual orientation or gender identity, or that is negative about differing sexual orientations or gender identity, can constitute sexual harassment.

“Severe or Pervasive”

- The conduct of the harasser must be either severe or pervasive to be classified as sexual harassment.
- Although a single unwanted request for a date or one sexually suggestive comment might offend you and/or be inappropriate, it may not be sexual harassment. However, a number of relatively minor separate incidents may add up to sexual harassment if the incidents affect your work environment.

Questions to ask yourself:



- How many times did the incidents occur?
- How long has the harassment been going on?
- Have others been sexually harassed?
- Who were witnesses to the harassment?

“Affects working conditions or creates a hostile work environment”

- It may be sexual harassment if the conduct unreasonably interferes with your work performance or creates an “intimidating, hostile, or offensive work environment.”
- For example, it may be sexual harassment if repeated sexual comments make you so uncomfortable at work that your performance suffers or you decline professional opportunities because it will put you in contact with the harasser.

Hostile Work Environment

Verbal, physical or visual forms of harassment, that are sexual in nature, "sufficiently severe, persistent, or pervasive" and unwelcome fall under the category of Hostile Environment Sexual Harassment.

A single, severe incident, such as a sexual assault, could create a hostile environment. More commonly, a "hostile environment" is created by a series of incidents.

Types of Sexual Harassment

Quid Pro Quo ("This for that")

A person in a position of authority, typically a supervisor, demands sexual favors as a condition to getting or keeping a job benefit.



Examples of Sexual Harassment

- Unwanted jokes, gestures, offensive words on clothing, and unwelcome comments and witty responses.
- Touching and any other bodily contact such as scratching or patting a coworker's back, grabbing an employee around the waist, or interfering with an employee's ability to move.
- Repeated requests for dates that are turned down or unwanted flirting.



Examples of Sexual Harassment

Transmitting or posting emails, texts, or pictures of a sexual or other harassment-related nature.

Displaying sexually suggestive objects, pictures, or posters.

Playing sexually suggestive music.

Verbal-Examples of Sexual Harassment

- Referring to an adult as a girl, a boy, hunk, doll, babe, or honey
- Whistling at someone, making cat calls
- Making sexual comments about a person's body
- Making sexual comment or innuendos
- Turning work discussion to sexual topics
- Telling sexual jokes or stories
- Asking about sexual fantasies, preferences, or history

Verbal-Examples of Sexual Harassment

- Asking person questions about social or sexual life
- Making sexual comments about a person's clothing, anatomy, or looks
- Repeatedly asking out a person who is not interested
- Making kissing sounds, howling, and smacking lips
- Telling lies or speaking rumors about a person's sex life

Non-Verbal-Examples of Sexual Harassment

- Looking a person up and down (elevator eyes)
- Staring at someone
- Blocking a person's path
- Following the person
- Giving personal gifts
- Displaying sexually suggestive visuals
- Making facial expressions such a winking
throwing kisses, licking lips
- Making sexual gestures with hands or through
body movements

Physical-Examples of Sexual Harassment

- Giving a massage around the neck or shoulders
- Touching the person's clothing, hair, or body

Steps to Take if Harassed

1. Remain professional.
2. Be direct with the harasser. Let the person know that you do not like the behavior and that the conduct is unwanted and unwelcome and you want it to stop immediately.
3. Go to a supervisor and explain the circumstances. Be sure to take with you dates, times, and specific occurrences if you have them. Also, report the incident to Human Resources. If the appropriate supervisor is unavailable, or is the offender, report the incident directly to Human Resources.

Steps to Take if Harassed

4. When reporting the harassment, be prepared to share all the facts about the incident(s). Write down the important details of the incidents(s). Collect your thoughts before you begin; remember to provide who, what, when, where, how, and any witnesses.

5. Think about how the situation could be resolved.

What will HR do with a complaint?

1. HR will listen to you attentively and take notes about what you are sharing.
2. The HR person will remain objective and listen to both sides before deciding the next course of action
3. HR will keep the information as confidential as possible and only discuss it with people directly involved in the investigation.
4. HR will inform you of the steps it will take in following up on the complaint.
5. HR will inform both parties of its investigative findings, determination, and any training, corrective action or disciplinary steps