

# SEXUAL HARASSMENT AWARENESS

**Name:**

## What Employees Need to Know

- Today we're going to talk about sexual harassment in the school and workplace. We're discussing this subject with you because sexual harassment is an illegal form of sexual discrimination under America's Civil Rights Act. It is also prohibited by the laws of Washington.
- Furthermore, we have a policy prohibiting sexual harassment in this school because not only is it illegal, but it also creates an unproductive, unpleasant, and sometimes even hostile working environment. And that's not what we want for our school or students.
- Today we'll discuss exactly what sexual harassment is, why it's harmful, and what you can do about it.

## Objectives

The objective of this training is to inform you about sexual harassment. We hope that awareness will help lead to prevention. At the end of this session you will be able to:

- Recognize sexual harassment
- Differentiate between the two main kinds of harassment
- Understand and follow company policy
- Report incidents and cooperate in investigations
- Help promote and maintain comfortable and productive school and work environments

## Why You Need to Know

We are taking this training because we want you to be able to work in an environment that is free of sexual harassment. We also believe that when you understand what sexual harassment is and why it is harmful, you and your fellow students and co-workers can help prevent it from happening in our school and your workplaces. You need to know about sexual harassment because:

- Everyone has the right to fair treatment at school and work
- Sexual harassment harms everyone
- It undermines the trust and respect necessary for a productive school and work environment
- Males and females on every level and of any age may be harassers or victims

# Harassment and the Law

Let's begin our examination of sexual harassment by considering what the law requires.

- Title VII of the Civil Rights Act generally prohibits employers with 15 or more employees from discrimination in employment based on race, color, national origin, religion, or sex.
- The courts have interpreted sexual harassment as a form of sex discrimination that is prohibited by Title VII.
- State civil rights and fair employment laws prohibit sexual harassment in the workplace.
- Equal Employment Opportunity Commission (EEOC) has issued a comprehensive definition of sexual harassment.

**EEOC defines sexual harassment as sexual conduct that is:**

## Unwelcome

- Sexual advances
- Requests for sexual favors
- Verbal or physical conduct of a sexual nature
- Displays of sexually explicit or suggestive materials

## Harmful

- Both the physical and emotional health of victims and witnesses are harmed, thereby negatively affecting the workplace atmosphere in general.

## Illegal

- The bottom line is that all forms of sexual harassment are illegal.

Answer the first two questions below:

**Question 1: What sets of laws (federal and state) define what is sexual harassment? List them below.**

**Question 2: Using the EEOC definition of sexual harassment and the criteria for identifying it, what do each of the three (3) components mean **in your own words**:**

Unwelcome:

Harmful:

Illegal:

# Is this Sexual Harassment?

A little later in the training, we'll get into a more specific definition of sexual harassment. But first let's take a moment now to play judge and decide whether these actions are harassment.

- **A female employee wears miniskirts to work.**  
Is she asking for sexual harassment? No. You must abide by the company dress code; if miniskirts are allowed, you have the right to wear them without fear of being harassed.
- **A female supervisor makes frequent comments about a male employee's physique.**  
Is this sexual harassment? Yes. Male employees can be the victims of sexual harassment and have the same protections under harassment laws.
- **A male supervisor makes frequent comments about a male employee's physique.**  
Harassment? Yes. Sexual harassment can happen between people of the same gender. The key is not sexual orientation – that is, that the act is motivated by homosexuality – but that the act is sexual in nature.
- **Two co-workers forward each other off-color jokes they receive in e-mails.**  
Is this sexual harassment? No. This exchange is not unwelcome. If one co-worker complains of sexual harassment because of receiving offensive jokes, the claim probably won't stand, because the co-worker has participated by also sending off-color jokes and not indicating that they were offensive. However, these types of jokes would probably violate the employer's code of conduct.
- **An employee asks a co-worker out.**  
Harassment? No. Asking a co-worker out is not considered sexual harassment. It's important to take no for an answer, however. Repeated overtures can turn into harassment.
- **Two co-workers develop a personal relationship.**  
Is this sexual harassment? No. People can – and do – form relationships with co-workers. As long as the relationship is consensual, it is not considered sexual harassment. Remember that only unwelcome conduct of a sexual nature is unlawful.
- **An employee posts a swimsuit calendar in his work area.**  
Is this sexual harassment? Yes. Under the EEOC definition, posting a swimsuit calendar qualifies as "a visual display of explicit or suggestive materials."
- **An employee posts a male pinup in her work area.**  
Sexual harassment? Yes. It doesn't matter if the "visual display" is of a woman or a man.
- **A good customer makes provocative comments to employees.**  
Is this sexual harassment? Yes. Customers or clients can be guilty of sexual harassment.

**Question 3: Is asking a co-worker out on a date considered sexual harassment? Explain why or why not?**

**Question 4: Why would a visible swimsuit calendar be considered sexual harassment?**

# Types of Sexual Harassment

There are two main forms of sexual harassment

- **Economic Harassment or “Quid Pro Quo”**

The first form is called “economic harassment,” or “tangible employment action,” which is a phrase that has evolved from the older term, quid pro quo, or “this for that.” Essentially, economic harassment is unlawful harassment that results in a tangible employment action to the victim. A tangible employment action involves monetary loss or significant changes in someone’s workload or assignment should he or she refuse a sexual request. For example, being passed over for promotion or a raise, or being given the least desirable assignments all the time for refusing the sexual overtures of someone in authority over your job. Economic harassment focuses on the harm to the victim rather than the conduct of the harasser.

### Automatic liability

In cases of economic harassment, the company is automatically liable if a supervisor takes tangible employment action against an employee.

### Tangible employment action must actually occur

The company is automatically liable only if the threat of job detriment or promise of job benefit actually results in an employment action such as termination, promotion, demotion, or reassignment to a considerably different position.

- **Hostile Work Environment**

The other main form of sexual harassment is hostile work environment. A hostile work environment can be either or both of the following:

### Severe or pervasive conduct (or both)

The definition of a hostile work environment covers severe or pervasive conduct – or both.

### Intimidating, hostile, or offensive displays

It also includes items displayed in the workplace that “unreasonably interfere” with job performance or create an “intimidating, hostile, or offensive” work environment. A hostile environment includes:

Sexually offensive photos, drawings, calendars, graffiti, or other objects

Sexually offensive language, jokes, gestures, or comments

Question 5: Describe **Economic Harassment/Quid Pro Quo** in your own words.

Question 6: Describe **Hostile Work Environment** in your own words.

# Liability

Whenever someone feels that there is sexual harassment taking place, they have the responsibility to either talk with the person directly and immediately, or contact a supervisor to report the issue. Your workplace should have an established guideline for handling and reporting such issues. They must train you and you must follow them.

- Liability for the actions of supervisors

The company may be automatically held liable for a supervisor's actions that create a hostile work environment.

An employer or business owner would certainly be concerned and promptly deal with any inappropriate and unprofessional behavior on the part of a supervisor. You are encouraged to report any situation in which you feel uncomfortable, even if no action has been taken against you. The following situations

- Liability for the actions of workers

The company may also face liability for the actions of co-workers that are considered harassment. It is assumed by the law that employers know what is happening within their company. If we knew or should have known of the harassment and did not immediately address it the company would be found liable. For example, if you complain to a supervisor about a co-worker's posting of a nude or semi-nude calendar, we are effectively put "on notice" of the harassment and must immediately address and correct the situation.

- Liability for actions of customers, clients, and independent contractors

The company may also be held liable for sexual harassment of our employees by customers and clients if, again, we knew or should have known about the problem and did nothing to stop it.

Any of these situations underline why it is important for you to report sexual harassment immediately, and why it is critical for us to act upon your complaints promptly and effectively.

**Question 7: In order to avoid liability, why is it important to follow your company guidelines when dealing with issues?**

**Question 8: What is the responsibility of the company once an issue has been brought to their attention?**

## Prevention: What We Can Do

Now let's talk about prevention.

In order to create respectful and dignified school and workplaces, both staff and you have responsibilities. Schools and workplaces need to maintain and enforce effective policies that establish a complaint procedure and outlines penalties for harassers. Our school policy is listed in the handbook on the school website. It starts on the 10<sup>th</sup> page of the pdf file.

Our commitment is that we will work to create, communicate, and enforce a policy that:

- Provides a clear statement of our position against sexual harassment
- Uniformly and sensitively communicates our position against sexual harassment so that everyone understands what is and is not acceptable school or workplace behavior.
- Promotes compliance and prevention by defining responsibilities
- Promotes compliance and prevention by defining the responsibilities of teachers, staff, supervisors, students, and employees in preventing sexual harassment and in responding quickly and thoroughly to any complaints.
- Protects your rights and fosters respect for all
- Protects your rights by fostering and maintaining a respectful and dignified and work environment by preserving confidentiality whenever possible and by communicating and enforcing a policy of “no retaliation” against anyone who reports sexual harassment.

## Prevention: What You Can Do

You can help prevent sexual harassment in our school and your workplace, too.

- Know and comply with school/workplace policy
- You should know and comply with our school and your workplace policies. Be sure to take the time to read them. Ask your teacher, supervisor, or an HR representative if you have any questions about your responsibilities under any policy.
- Address incidents of sexual harassment immediately
- More specifically, it's very important to address incidents of sexual harassment immediately. Report any incident of harassment that reasonably offends you, whether you are the intended target or not. If you can, respond directly to harassers, letting them clearly know that their behavior bothers you. If you're too uncomfortable to address them directly – for example, if the harasser is your teacher or supervisor – then report the incident to your principal, your supervisor's manager, or a human resources representative. Record the time,

place, and details of the incident, including any co-workers who might have observed the incident.

- Support victims
- You can also help by being as supportive as you can of fellow students and co-workers. Encourage them to report the initial incident according to company policy and support them throughout the process until it is resolved to everyone's satisfaction.
- Cooperate with investigations
- Cooperate with investigations. Provide any information you have about an incident of sexual harassment and do your part.

Question 9: List three steps you can take to address sexual harassment at school or in the workplace.

Question 10: Describe a situation you have seen at school or on the job that would be considered one of the forms of sexual harassment. You must write at least five (5) sentences and give supporting details.

For those students who are not submitting through Google Classroom, type in your answers, save the document, then print **ONLY** the answer page(s) to turn in. If you need help printing just one page, ask your instructor.

1: What sets of laws (federal and state) define what is sexual harassment? List them below.

2: Using the EEOC definition of sexual harassment and the criteria for identifying it, what do each of the three components mean **in your own words**:

Unwelcome:

Harmful:

Illegal:

3: Is asking a co-worker out on a date considered sexual harassment? Explain why or why not?

4: Why would a visible swimsuit calendar be considered sexual harassment?

5: Describe **Economic Harassment/Quid Pro Quo** in your own words.

6: Describe **Hostile Work Environment** in your own words.

7: In order to avoid liability, why is it important to follow your company guidelines when dealing with issues of sexual harassment?

8: What is the responsibility of the company once an issue has been brought to their attention?

9: List three steps you can take to address sexual harassment at school or in the workplace.

10: Describe a situation you have seen at school or on the job that would be considered one of the forms of sexual harassment. You must write at least five (5) sentences and give supporting details.