



creating a workplace free of sexual harassment

FEI Behavioral Health

Understand definition and examples of sexual harassment in the workplace

Review sexual harassment policy, reporting protocol, and investigatory process

Understand the managers' role in preventing and responding to sexual harassment



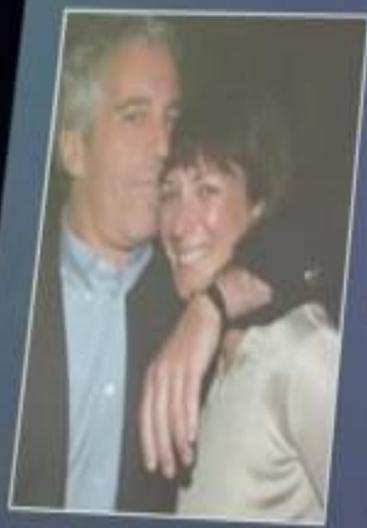
why talk about sexual harassment?



it's in the news



U.S. v. Ghislaine Maxwell



- Maxwell has been charged with facilitating the sexual abuse of underage girls by Jeffrey Epstein.
- The charged conduct occurred in New York, Palm Beach, Florida, Santa Fe, Mexico, and London, England.
- If you receive information and feel you may have information the following number:

1-800-CALL FBI







it appears in many
forms of entertainment







AFFILIATED
Local 8

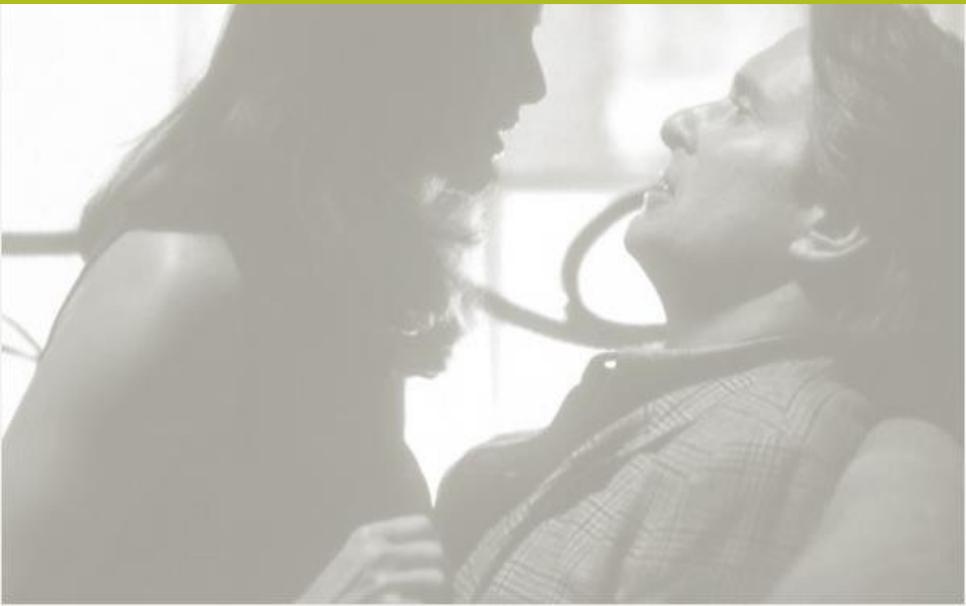








desensitization



it's happening in the workplace





1 in 3 women (18-34)
are sexually harassed in the workplace



16% of employees

stated that they had not been sexually harassed but have
experienced sexually explicit remarks



29% of employees
do not report sexual harassment



81% of female employees
reported verbal sexual harassment

Equal Pay Act of 1963

Title VII of the Civil Rights Act of 1964

Pregnancy Discrimination Act (amended)

Lily Ledbetter Fair Pay Act of 2009

Age Discrimination in Employment Act of 1967

Americans with Disability Act of 1990





what is sexual harassment?

what is sexual harassment?

Unwelcome sexual advances

Requests for sexual favors

Other verbal, visual or physical conduct
of a sexual nature when it:

- involves a term or condition of employment
- used as the basis for an employment decision
- creates a hostile or intimidating environment



Discrimination based on an individual's gender

Pregnancy,
childbirth, or related
medical condition

Woman's desire to
become pregnant

Whether a woman
has had an abortion



Quid Pro Quo

Most blatant form of harassment

Latin phrase meaning
“this for that”

Involves expressed or implied demands for sexual favors in exchange for some benefit (*promotion, pay increase, etc.*)



Quid Pro Quo

Avoid some detriment in the workplace
(termination, demotion, etc.)

By definition, it can be perpetrated only by **someone in a position of power or authority over another** *(manager or supervisor over a subordinate)*



Hostile Environment

Hostile Environment is **sexual or other discriminatory conduct** that is so **severe** or **pervasive** that it interferes with an individual's ability to perform their job



Creates an intimidating, offensive, threatening or humiliating work environment

Causes a situation where a person's **psychological well-being is adversely affected**

It can be **verbal, physical** and even **visual**



Hostile Environment

Can be perpetrated by **anyone in the work environment** including a peer, supervisor, subordinate, vendor, customer or contractor.

Conduct must be:

Unwelcome

Directed at protected category

Offensive to a reasonable person

Severe or pervasive



what kind of sexual harassment is this?

exercise



what kind of sexual harassment is this?

If an employee refuses a supervisor's sexual advances which causes the supervisor to negatively alter the employee's working hours.

Constant use of sexually provocative or obscene language.



examples of physical harassment

Touching

Pinching

Patting

Grabbing

Brushing against
or poking an
employee's body

Hazing or initiation
that involves a
sexual component

Requiring an
employee wear
sexually suggestive
clothing



examples of verbal harassment

Name-calling

Belittling

Sexually explicit or degrading words to describe an individual

Sexually explicit jokes

Comments about an employee's anatomy and/or dress

Sexually oriented noises or remarks

Questions or comments about a person's sexual practices

Use of patronizing terms or remarks

Verbal abuse

Graphic verbal commentaries about the body

Cell phone ring tones

examples of visual harassment

Sexual pictures,
writing, or
objects

Obscene letters
or invitations

Staring at an
employee's
anatomy

Leering

Doodling

Sexually
oriented
gestures

Unwanted love
letters or notes

Inappropriate
emails and
internet

does it have to occur at work?

At work or away
from the workplace

During work hours
or off-duty



Employers are responsible for
preventing sexual harassment of
employees, no matter who is causing
the problem or where it is occurring





Every employee has the right to be free from harassment discrimination that's based on sex.

Is this sexual harassment?

exercise



is this sexual harassment?

Samuel is Melanie's manager. They are working together on a project and Samuel has asked Melanie to dinner to discuss their work.

After dinner, he says, *"Perhaps if we collaborate well on this project, I can make things easier for you at your next evaluation"*

His tone of voice insinuates what he means by "collaborate."



what kind of sexual harassment is this?

Jamal works in a graphic arts department. He is the only man among many women.

Every day the women in the office await the arrival of a very attractive delivery man.

After he leaves, the women spend several minutes making suggestive remarks and jokes about the man's attractiveness.

Jamal just rolls his eyes, but this daily ritual clearly makes him uncomfortable.



consequences of harassment

Lose a lawsuit

Lose your job

Lose your spouse

Your employer can be held liable for your misconduct

You can be held personally liable

Attorney's fees



why don't employees come forward

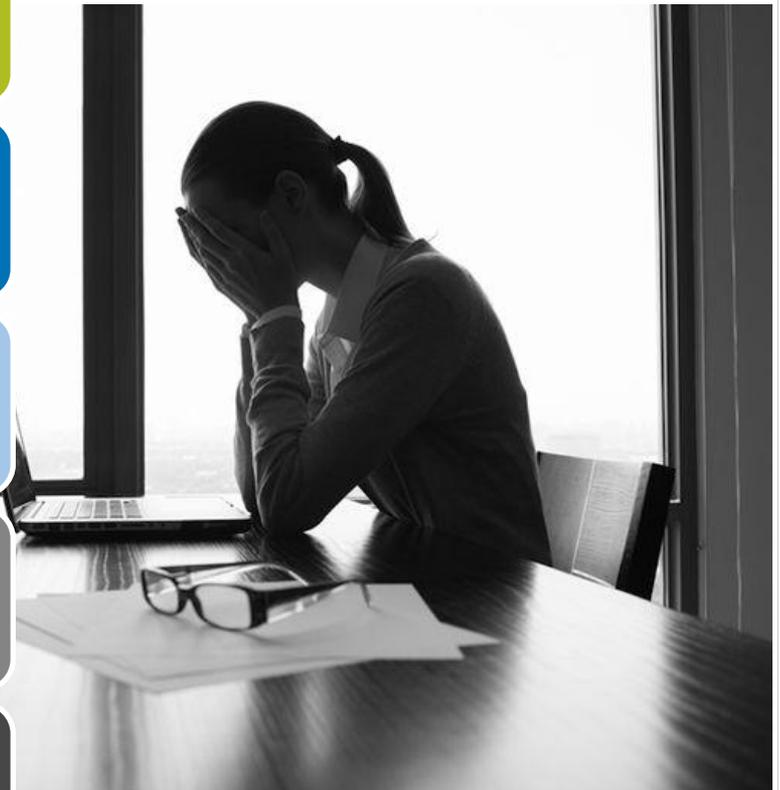
Fear of retaliation

Fear of not being taken seriously

Hope that the conduct will stop

Fear of embarrassment or
hurting the alleged harasser

Fear of being alienated by
colleagues or supervisors



when you should investigate



An internal complaint of harassment, discrimination, or retaliation is made (oral or written)

The employer knows or “should know” of possible violations of the company’s policy against harassment and discrimination

An employer suspects there is any kind of misconduct

An administrative agency begins to inquire into the conditions of the workplace

when you should investigate



Notice of a
lawsuit is received

An employee or
supervisor talks to an
individual in charge
about a problem but
continually stresses
that they are not
complaining

Major changes are
observed in the
workplace, including
new behavioral
patterns, a sudden
decrease in morale,
productivity, or
attendance

what would you do?

exercise



what would you do?

You've hired a new employee, Melissa.

She's attractive and single.

Another employee, Mark, also single,
has asked her out on a date.

Should you intervene?



what would you do?

Melissa said no but Mark asked her out again.

Still, no one is complaining.

Is this harassment?



what would you do?

What if Mark is Melissa's immediate supervisor?

What changes?



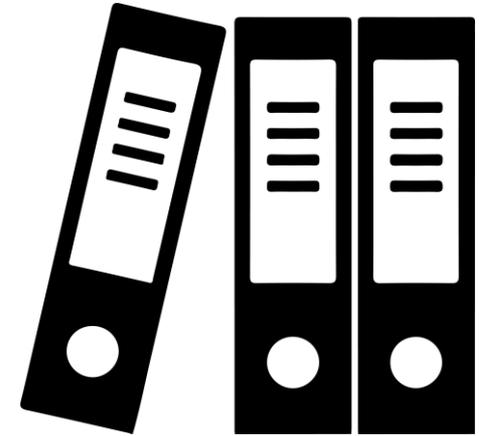
Follow the **FACTS**

- F**amiliarize yourself with the policy
- A**ddress incidents of sexual harassment immediately
- C**ooperation
- T**horough investigation
- S**atisfactory resolution



familiarize yourself with the policy

F A C T S



Read the policy

Ask questions

Keep a copy in a safe place
(never circular file!)

address incidents of sexual harassment immediately

F A C T S



Employee
must report

Management
must respond



F A C T S



Full cooperation of all parties
is expected and required



thorough investigation

F A C T S



Documentation
of complaints

Employee
interviews

Signed
statements

satisfactory resolution

F A C T S



Swift
response and
resolution

Objective
review of the
facts

Fair and
appropriate
response



questions



thank you

