

Introduction

Illegal discrimination
under Title VII of the
Civil Rights Act of 1964

Creates an
unproductive,
unpleasant, and
sometimes hostile
work environment

Why it's important to know about
sexual harassment

The laws that prohibit sexual
harassment in the workplace

What constitutes sexual
harassment

Who is affected by sexual
harassment

What to do about it

How to prevent sexual harassment

Course Objectives

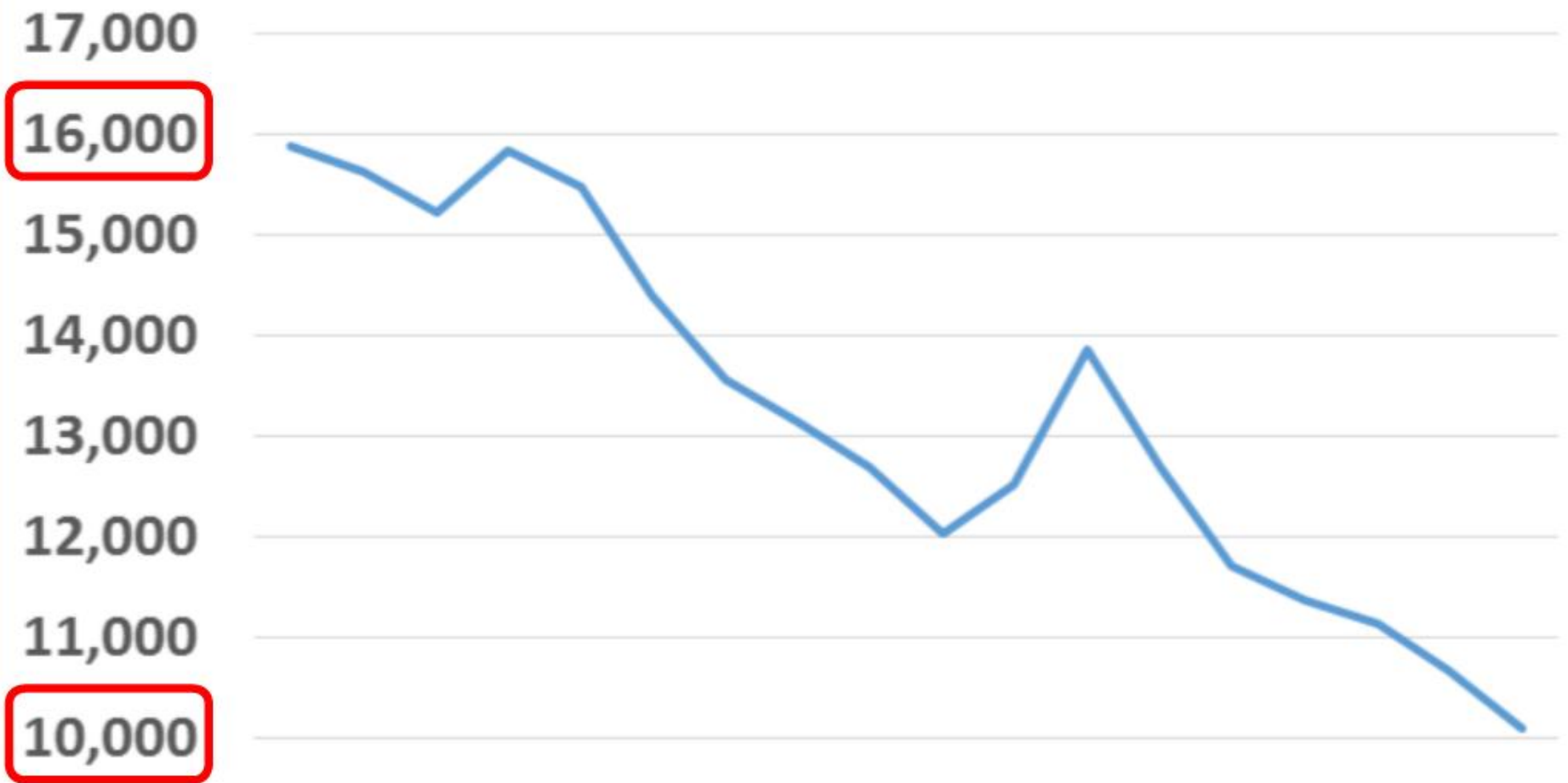
By the time you complete this course, you should be able to:

- Recognize sexual harassment
- Differentiate between the two main kinds of harassment
- Understand and follow workplace policy regarding sexual harassment
- Report incidents and cooperate in investigations of sexual harassment
- Help promote and maintain a comfortable, productive work environment



How Many?

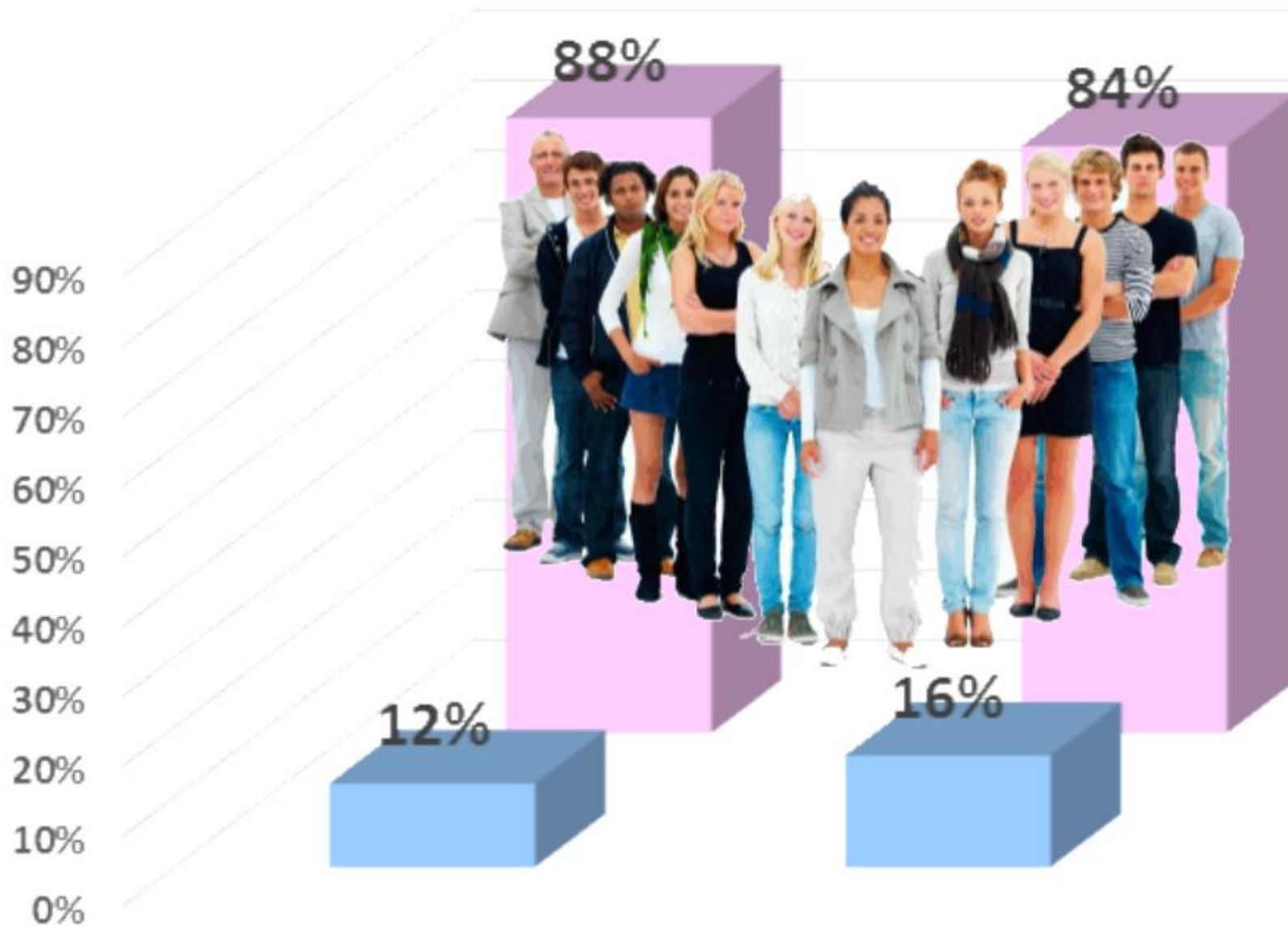
Complaints Federal and State



How Much?

**\$45
MILLION**

Who?



Why?



Right to work in an environment free of sexual harassment

Understand what it is and why it is harmful, this will help prevent it

All have the right to fair treatment at work

Sexual harassment harms everyone, not just the victim

Undermines the trust and respect necessary for productive work

Why?

Disrupts business and hurts the organization

Destabilizes professional relationships

Makes the organization liable for unlawful actions

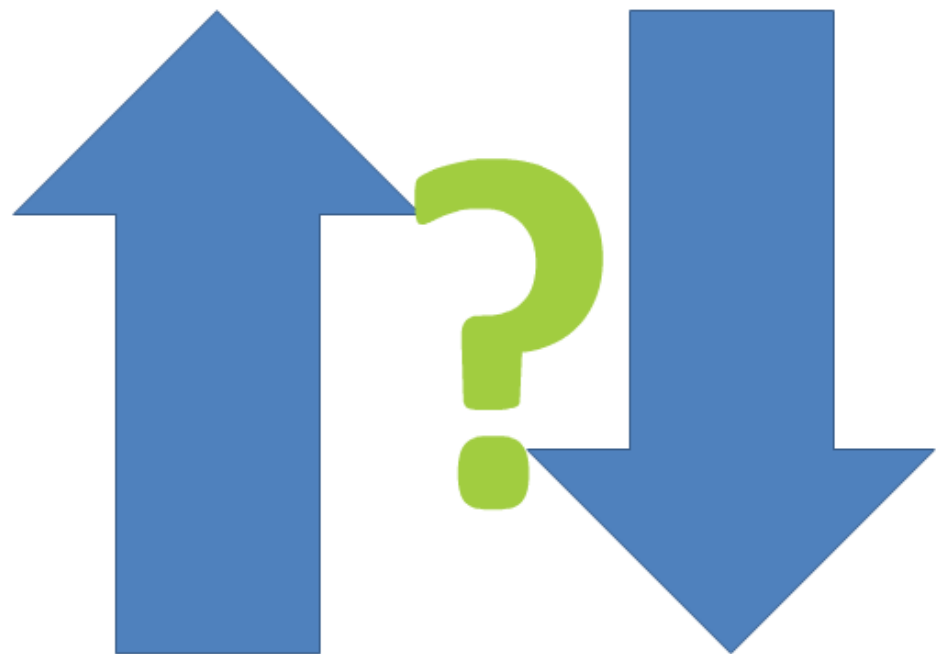


Activity

The number of sexual harassment complaints has (increased/decreased) since the 1990s.

Type the correct word in the box.

Decreased



Activity

Sexual harassment in the workplace: (Select all that apply)

- ☒ Hurts the organization
- ☒ Destabilizes professional relationships
- ☒ Makes the organization liable for unlawful actions
- ☒ Disrupts business



Title VII of the Civil Rights Act

- Sexual harassment is not subjective
- Not up to employer/coworker what constitutes harassment
- Clearly spelled out in laws
- Title VII of the Civil Rights Act prohibits discriminating on
 - Race
 - Color
 - National origin
 - Religion
 - Sex
 - Sexual harassment is sex discrimination
- State laws also prohibit sexual harassment
- EEOC website has thorough documentation

Sexual Harassment Definition

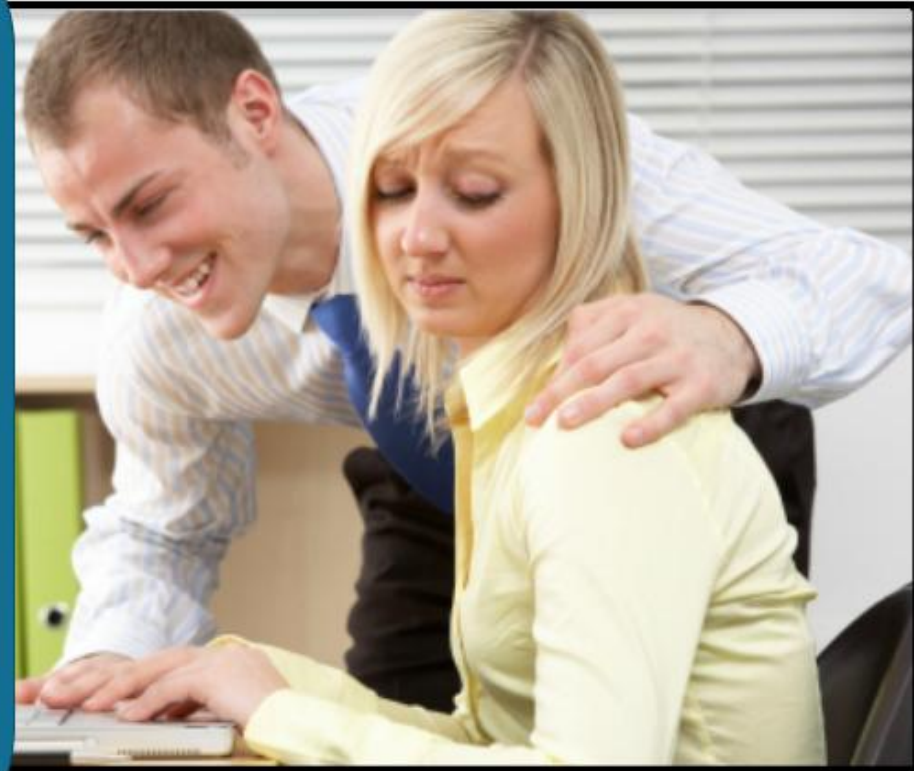
Sexual conduct that is unwelcome,
harmful, or illegal

Sexual
harassment

Sexual conduct that is unwelcome,
harmful, or illegal

Unwelcome

- Overt sexual advances like
 - Cornering
 - Leaning in close to kiss
 - Placing hand on shoulder or neck
- Can include
 - Requests for sexual favors
 - Verbal or physical conduct of sexual nature
 - Displays of sexually explicit or suggestive materials



Harmful

- To physical health
 - Also emotional health
- Imagine victim
 - Afraid to go to work
 - Find it difficult to forge relationships
 - Develop trust issues
 - Suffer sleep deprivation
- Witnesses have a legal right in the matter
 - Even if direct recipient didn't find action harmful



Illegal

- All forms of sexual harassment
 - Are not only offensive and wrong
 - Are against the law
 - Will not be tolerated by the US government



Scenario 1

A male supervisor frequently makes comments about a female associate's "curvy figure." Is this sexual harassment?



☒ Yes

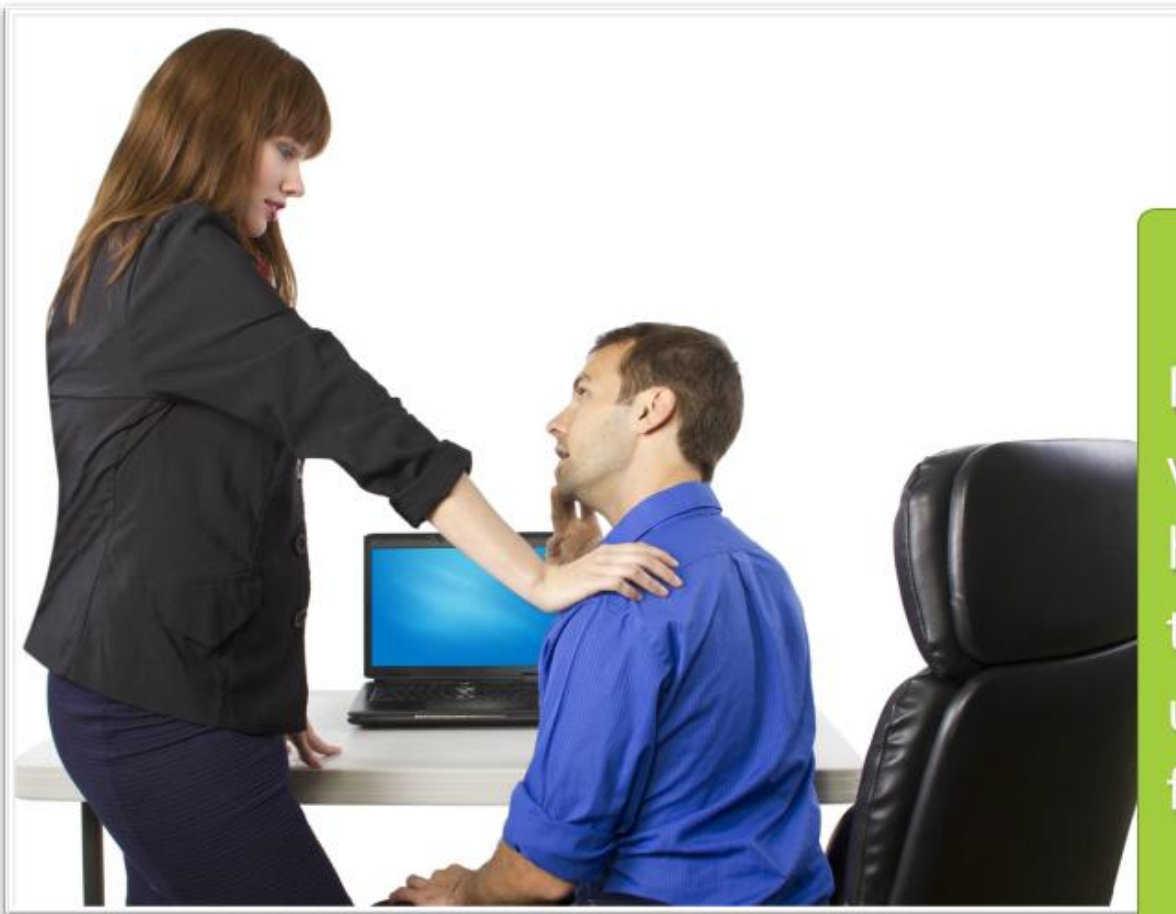
☐ No

You are right!

Commenting on a coworker's physical appearance, especially using terms of a sexual nature, constitutes sexual harassment.

Scenario 2

A female supervisor remarks that a male associate's biceps look strong and attractive. Is this sexual harassment?



☒ Yes

☐ No

You are right!

Male associates can be victims of sexual harassment and have the same protection under the law as female associates.

Scenario 3

A male supervisor makes frequent comments about a male associate's physique. Is this sexual harassment?



☒ Yes

☐ No

You are right!

Sexual harassment can happen between two people of the same gender. The key point is not the sexual orientation of the people involved but that the harassment is sexual in nature.

Activity

The EEOC defines sexual harassment as sexual conduct that is:
(Select the three words)

☐ Embarrassing

☒ Harmful

☐ Pornographic

☐ Hurtful

☒ Illegal

☐ Deliberate

☒ Unwelcome



Activity

Our company maintains and enforces an effective sexual harassment policy.

☒ True

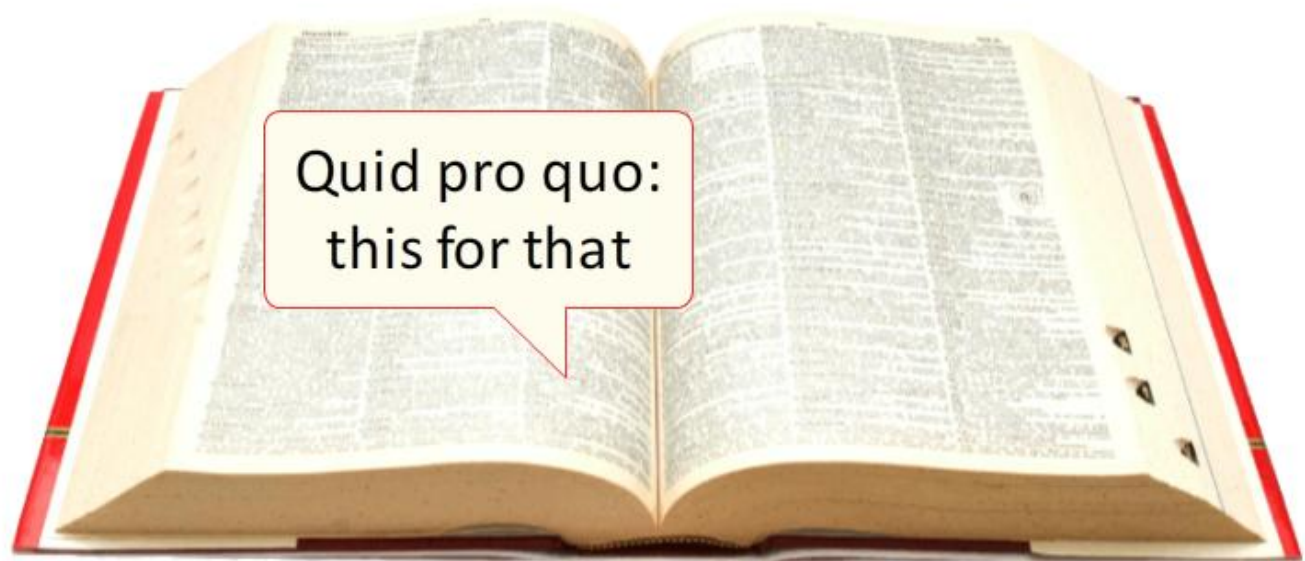
☐ False

Activity

The Federal Law that governs sexual harassment violations is the

- ☐ Americans with Disabilities Act (ADA)
- ☐ Family and Medical Leave Act (FMLA)
- ☐ Equal Pay Act (EPA)
- ☐ Fair Labor Standards Act (FLSA)
- ☒ Civil Rights Act

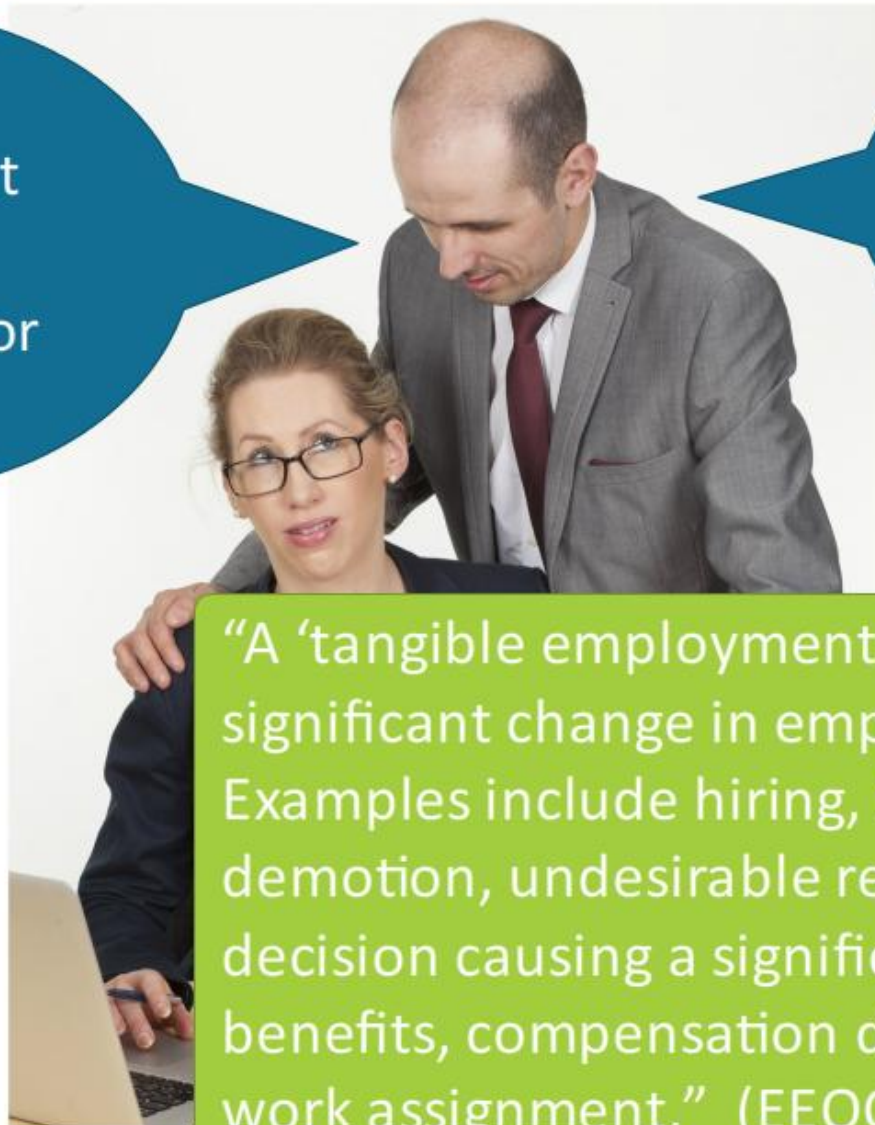
Quid Pro Quo or Tangible Employment Action



Quid Pro Quo or Tangible Employment Action

I give you
employment
benefits:
promotions or
raises

You give me:
sexual favors



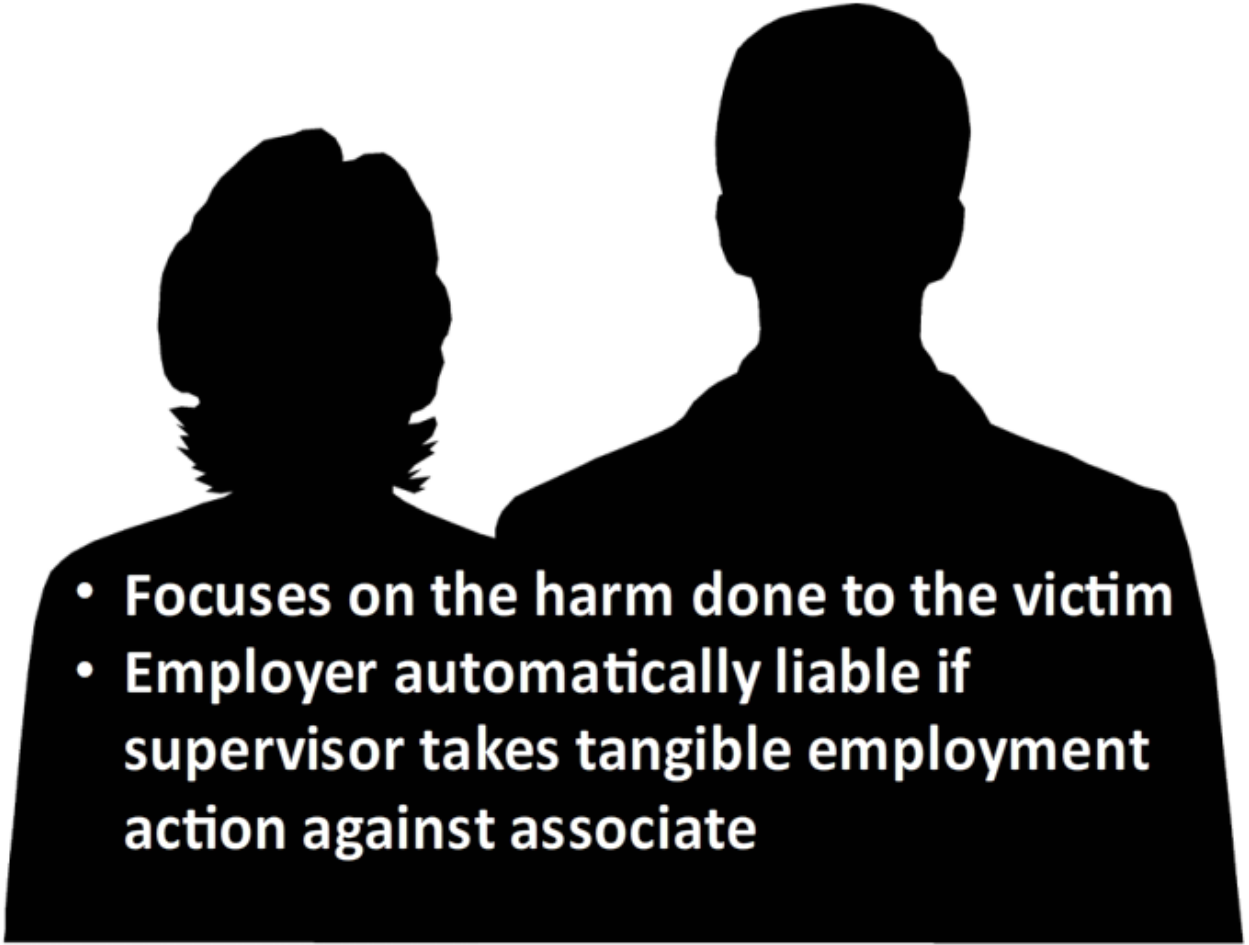
“A ‘tangible employment action’ means a significant change in employment status. Examples include hiring, firing, promotion, demotion, undesirable reassignment, a decision causing a significant change in benefits, compensation decisions, and work assignment.” (EEOC)

Quid pro quo:
this for that

Quid Pro Quo Examples

Passed over for promotion/raise for refusing boss's advances

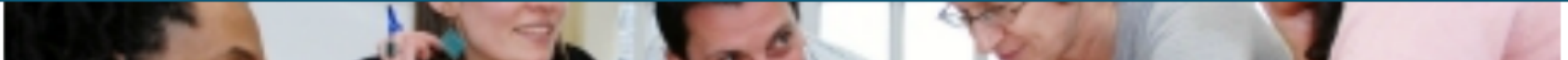
Being given a raise after submitting to a supervisor's sexual requests

- 
- Focuses on the harm done to the victim
 - Employer automatically liable if supervisor takes tangible employment action against associate

Hostile Work Environment

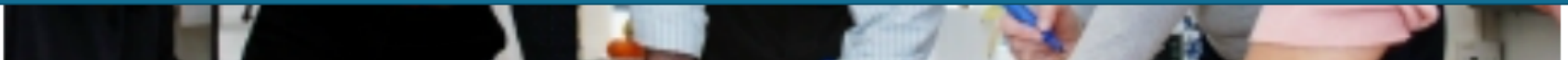
Created when unwelcome sexual conduct

- Is severe
- Is pervasive
- Unreasonably interferes with an individual's job performance
- Creates an intimidating or offensive work environment



Offensive conduct may be

- Aimed at certain persons
- Generalized throughout workplace



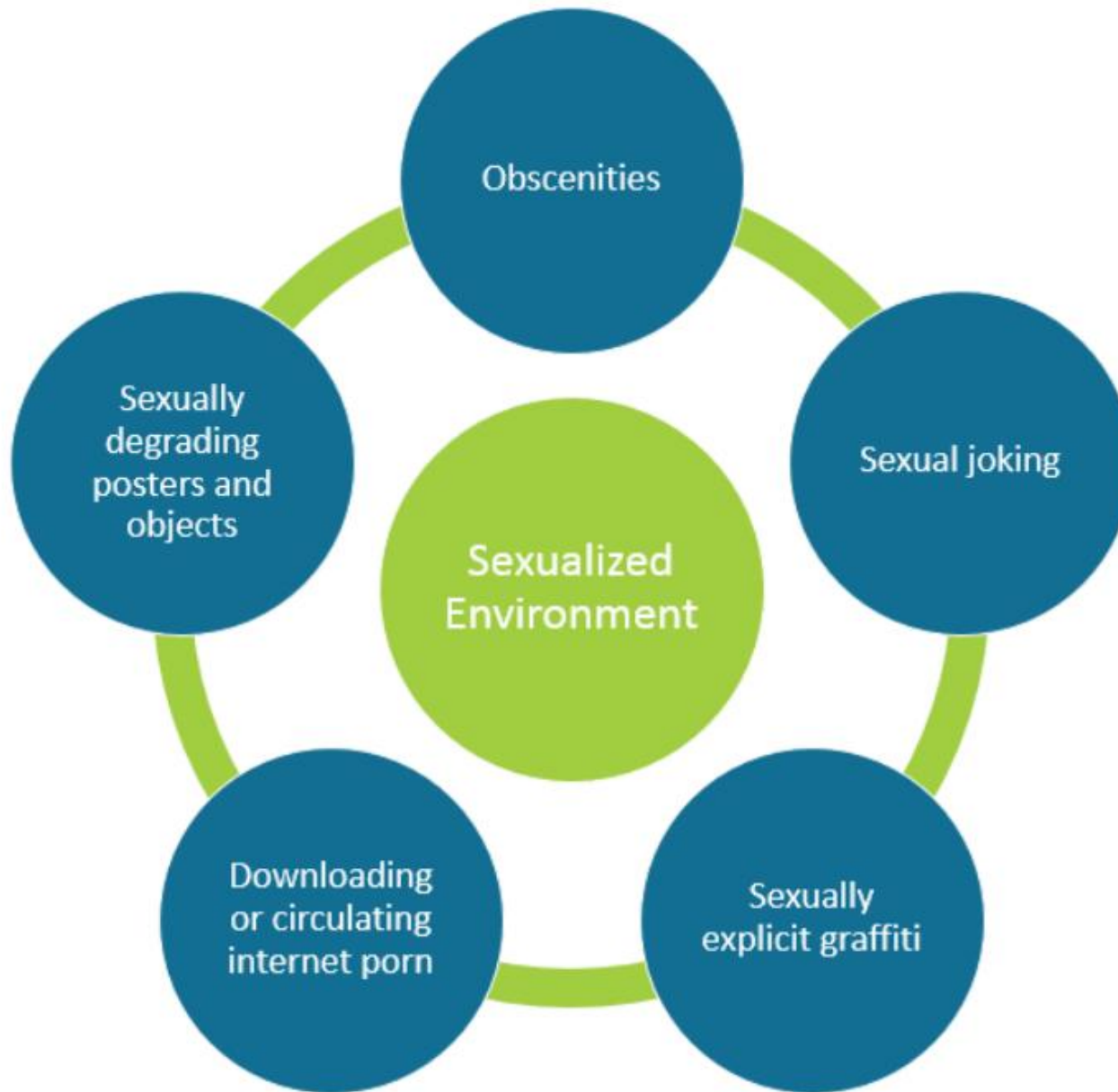
Regular and repeated conduct can include items

- Displayed in the workplace that unreasonably interfere with job performance
- That create an intimidating, hostile, or offensive work environment

Hostile Work Environment Examples

- ❌ Posting pictures of pornography in associate's cubicles
- ❌ Consistently telling "dirty" jokes or stories where all associates in the work area can hear them
- ❌ Tolerating associates who make sexually suggestive remarks about other associates within earshot of others
- ❌ Allowing peer associates, suppliers, delivery persons, or even clients to persist in unwanted attention, such as asking for dates
- ❌ Allowing the use of derogatory terms with a sexual connotation to be used to describe coworkers
- ❌ Allowing frequent physical contact, even when it is not sexual
- ❌ Using terms of endearment for co-workers, such as babe, honey, sweetie, etc.

Sexualized Environment



Scenario 4

Twice, Mr. Smith has patted his administrative assistant's buttocks on her way out of his office to congratulate her for a job well done. He's also taken opportunities to brush against her chest when getting in and out of the elevator. Is this a hostile work environment or a tangible employment action?

- ☒ Hostile work environment
- ☐ Tangible employment action or Quid pro quo



You are right!

This is an example of a hostile work environment because there is no change in employment status.

Scenario 5

James is preparing to submit Samantha's annual review to their corporate office. Before he sends the review, he offers Samantha a chance to improve her rating if she will come to his house for dinner and drinks that evening. Is this a hostile work environment or a tangible employment action?



- ☐ Hostile work environment
- ☒ Tangible employment action or Quid pro quo

You are right!

This is an example of tangible employment action or quid pro quo. The response to the harassment changes employment status.

Scenario 6

Todd has a habit of talking loudly to his college buddies on the phone during the day. The conversation is quite loud and can be heard by his office mates. Typical conversations include details about sexual exploits and how “hot” some of his coworkers are. Is this a hostile work environment or a tangible employment action?



- ☒ Hostile work environment
- ☐ Tangible employment action or Quid pro quo

You are right!

This is an example of a hostile work environment because there is no change in employment status.

Scenario 7

Jimmy scheduled a meeting with his boss Heather to request a raise. During the meeting, Heather sat back in her chair in a provocative way and said, “There are certain ‘things’ you can do that will improve your chances of getting a raise.” When Jimmy asked if these ‘things’ were sexual in nature, Heather smiled and said, “You figure it out.” Jimmy said he would not consider it and left the meeting. He was later denied his raise and cited as “uncooperative.”



- ☐ Hostile work environment
- ☒ Tangible employment action or Quid pro quo

You are right!

This is an example of tangible employment action or quid pro quo. The response to the harassment changes employment status.

Scenario 8

Karen's new supervisor, Mike, routinely calls female associates "dear." Karen says she does not want to be called by this term, except by her husband. Is this a hostile work environment or a tangible employment action?



- ☒ Hostile work environment
- ☐ Tangible employment action or Quid pro quo

You are right!

This is an example of a hostile work environment because there is no change in employment status.

Activity

Quid pro quo means the same thing as:

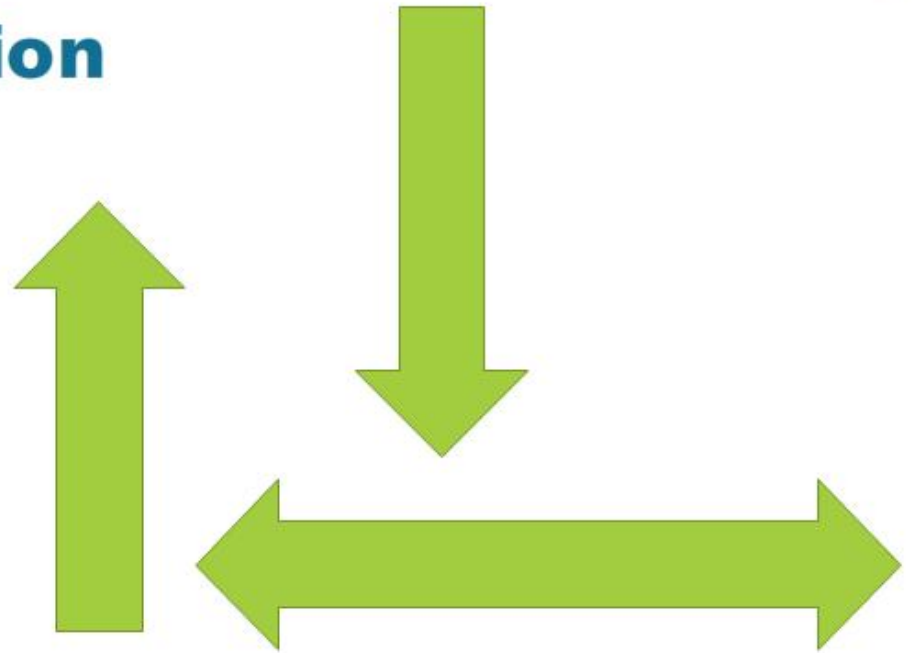
- ☒ Tangible employment action
- ☐ Hostile work environment



Level in Organization

Not just supervisor
and associate need
to abide by rules

It can be anyone in
the organization, at
any level



Gender

Not limited to interactions between a male and a female



Not the sexual orientation of person(s)
Rather act of harassment is sexual in nature

Ordinary socializing

Harassment

Flirtation

Must be hostile or abusive in nature

Non-Associates



Indirect Harassment

Bystanders and witnesses may also be considered to be sexual harassment victims

May be affected by harassment and are protected under the law



Scenario 9

A good customer makes provocative statements to an associate. Is this considered sexual harassment?



☒ Yes

☐ No

You are right!

Clients can be guilty of sexual harassment, just as associate can.

Scenario 10

A male associate asks a female co-worker out on a date. Is this sexual harassment?



☐ Yes

☒ No

You are right!

Simply requesting a date is not sexual harassment. However, if the answer is No, the associate should be careful about asking repeatedly. This can be a form of sexual harassment because it is evident that the advance is unwelcome.

Scenario 11

Two associates become friends and discuss personal issues. Is this sexual harassment?



☐ Yes

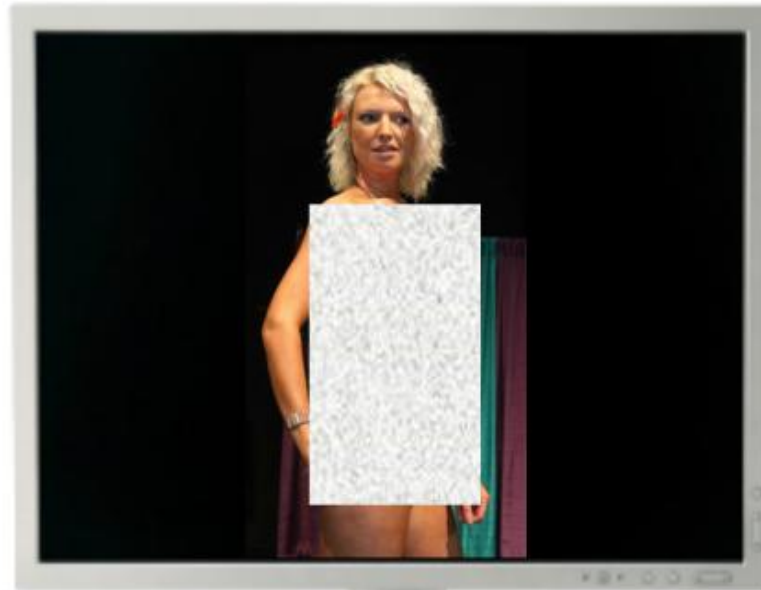
☒ No

You are right!

People can and do form relationships with co-workers. As long as both people consent to the relationship, this is not harassment. Remember that only unwelcome sexual conduct is unlawful.

Scenario 12

An associate sets their computer's desktop wallpaper with a photo of a model in a bikini on a beach. Is this sexual harassment?



☒ Yes

☐ No

You are right!

Under the EEOC definition, openly displaying a woman in a bikini is considered a “visual display of explicit or suggestive materials.”

Scenario 13

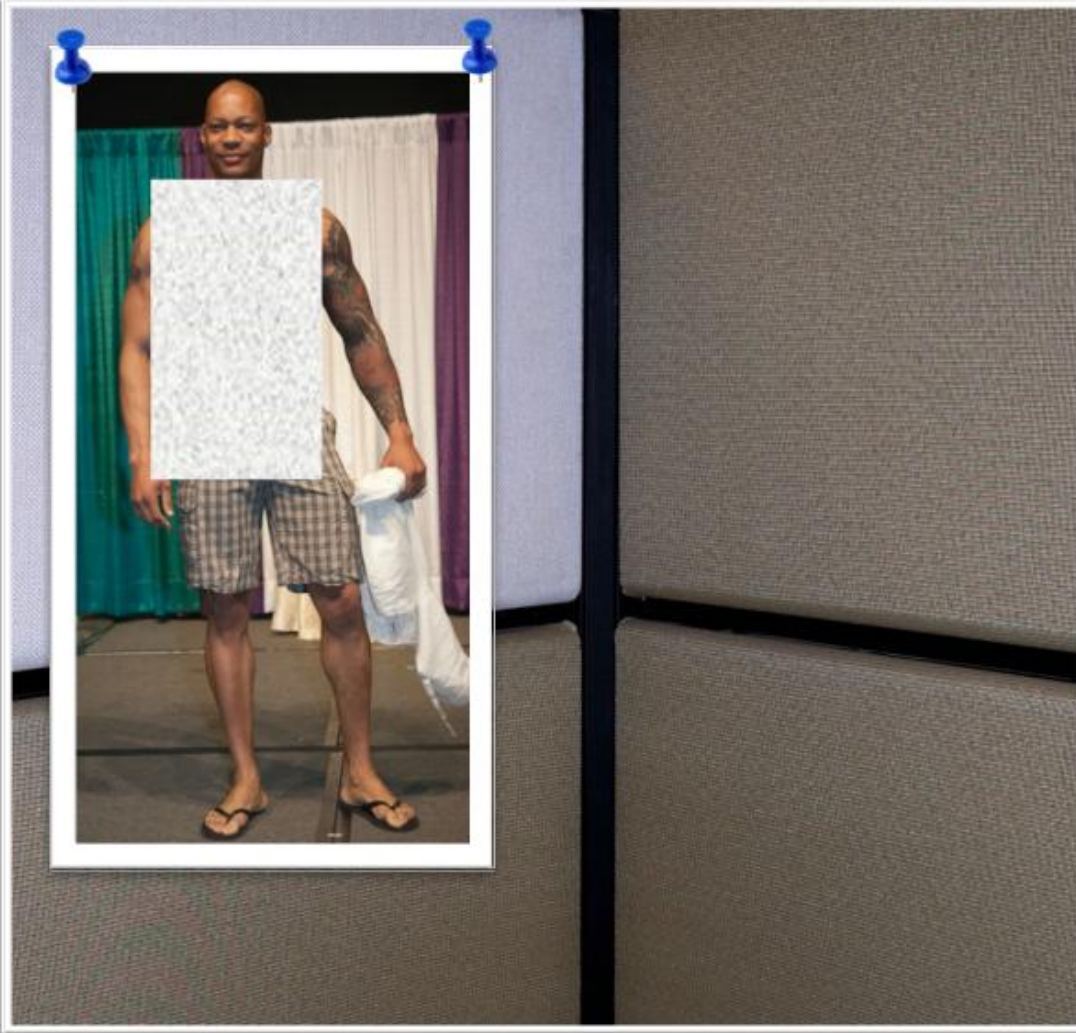
A female associate pins a picture of a sweaty, shirtless male in her work cubicle. Is this sexual harassment?

☒ Yes

☐ No

You are right!

For the same reason as the previous example. It doesn't matter if the visual display is of a woman or a man, or if a woman or a man displays it.



Responsibility for Prevention

Responsibility lies with you and your organization

- Policy provides a clear statement of company's position
 - What is acceptable behavior
 - What is not acceptable behavior
- Policy promotes
 - Compliance
 - Prevention
- Protects your rights
- Fosters respect for everyone
- Enforces “no retaliation” against reporters



What You Can Do

1

Know and comply with workplace policy on sexual harassment

- Read policy
- Ask supervisor/HR questions about responsibilities

2

3



What You Can Do

1

Know and comply with workplace policy on sexual harassment

2

Address incidents of sexual harassment immediately

3

- Report any incident that you believe is offensive
 - Direct target or not
- If you can, respond directly
 - Make it clear behavior bothers you
- If uncomfortable to address, report to manager or HR
- Record time, place, details, other co-workers who may have seen behavior

What You Can Do

1

Know and comply with workplace policy on sexual harassment

2

Address incidents of sexual harassment immediately

3

Cooperate with investigations of sexual harassment

- Provide information you have about the incident
- Help make the investigation run smoothly
 - And move quickly
 - Toward a resolution



Scenario 14

You are a manager. Ashley asks to meet you for a short meeting and tells you that Josh and Ryan have been exchanging off-color jokes. Ashley says they are not loud, but since she sits so close she can hear the jokes regularly and they make her uncomfortable. She says she “just wanted you to know”, but doesn’t want to file a complaint for fear everyone will think she is a prude. Can you honor her request to not file a complaint?



Yes



No

You are right!

Responding to complaints is not optional. All of them should be addressed directly and immediately and never be ignored. When a complaint is made, report it immediately up the chain of command.

This course will exit upon completion of the timeline.

Summary



Sexual harassment is prohibited, both by law and by organization policy



Sexual harassment involves more than just physical conduct; it can also be verbal or visual



Sexual harassment harms us all because it takes away from having a respectful, dignified, and comfortable work environment



You have the power to help prevent sexual harassment

- Know organization's policy
- Do your part to confront sexual harassment, report incidents, and support victims