

Understanding and Preventing Sexual Harassment: 15 Minute Training for Employees

LENGTH: 15 MINUTES

PRODUCTION YEAR: 2023

PROGRAM SYNOPSIS:

This 15-minute program, when combined with its quiz and a discussion of your organization's anti-harassment policy, can be part of a comprehensive training program to prevent sexual harassment.

The United States Supreme Court established the legal precedent that sexual harassment is a form of discrimination on the basis of sex and is prohibited by Title VII of the Federal Civil Rights Act of 1964. Many states also have laws preventing sexual harassment and certain states require employers to provide sexual harassment prevention training to their employees.

This program features a variety of scenarios where workers exhibit unwelcome behavior to show viewers what types of behavior constitute sexual harassment and how they should respond to such conduct.

PROGRAM OBJECTIVES:

Upon completion of the program, the viewer should be able to explain the following:

- Why sexual harassment is illegal and legal precedents related to sexual harassment;
- What constitutes a hostile workplace and the meaning of quid pro quo;
- Answers to frequently asked questions regarding sexual harassment;
- How to respond when witnessing or experiencing harassing behavior;
- Potential disciplinary actions for policy violations.

INSTRUCTIONAL CONTENT:

HISTORY OF SEXUAL HARASSMENT LAWS

- On July 2nd, 1964, President Lyndon Johnson signed into law the Federal Civil Rights Act. A specific portion of this law, known as Title VII, prohibits discrimination on the basis of race, color, religion, national origin, or sex.
- On June 19th, 1986, the United States Supreme Court established the legal precedent that sexual harassment is a form of discrimination on the basis of sex and is prohibited by Title VII of the Federal Civil Rights Act of 1964.
- On the federal level, sexual harassment is regulated by the United States Equal Employment Opportunity Commission, or the "EEOC." The current guidance from the EEOC defines sexual harassment as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when this conduct is a term or condition of employment, affects employment decisions, or creates an intimidating, hostile, or offensive work environment.
- To help prevent the occurrence of sexual harassment, your employer has put into place policies and procedures designed to prevent, identify, and report occurrences of sexual harassment.
- Let's examine a few scenarios. Our goal is to understand the types of behavior that may constitute sexual harassment.

THE NEGATIVE IMPACTS OF SEXUAL HARASSMENT

Workplace Scenario with Roberta and her boss

- Roberta's boss approaches her, touching her shoulder. "Hey Roberta, sweetheart, how are you today? Hey, I understand that you're up for a big raise and that raise is contingent on my review. So why don't you meet me this evening for a couple of drinks and let's talk about that review. What do you say?"
- "Um, I'm flattered. But I work really hard here, and I would love it if my work could just speak for itself," Roberta replies.
- Roberta's boss pressures her, saying: "Yeah, yeah, yeah, I understand all that, but you do realize that the amount of your raise is contingent on my review. So why don't you think about that, and I'll check back with you later. OK?"

- Sexual harassment of this type is called “quid pro quo” sexual harassment. Quid pro quo means “this for that”, sexual favors in exchange for employment decisions. This type of quid pro quo sexual harassment is illegal, period. The gender of the people involved is not a factor; sexual harassment can be committed by any gender and by persons of the same gender.

HOW TO RECOGNIZE AND DEFINE HARASSMENT

Tool Room Scenario with Tamara and Pete / Hostile Workplace Sexual Harassment

- Several people are working in a tool room area. Tamara is at one station and her coworker Pete is at another.
- Pete has a giant wrench in one hand and a small bolt in his other hand. “Um, Hey Tamara, is this the right size tool for this?”
- Tamara looks at him, puzzled. “No Pete, of course not, it’s too big,” she says.
- Pete laughs and then speaks to another coworker nearby. “You sound like my ex-wife! It’s too big. Right Tony? I think that’s why we got divorced!”
- “Hey Pete, lay off her man. Why do you insist on tormenting her?” comments Tony.
- Tamara speaks directly to Pete. “Pete, as I’ve told you many times, I do not appreciate the sexual jokes or the explicit posters in our work area. And your constant demeaning comments about my ability to do this job just because I’m a woman. Well, I’d like them to just stop.”
- Pete ignores her and opens up a calendar with women in very revealing swimsuits.
- “Humm. OK. But first, check out my new calendar! Ha ha ha! Now these are real women, right? They don’t try to do men’s work, they know what they’re good at, unlike some of the so-called girls around here!” Pete comments.
- “Hey man, why don’t you grow up?” says Tony, frustrated.
- In this scenario, Tamara had made it clear to Pete, many times, that she didn’t appreciate the public display of explicit images, the telling of sexual jokes in her presence, or the demeaning comments directed at her because of her gender. In other words, Tamara made it clear that Pete’s behavior was unwelcome.
- By continuing with the unwelcome behavior, an intimidating, hostile, or offensive work environment was created. Sexual harassment of this type is called hostile workplace sexual harassment.
- The unwelcome behavior described by Tamara was ongoing and pervasive. The terms “unwelcome, ongoing, and pervasive” are used by human resource professionals when describing a pattern of harassing behaviors that create a hostile workplace.

QUESTIONS ABOUT BEHAVIORS THAT COULD BE CONSIDERED HARASSMENT

- “So, here’s my question about hostile workplace harassment. Some people are more easily offended than others, so who’s to say what’s hostile?” asks a worker in a kitchen environment.
- The legal measuring stick for determining when unwelcome conduct rises to the level of creating a hostile workplace is if a reasonable person would consider the conduct to be intimidating, hostile, or abusive.
- Actions or behaviors that may create a hostile workplace may be verbal, visual, or physical, such as: jokes and comments of a sexual nature; repeated requests for dates or sexual propositions; showing or displaying offensive emails, websites, or images; inappropriate text messages or social media posts; leering or gestures of a sexual nature; displaying or providing inappropriate gifts or objects; and unwelcome touching, brushing against, or other physical contact.
- Orlando asks: “My name is Orlando, and earlier you used the words “unwelcome, ongoing, and pervasive” to describe a hostile workplace. But if the behavior only happens one time, then it can’t be considered hostile workplace harassment, can it?”
- Orlando, the answer to your question is, it depends. Some harassing behaviors are so severe they create a hostile workplace after a single occurrence. Let’s examine the following scenario involving LaTonya, a female medical worker who was subjected to unwanted touching, sexually explicit comments and was physically prevented from leaving the situation.

Medical Supply Room Scenario with LaTonya and Dontrelle / Severe Harassment

- LaTonya is in a medical supply room. A male coworker walks by and enters the room after seeing her.
- “I was stretching to reach some lab supplies when a male co-worker, Dontrelle, came up behind me. He pressed himself right up against my backside and leaned all the way into me and groped me,” LaTonya recounts.

- Dontrelle told her he was just “helping” and told her she needed a man to give her what she needed. When LaTonya said she didn’t need anything from him, he responded, “There is definitely something I want from you.”
- “I tried to get away, but he had me pinned. Then he pressed his lips right behind my ear and whispered that he wanted to have sex with me. But the actual words he used were more vulgar. And it was awful,” said LaTonya.
- Another of LaTonya’s coworkers walked by and saw Dontrelle and LaTonya. She yelled at him to get off of her.
- “That should never happen, ever!”, says LaTonya.
- LaTonya is correct; that type of behavior should never happen. Dontrelle’s harassing behavior was so severe that it rises to the level of creating a hostile workplace after a single occurrence.
- So, to answer Orlando’s question, yes. When a person’s behavior is severe, it may be considered sexual harassment after a single occurrence.

SEXUAL HARASSMENT IS NOT LIMITED TO FELLOW EMPLOYEES

Office Harassment Scenario with Carl and Marcy

- In an interview, Carl, a male nurse, talks about an encounter with a pharmaceutical sales rep. “I’ve been a nurse for about 5 years, and I love it. But the last year or so has really been a struggle. There is a certain pharmaceutical sales rep that comes into the clinic weekly. She enjoys making fun of me in front of my co-workers.”
- “And how is my “Carl-O-Line” this morning? I hope you and the other girls are having a great start today,” says the sales rep named Marcy.
- “My name is Carl, but she loudly calls me “Carl-O-Line. She routinely asks me, ‘How are you and the **other girls** doing?’,” states Carl in his interview. “It’s as if she is openly questioning my gender, even though she knows I find it insulting and demeaning.”
- In the scenario, Carl speaks up to Marcy. “My name is Carl, as I’ve told you many times, and I am a male. I do not enjoy being called a girl or a lady. I am a professional nurse, and I would like to be treated in a professional manner.”
- His coworker does not stick up for him. “Oh, lighten up Carl, come on! She brought donuts for crying out loud!”
- “Yes, sweetie come have a donut. You know, “Carl-O-Line,” one donut won’t hurt your girlish figure, right?” teases Marcy.
- “This person doesn’t even work here, so this can’t be sexual harassment, can it?” wonders Carl.
- Yes, Carl, it can be sexual harassment. The laws that prohibit illegal discrimination, including sexual harassment, also apply to the behavior of clients, vendors, delivery persons, contractors, and other non-employees.

HARASSMENT RELATED TO GENDER IDENTITY, GENDER EXPRESSION, AND SEXUAL ORIENTATION

- Sexual harassment does not have to be motivated by sexual desire.

Construction Roadwork Scenario with Gerald and Davis

- “It’s not a secret that I’m gay. Why should it be?” declares Gerald in an interview. “As a society, we are way past don’t ask, don’t tell, or at least I thought we were. But ever since Davis, my foreman, found out I was gay, things have gotten a lot worse around here.”
- “We mostly do site work, which often requires traffic control. And without question, manning the stop/slow sign is the worst job on the crew. We used to all take turns doing it, but not anymore,” says Gerald.
- Before starting a water pipe job, Gerald’s foreman, Davis, assigns Gerald to traffic duty again.
- “Again? Come on! Why is it always me lately? We used to rotate doing traffic. What’s changed all of a sudden?” asked Gerald.
- In an interview, Gerald explains why he asked that to the foreman. “I had to ask, but I knew what had changed. Davis had found out I was gay. Joanne told me she had overheard heard him talking about it with some of the crew.”
- When talking with other members of the crew, Davis had said, “He’s got a boyfriend! They were seen together in public. I can’t have that on my crew.”
- In response to Gerald’s question, Davis said, “Gerald, I just don’t think you’re cut out for this type of work. I mean, I really think you’re not man enough. Now you can stay if you choose, but the only job I’m putting you on from here on out is manning the sign on traffic control. Considering your, uh, constitution, I think I’m doing you a favor.”
- In this example, Gerald’s supervisor subjected him to demeaning and degrading language and assigned him the least desirable job solely because of his sexual orientation. This type of discrimination is also a form of sexual harassment and serves to illustrate that sexual desire is not a required element of sexual harassment.

- Also, harassment and/or discrimination related to gender identity, gender expression, and sexual orientation is illegal and prohibited by Title VII of the Federal Civil Rights Act of 1964.

WHAT TO DO WHEN EXPERIENCING HARASSING BEHAVIOR

Construction Harassment Scenario with Phil and Joyce

- On a construction jobsite, we meet a man named Phil. He is a construction foreman and Joyce is part of the crew. Joyce has been feeling very uncomfortable with Phil's jokes and has decided to speak up.
- "I'm just uncomfortable with the jokes you make in these team meetings," states Joyce. "I find them degrading and they make me uncomfortable."
- "Whoa. I mean, all I'm trying to do is, uh you know, lighten up the mood a little bit. Send everyone off with, uh you know, a little laugh," says Phil.
- "I can appreciate that, but they make me feel awkward," says Joyce.
- Phil recognizes that some of his jokes may be a little bit off-color.
- "Yeah, and some are darn sexist. I have a hard enough time trying to get the respect I think I deserve around here," declares Joyce.
- Phil pauses and then comments: "Well, I mean, I certainly didn't intend to make you uncomfortable. I'll come up with some new material, OK?"
- Joyce thanks him for understanding.
- Joyce did the right thing by talking to Phil directly and making it clear that his actions and behaviors were not welcome.
- In many instances, this simple action is enough to stop the behavior.
- "Wow, I didn't mean to offend Joyce," says Phil in an interview. "But I see now that my jokes, my behavior, they made her feel uncomfortable with her co-workers. I guess it's not so much our intent that matters as much as the impact of our behavior on others. I'm glad she felt empowered to speak up."
- Unfortunately, in some cases the harassing behavior continues even after it has been made clear that the behavior is not welcome.
- If the behavior continues after it has been made clear that it's unwelcome, the next step is to follow your organization's policy for reporting the potential harassment to your supervisor or management.
- Your organization's anti-harassment policy provides multiple avenues for reporting sexual harassment, starting with your immediate supervisor.
- Of course, in some cases it may be a person's supervisor who is committing the harassing behavior. When this is the case, or if a person is uncomfortable bringing the complaint to their supervisor, the situation may be reported to another member of management or to the human resources department.
- Once a supervisor becomes aware that a potential incident has taken place, he or she has a responsibility to follow their organization's policy to report it and initiate an investigation.
- If it is determined that a violation of the anti-harassment policy has occurred, the offending party may be subjected to disciplinary action up to and including termination.
- LaTonya's manager details the conclusion of their investigation. "It was concluded that Dontrelle's actions and behavior were in violation of our anti-harassment policy. A reasonable person would find his behavior intimidating, hostile, or abusive. The final resolution resulted in Dontrelle's termination per our policy."

CONCLUSION

- Finally, let's close our program with some advice that everyone should take to heart.
- Janice says, "Here's some advice. If you don't want people answering questions about your behavior at work, then don't behave in a questionable way."
- "And even if you don't intend for your words or actions to be demeaning or offensive, be aware that some may find them hurtful or harassing none the less," adds Phil.
- "Look, if someone lets you know that your behavior or comments are unwelcome, you should stop. I wish I had," laments Marcy.
- "There's no reason for behavior like that. It makes the workplace unbearable for everyone," reminds Tony.
- "If you have any doubts, don't say it and don't do it," sums up Gerald's Human Resources contact.

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ANSWERS TO THE REVIEW QUIZ

1. b

2. d

3. b

4. c

5. a

6. a

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REVIEW QUIZ**

The following questions are provided to determine how well you understand the information presented in this program.

Name _____ Date _____

1. The United States Supreme Court has established the legal precedent that sexual harassment is a form of discrimination on the basis of _____ and is prohibited by Title VII of the Federal Civil Rights Act of 1964.
 - a. Race
 - b. Sex
 - c. Religion
 - d. National origin

2. Sexual harassment occurs when conduct of a sexual nature _____.
 - a. Is a term or condition of employment
 - b. Creates a hostile or intimidating work environment
 - c. Affects employment decisions
 - d. Any of the above

3. To be considered sexual harassment, the unwanted conduct must occur in the physical workplace.
 - a. True
 - b. False

4. Unwelcome conduct rises to the level of creating a hostile workplace if _____ would consider the conduct to be intimidating, hostile, or abusive.
 - a. Any coworker
 - b. The victim
 - c. A reasonable person
 - d. A manager

5. Sexual desire is NOT a required element of sexual harassment.
 - a. True
 - b. False

6. Persons who violate their organization's anti-harassment policy may be subject to disciplinary action, up to and including termination.
 - a. True
 - b. False