

Sexual Harassment

1 CEU



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Course Objectives

After completing this self-study session, you will be able to:

- ❖ Define sexual harassment.
- ❖ Identify the types of sexual harassment.
- ❖ Identify behaviors that may be interpreted as sexual harassment.

Introduction

- ❖ Title VII of the Civil Rights Act of 1964 (Title VII) *prohibits discrimination* based on race, color, religion, sex, and national origin. Sexual Harassment in employment is legally recognized as a form of *sex discrimination*. Under federal laws the victims of sexual harassment can sue for damages, per a 1991 amendment to Title VII of the Act.
- ❖ The Equal Employment Opportunity Commission (EEOC) has developed regulations and guidelines to prevent sexual harassment in the workplace.
- ❖ According to EEOC in order for behavior to be considered sexual harassment it must be **unwelcome, sexual in nature, and occur in or impact the workplace.**

The EEOC

The EEOC guidelines define sexual harassment as:

“Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when

- ❖ Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment.
- ❖ Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
- ❖ Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.”

www.eeoc.gov/index.cfm



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The EEOC

- ❖ Both the victim of sexual harassment and the harasser can be a man or a woman.
- ❖ Both the harasser and the victim can be the same sex.
- ❖ While the law doesn't prohibit simple teasing or isolated minor incidents, harassment is illegal when it results in an adverse employment decision or when it is so frequent or severe that it creates a hostile work environment.
- ❖ The harasser can be either the victim's supervisor, a supervisor in another department, a co-worker, or someone who is not an employee of the organization, such as a client or business associate.



The EEOC

- ❖ The victim of sexual harassment does not have to be the direct target of the behavior; anyone who is offended by the behavior can be the victim. For example a woman can file a sexual harassment claim based on how other women were treated.
- ❖ Sexual harassment may occur away from the workplace at company sponsored events or while conducting company business away from the workplace.
- ❖ When the EEOC is evaluating behavior, the intention behind the harasser's behavior is irrelevant. It is only the understanding of the harassed that is taken into consideration.

The EEOC

- ❖ Third party sexual harassment occurs when unwelcome sexual behavior is not directed at the employee personally, but is part of his or her work environment. For example, when sexual behaviors between two employees, although not directed at anyone else, is offensive to a third employee.
- ❖ When it comes to sexual harassment there is no one particular victim or harasser type. Both victims and harassers may be young or old, male or female, rich or poor, single or married, and a manager—supervisor—or entry level employee.

Types of Sexual Harassment

Quid Pro Quo is the Latin term meaning “this for that.” This theory refers to sexual harassment that involves rewards or threats.

Typically an employee is threatened or rewarded in the areas of

- ❖ Hiring and firing
- ❖ Promotion/demotion
- ❖ Transfer
- ❖ Performance review



Hostile Work Environment

A hostile work environment arises when a co-worker or supervisor engages in one or more of the following types of behavior:

- ❖ **Verbal**—examples include derogatory or sexually explicit offensive comments, repeated requests for dates or sexual activities.
- ❖ **Written**—examples include unwelcome suggestive, sexually explicit or obscene letters, notes, emails or invitations.
- ❖ **Visual**—examples include sexually based gestures, display of derogatory or sexually suggestive pictures, posters, cartoons etc. Staring at a person—looking them up and down.
- ❖ **Physical**—examples include pinching, touching, blocking movements, or any other unwanted physical contact. Brushing up against an individual.

Preventing Sexual Harassment

Every member of an organization is responsible for preventing sexual harassment in the workplace. You can be proactive in creating a healthy work environment by: communicating effectively and interacting respectfully with others.

- ❖ If you feel you are the victim of unwelcome sexual behavior, express yourself verbally and let the harasser know their behavior is making you uncomfortable. Many times individuals are unaware their intentions are being misinterpreted. Also, express yourself non-verbally—shake your head, frown, turn away, walk away. etc.
- ❖ If you think you have offended another employee, ask the individual if you have offended them or made them feel uncomfortable. Discuss the situation with them and clarify your intention.



Preventing Sexual Harassment

- ❖ Be conscious of your behavior and actions at all times.
- ❖ Demonstrate respect of others on a daily basis. Speak in a respectful tone, be sensitive to and respect boundaries, refuse to tolerate or participate in inappropriate behavior at any time.
- ❖ When you notice someone else is showing signs of discomfort with your behavior, stop and check-in with them and clear up any misunderstanding.



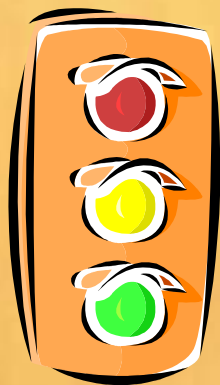
Preventing Sexual Harassment

As an employee, when in doubt about your behavior, ask yourself:

- ❖ Would I behave this same way if my child, mother or sibling were standing next to me?
- ❖ Would I want a reporter to write about my behavior or report it on the evening news?
- ❖ Would I want to describe my behavior in court in front of a judge?

Preventing Sexual Harassment

Use the Navy's Traffic Light Approach to help monitor your behavior and the behavior of others.



RED—stop—offensive

YELLOW—caution—borderline

GREEN—go—comfortable.



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Preventing Sexual Harassment

STOP

Sexual favors in return for employment rewards, sexually explicit pictures displayed/E-mails, criminal conduct/Sexual assault

CAUTION

Violating personal “space”, whistling, posters/calendars, off-color jokes, leering, repeated requests for dates, unwanted correspondence suggestive touching, sitting or gesturing.

GO

Performance coaching; polite touching; showing genuine concern, compliment, friendly conversation, encouragement



Preventing Sexual Harassment

Employers can prevent sexual harassment by:

- ❖ Developing a set of documented policies and procedures for identifying and dealing with sexual harassment.
- ❖ Distribute the policies and procedures to all employees and contracted labor.
- ❖ Employees should be required to sign and return a document stating they received and understand the policies and procedures
- ❖ Train employees on the definitions of sexual harassment and the consequences of such behaviors.

Preventing Sexual Harassment

Supervisors/managers can prevent sexual harassment by:

- ❖ Ensuring all staff have been trained and understand company policy on sexual harassment.
- ❖ Regularly inspecting work areas and removing any items that may be considered inappropriate.
- ❖ Being aware of, and responding promptly to stop, any inappropriate behavior.
- ❖ Responding promptly and appropriately to all complaints.

Dealing With Harassment

If you feel you are the victim of sexual harassment communicate directly with Human Resources.

When you are uncomfortable with someone's behavior:

- ❖ Ask the individual to stop their behavior and let them know their behavior is making you uncomfortable. Talk it through to clear up any misunderstanding.
- ❖ If the harassment continues contact HR. It is advisable to keep a log recording time and place of events, and names of anyone who may have witnessed the behavior.
- ❖ If you are concerned that any form of confrontation would escalate the situation you can say or do nothing and report it immediately to HR.



Dealing With Harassment

Recipients of sexual harassment may hesitate to report the behavior for many reasons including:

- ❖ They may be afraid they will not be taken seriously.
- ❖ They may be embarrassed or afraid they will be made fun of.
- ❖ They believe that everyone else is ok with the harasser's behavior.
- ❖ They fear the harasser will retaliate against them.
- ❖ They fear being fired, transferred or demoted.

Dealing With Harassment

Under Title VII, it is illegal for an employer or other employees to retaliate against any individual who:

- ❖ Disagrees with employers that discriminate based on sex, gender, race, religion or any other protected class.
- ❖ Files a discrimination charge.
- ❖ Offers testimony or partakes in an investigation or court proceeding.