



Sexual Harassment

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Recently we have heard about some high profile sexual harassment cases in the media. I thought this was a good time to remind all of us about sexual harassment in the workplace. This month's E-tip will provide information and guidelines about conducting ourselves in a professional manner whether we are in the workplace or with co-workers outside of the workplace.

Sexual Harassment Definitions

The Equal Employment Opportunity Commission's Definition of Sexual Harassment
Harassment on the basis of sex is a violation of (the law).

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

1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment.
2. submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
3. 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.

Examples of Forms of Sexual Harassment

Verbal

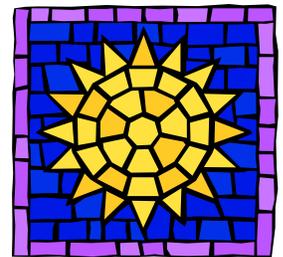
- ✓ Comments of a sexual nature
- ✓ Jokes of a sexual nature
- ✓ Sexual innuendo
- ✓ Pressure for dates

Physical

- ✓ Sexual touching
- ✓ Gestures of a sexual nature
- ✓ Flirting

Pictorial

- ✓ Graffiti of a sexual nature
- ✓ Any representation on a surface depicting, or displaying objects or subjects expressed in a sexual nature; or any other material thing that exhibits an expression of a sexual nature.



For more information go to: http://www.eeoc.gov/types/sexual_harassment.html

Let's discuss the various ways sexual harassment can occur.

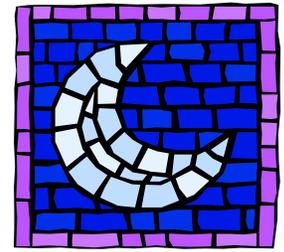
The legal standard for judging an event as sexual harassment is called the "Reasonable Woman Standard". Increasingly cases are judged on the question "Would any reasonable woman object to or be offended by this behavior?"

Sexual Harassment Continuum

Visual Verbal Physical Assault Rape

Visual - "Lee" has a calendar in his private office that features scantily clad women. Is this harassment?

"Karen" has recently returned from her trip to Mexico and asks if anyone wants to see her photos. You join a group of people looking at the pictures. Some of the photos she is passing around show topless women on the beach. Is this harassment?



Some examples of visual harassment:

- Pin ups and pornography (including video)
- Graffiti on walls with sexual comments, remarks, and drawings (Sometimes about a specific person)
- Cartoons of a sexual nature, sexual magazines and catalogs
- Sexual messages in E-Mail
- Letters and cards with sexual messages or pornographic pictures
- Leers and suggestive looks
- Sexually explicit or obscene gestures

Verbal - "Jim" frequently tells jokes of a sexual nature in the break room. "Susan" cannot help over hearing these jokes and is very offended. She tells "Jim" she doesn't think his jokes are funny. He says he is just kidding around. Is this harassment?

"Jill" makes personal calls from her cubical and loudly discusses her recent sexual exploits and peppers her conversation with foul language. Is this harassment?

Some examples of verbal harassment:

- Catcalls and whistles
- Sexual or dirty jokes; misogynist or misandric humor
- Sexual comments or innuendos about clothing, body, or sexual activities; sexual teasing
- Hostile insults
- Talking about sexual exploits or a partner's sexual inadequacies
- Obscene phone calls

Physical - "Paula" tells "Andy" frequently that he has a cute butt and often follows that with a "pinch on the butt". "Andy" has told her he doesn't appreciate her behavior but she continues to do it anyway. Is this harassment?

"Kathy" tells "Peter", her supervisor, that she is stressed out and she feels very tense. He then starts to massage her shoulders. Is this harassment?

Some examples of physical harassment:

- Strippers at parties
- Massages
- Unwelcome hugs and long, sexual handshakes
- Kissing
- Patting, pinching, or other inappropriate touching ("accidentally" brushing against someone)
- Touching in inappropriate areas
- Indecent exposure

Assault - "Justin" and "Julie" are co-workers. "Justin" has asked "Julie" out a number of times and each time she has said no. He continues to ask her out. Is this harassment?

"Art" is attracted to "Adam" and has cornered him in the men's room and asked him out for drinks after work. "Adam" feels threatened and has refused each time he is asked. Is this sexual harassment?

Some examples of assault:

- Grabbing, pinching, cornering, trapping or blocking someone
- Repeated pressure for dates
- Propositions (implied and overt threats and pressure for sexual favors)
- Forced fondling
- Stalking

Rape - "Dave" and "Marie" went out for drinks after work. They ended up at "Marie's" house for coffee. "Dave" forced himself on "Marie" even though she said she did not want a sexual encounter with him. Is this rape?

- Coercive rape
- Assault rape

If you wonder if your behavior in certain situations constitute sexual harassment ask yourself these questions:

- Would I behave this way if my "significant other" were present?
- Would it be ok for my "significant other" to have this experience?
- Would it be ok to have my behavior filmed and put on the 6 o'clock news?
- Would I behave this way if I knew my mother was watching?

In other words, try to look at your behavior from another's perspective. If they might possibly disapprove or if you feel your behavior needs to be secretive in any way, then it could be perceived as sexual harassment.

Whole Person Press, 1995, Louise Yolton Eberhardt

Impact of Sexual Harassment

We know that the trend of sexual harassment cases reported is up. A recent article in the Hartford Business Journal stated, "According to the U.S. Equal Employment Opportunity Commission, which oversees workplace discrimination complaints, 13,867 sexual harassment complaints were filed nationwide in fiscal year 2008. In fiscal year 2007, 12,025 complaints were filed. In fiscal 2006, 12,679 were filed."

But what about the impact of sexual harassment of all involved?

Person Targeted

1. Economic or Job Connected Injuries
 - a. Loss of job.
 - b. Poor job performance reviews.
 - c. Loss of wages and other benefits.
 - d. Forced transfer.
 - e. Additional financial costs.

2. Personal injuries
 - a. Emotional stress
 - b. Physical stress



c. Other physical and mental injuries

Harasser

1. Career or job loss
2. Legal liabilities
3. Negative interpersonal relationship with colleagues and upper management.

Witnesses to the Harassment

1. Low morale
2. Anxiety, frustration, and embarrassment
3. Loss of job opportunities.

Manager/Supervisor of the Harasser

1. Lowered performance
2. Lower morale and reduced employee loyalty
3. Court action and investigations

Organization

1. Lower productivity
2. Lower morale and reduced employee loyalty
3. Increased absenteeism and higher medical bills
4. Increased job turnover and its associated costs in recruitment, hiring, and training.
5. Legal costs
6. Tarnished public image
7. Other loss of income

Sexual Harassment Responsibilities

Of The Supervisor

1. Understand your organization's harassment policy and recommended procedures for handling sexual harassment complaints.
2. Be a role model.
3. Practice effective listening skills so you can listen actively when a person comes to you with a complaint.
4. Find out what action the employee wants to take and how the situation has affected his or her ability to do their job.
5. Be aware of what is happening in your department as well as in other areas of the organization.
6. Take every complaint seriously and investigate it.
7. Correct inappropriate behavior when you see it. Don't wait for a complaint.
8. Respect the rights of all parties.
9. Document all your discussions and talk with all involved.
10. Inform your supervisor and/or the appropriate company office of situations, your investigation, proposed actions, etc.
11. Follow up with the target to make sure there has been no retaliation since the complaint and that the behavior has stopped.
12. Don't assume that no complaints means there are no problems in your workplace.
13. Encourage constructive dialogue about sexism and sexual harassment.
14. Have an open door policy for sexual harassment problems.

Of The Witness

1. When you witness sexual harassment or what you think may be taken as sexual harassment, talk to the targets and let them know you see what is happening. And want to be supportive.
2. Speak up when you see offensive behavior and let the harassers know how you feel.
3. Do not tell or laugh at jokes that demean women or men.
4. Listen to target without judgment
5. Volunteer to accompany targets when they confront harasser(s) or when they talk to the appropriate official about the complaint.
6. Help targets find resources and experts who can help - EAP is a good resource for confidential advice and support.
7. Remind targets that what happened is not their fault.
8. Share what you witnessed about incident with managers, peers and others in the organization.

Of The Target

1. Trust your feelings
2. Learn about your legal rights and the organization's policies and procedures.
3. Explain to the harasser what you find offensive about their behavior, how it impacts you and your expectations of their behavior in the future.
4. Put your objections in writing and send it to the harasser. Keep a copy for your records.
5. Tell others about the harassment including supervisors, colleagues, union reps, etc.
6. Document all sexual harassment incidents or conversations about incidents.
7. Document your job performance in case of any retaliation regarding your work performance should occur.
8. Do not blame yourself and seek support.
9. Talk with others who may have been the recipients of similar treatment from your harasser.
10. Talk to possible witnesses to enlist their support

Of The Harasser

1. Pay attention to verbal and nonverbal cues from others to what you say and do.
2. If you think you have offended someone, discuss it with him or her.
3. Assume that women and many men do not enjoy comments about their appearance, do not want to hear sexually-oriented jokes or comments and do not appreciate being touched, stared at or propositioned.
4. If someone tells you to stop your behavior - STOP.
5. If you are a supervisor or manager, do not assume that employees will be comfortable telling you your behavior is offensive.
6. Remember that sexual harassment is illegal.

Of The Organization

1. Have a clearly define policy and procedure related to sexual harassment in the work place.
2. Offer periodic educational sessions about sexual harassment
3. Post the sexual harassment policy where all employees will see it.
4. Address each complaint as soon as possible
5. Treat each case with fairness and consistency
6. Leadership within the organization has a responsibility to provide positive modeling for all the employees of the organization.

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<http://www.solutions-eap.com>