Sexual Harassment for Employees

Script

1. **Course Title:** Welcome to this course on sexual harassment for employees.

2. **Course Player Instructions:** The following instructions will help you to navigate through this online course. Please watch and listen to this short tutorial. First, notice the play button. You can move through the course by using the controls at the bottom of the screen. When the progress bar reaches the end of the track, you have reached the end of the slide. To advance to the next slide, click the right arrow. To go back to the previous slide, click the left arrow. To pause, click the pause button. Click the play button again to continue. You can also use the course outline at the left to navigate through the course by clicking an item in the Course Outline. In some courses, additional features such as Search and Notes may appear as tabs next to the Outline tab at the top of the Course Outline. Click the volume icon at the bottom of the screen to adjust the volume. Move the slider up to increase the volume, or down to decrease the volume. Some courses contain activities that require you to interact with the screen. Many activities require you to click the Submit button at the bottom right to submit your answers. If the course contains attachments, they can be accessed by clicking Attachments at the top right of the screen. Clicking Attachments opens the Attachments windows. To read or download an attachment, click the link for the attachment. Close the Attachments window by clicking the OK button at the bottom right of the Attachments window. If the course contains a final exam, you can access it after you advance through the course to the final slide. To take the exam, click the “Take the Exam” button on the final slide. This will close the course player window and take you to the exam. To exit the course at any time, click Exit at the top right of the course. To resume the course later, visit your Inbox and locate the course you wish to resume. Then click the start button to the left of the course title. When asked, “Would you like to resume the course where you left off?” click Yes. You will then be able to continue the course. This concludes the Course Instructions tutorial. We hope that this introduction helps you move through the course more easily. You may now click the right arrow to continue this course.

3. **Course Introduction:** Sexual harassment is a form of illegal discrimination under Title VII of the Civil Rights Act of 1964 and is therefore prohibited in the workplace. Formal complaints of sexual harassment become civil actions and are litigated accordingly. In 1998 the U.S. Supreme Court unanimously ruled to widen sexual harassment claims in the workplace so that federal law protects employees from being harassed by members of the same sex.

   Besides being illegal, sexual harassment creates an unproductive, unpleasant, and sometimes even hostile working environment.

   This course will cover what sexual harassment is, why it is harmful, and what you can do about it.
This following concepts will be covered:

- Why it’s important for you 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; and
- How to prevent sexual harassment.

4. **Course Objectives:** The main objective of this course is to inform you about sexual harassment, so that your awareness of this issue will help prevent it. By the end of the 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; and
- Help promote and maintain a comfortable, productive work environment.

5. **The Statistics Highlight the Problem:** Sexual harassment affects thousands of employees each year across the U.S. To understand just how widespread the problem is we will look at some statistics. It is important to realize that these numbers only reflect formal complaints and it is believed that a vast number of sexual harassment situations go unreported.

There are about 13,000 cases of sexual harassment filed each year in the United States.

6. **A High Price to Pay:** These charges cost U.S. companies upwards of $45 million each year.

7. **Men and Women are Affected:** The number of complaints filed by men has more than tripled in recent years, indicating this is not just a woman’s problem.

8. **Why You Need to Know:** Why do you need to know about sexual harassment? You have the right to work in an environment that is free of sexual harassment. If you and your colleagues understand what it is and why it is harmful, this will help prevent it. You need to know about sexual harassment because we all have the right to fair treatment at work. Sexual harassment harms everyone, not just the victim. It undermines the trust and respect necessary for a productive work environment.

This is not just a woman’s issue—men and women on every level may be either harassers or victims. You should be able to recognize when someone else is being harassed and know what you can do to help that person. You also need to be aware of your own actions and avoid behavior that, while it might seem appropriate or natural to you, might be causing someone else to feel harassed.
9. **Harassment and the Law:** Harassment is not a subjective thing that can be arbitrarily decided upon by a boss or colleagues at a workplace. It is not up to your employer or your coworker to decide what constitutes harassment. It is clearly spelled out in the laws that govern our country.

Title VII of the Civil Rights Act prohibits employers from discriminating on the basis of race, color, national origin, religion, or sex. The courts have interpreted sexual harassment as a form of sex discrimination that is prohibited under Title VII.

State laws that address civil rights and fair employment practices also prohibit sexual harassment in the workplace. You can research your state’s laws by visiting their website.

The U.S. Equal Employment Opportunity Commission, or EEOC, has issued a comprehensive definition of sexual harassment. The EEOC’s website has thorough documentation on the subject, which you can research at their website ([http://www.eeoc.gov/laws/types/sexual_harassment.cfm](http://www.eeoc.gov/laws/types/sexual_harassment.cfm)).

10. **How Harassment is Defined by the Law:** The EEOC defines sexual harassment as sexual conduct that is unwelcome, harmful, or illegal. Let’s look at each piece of this definition.

11. **How Harassment is Defined by the Law – Unwelcome:** Sexual harassment is conduct that is **Unwelcome**. This can include overt sexual advances like cornering someone and leaning in close to kiss them, or something less obvious such as placing your hand on someone’s shoulder or neck. While one person might welcome this type behavior, it can be harassment for another person, one who **DOES NOT WELCOME** the action. It can include requests for sexual favors, verbal or physical conduct of a sexual nature, or displays of sexually explicit or suggestive materials such as risqué computer images or message on t-shirts.

12. **How Harassment is Defined by the Law – Harmful:** Sexual harassment is conduct that is **Harmful**. Harmful here not only refers to the physical, but also the emotional health of the victim. Emotional harm can affect individuals long after physical wounds might heal. Imaging the victim that becomes afraid to go to work and therefore earn an income to support themselves. Imaging victims that find it difficult to forge relationships after being harassed and developing deep trust issues or simply suffer sleep deprivation or chronic nightmares. Direct victims of harassment are not the only ones that can feel the harmful effects of harassment. Witnesses to the conduct also have a legal right in the matter. Even if the direct recipient of the harassment did not find the action harmful, for whatever reason, possibly because they are used to this type behavior or have a different set of values, a bystander that witnessed the act might, and therefore has the right to file complaint.

13. **How Harassment is Defined by the Law – Illegal:** Sexual harassment is conduct that is **Illegal**. Finally, remember that all forms of sexual harassment are not only offensive and wrong, they are also against the law and will not be tolerated by the United States

15. Activity: Is this Sexual Harassment?

In the following activity try to decide if the scenario is an act of sexual harassment, then click the button that indicates your answer.

- A male supervisor frequently makes comments about a female employee’s “curvy figure.” Is this sexual harassment?
  - Yes. Commenting on a coworker’s physical appearance, especially using terms of a sexual nature, constitutes sexual harassment.

- A female supervisor remarks that her male employee’s biceps look strong and attractive. Is this sexual harassment?
  - Yes. Male employees can be victims of sexual harassment and have the same protection under the law as female employees.

- A male supervisor makes frequent comments about a male employee’s physique. Is this sexual harassment?
  - Yes. 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.

16. Two Main Types of Sexual Harassment in the Workplace: The examples in the previous activity illustrate that sexual harassment is much more than, “If you want this promotion, you’ll have to sleep with me.” Supervisors, employees and even customers can be perpetrators, or victims, of sexual harassment. There are, however, two main categories of sexual harassment. They are:

- Tangible Employment Action, and
- Hostile Work Environment

Let’s take a closer look at each on the next slides.

17. Tangible Employment Action: Tangible employment action is also known as quid pro quo, or “this for that.” Literally, I will give you this, if you give me that, where “this” refers to some tangible employment benefit, and “that” refers to sexual favors.

The EEOC states, “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.” Here, the victim is the target of a tangible employment action because he or she refuses a sexual request.

18. Tangible Employment Action Examples: Examples might include being passed over for a promotion or a raise for refusing a bosses sexual advances, or being given a raise after submitting to a supervisor’s sexual requests. Alternately, a person might be
promised a raise or other job benefit in return for sexual favors. Tangible employment action focuses on the harm done to the victim rather than on the specific conduct of the harasser.

The employer is automatically liable if a supervisor takes tangible employment action against an employee.

19. **Hostile Work Environment:** A hostile work environment is created when unwelcome sexual conduct is severe and pervasive and unreasonably interferes with an individual's job performance and creates an intimidating or offensive work environment.

20. **Hostile Work Environment Examples:** The offensive conduct might be aimed specifically at certain persons, or it might be more generalized throughout the workplace.

This kind of regular and repeated conduct can include items displayed in the workplace that unreasonably interfere with job performance or that create an intimidating, hostile, or offensive work environment.

Examples of a hostile work environment include:

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

21. **Activity: Is this Tangible Employment Action or Hostile Work Environment?**

Introduction

22. **Activity: Is this Tangible Employment Action or Hostile Work Environment?**

In this exercise, decide whether the following statements are describing tangible employment action or hostile work environment:

- 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.
  - Hostile work environment
• James is preparing to submit Samantha’s annual review to their corporate office. Before he sends the review, he offers Samantha a change to improve her rating if she will come to his house for dinner and drinks that evening.
  - Tangible employment action
• 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.
  - Hostile work environment
• 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.”
  - Tangible employment action

23. **Who is Affected by Sexual Harassment?**
   It’s important to understand who the laws and workplace policies pertain to when sexual harassment occurs in the workplace, because it’s not just a supervisor and an employee that need to abide by these rules. It can be anyone in the organization, at any level. Unlawful sexual harassment can travel up, down, and sideways within the organization.

24. **Same Sex Harassment:** Sexual harassment is not limited to interactions between a male and a female. Harassers and victims can be members of the same sex. Male against male or female against female acts of sexual harassment can and do occur. The key is not the sexual orientation of the person or persons involved, but rather that the act of harassment is sexual in nature. Ordinary socializing in the workplace, including horseplay or even flirtation between members of the same sex will generally NOT be considered harassment; instead, the harassment must be of a hostile or abusive nature.

25. **Clients and Customers Can Commit Sexual Harassment:** In addition to the hired workers of an organization, clients and customers can also be guilty of committing sexual harassment against employees. For instance, a sales person can be harassed by a potential client, a server at a restaurant can be harassed by a customer, or a secretary can be harassed by a package delivery person. The point is, if you are at work, you have the right to a non-hostile work environment.

   Not only are the direct targets of sexual harassment protected, but bystanders and witnesses may also be considered to be sexual harassment victims, depending on the specifics of the case. If someone witnesses acts of sexual harassment against a co-worker, they may also be affected by harassment and are protected under the law.

26. **Activity: Is this Sexual Harassment?** Introduction

27. **Activity: Is this Sexual Harassment?**
In the following activity you’ll listen to a description of some behavior. Try to decide if the scenario is describing an act of sexual harassment, then click the button that indicates your answer. You’ll be given feedback on each situation after you answer.

- A male employee asks a female co-worker out on a date. Is this sexual harassment?
  - No, simply requesting a date is not sexual harassment. Though it may be against company policy, simply asking a co-worker out on a date is not harassment. However, if the answer is No, the employee should be careful about asking repeatedly. This can be a form of sexual harassment because it is evident that the advance is unwelcome.
- Two co-workers become friends and discuss personal issues. Is this sexual harassment?
  - No. 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.
- An employee sets their computer’s desktop wallpaper with a photo of a model in a bikini on a beach. Is this sexual harassment?
  - Yes. Under the EEOC definition, openly displaying a woman in a bikini is considered a “visual display of explicit or suggestive materials.”
- A female employee pins a picture of a sweaty, shirtless male in her work cubicle. Is this sexual harassment?
  - Yes, 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.
- What if a good customer makes provocative comments to employees? Is this considered sexual harassment?
  - Yes. Customers or clients can be guilty of sexual harassment, just as employees can.

28. **Sexualized Environments:** When obscenities, sexual joking, sexually explicit graffiti, downloading and circulating Internet porn, sexually degrading posters and objects, etc., are common in the workplace, it is considered to be a sexualized environment.

The danger of sexualized environments is their propensity to create atmospheres that encourage more serious and direct sexual harassment.

29. **Responsibility for Prevention:** The responsibility of preventing sexual harassment lies with you and your organization. Your organization should be working to create, communicate, and enforce a policy on sexual harassment. This policy should provide a clear statement of the company’s position against sexual harassment so that everyone understands what is and what is not acceptable behavior.

This policy should promote compliance, as well as prevention, by defining the responsibilities of managers and employees in preventing sexual harassment and in responding quickly and thoroughly to any complaints.

Finally, your company’s policy should protect your rights and fosters respect for everyone. Your company should maintain a respectful and dignified work environment
by preserving confidentiality whenever possible, and by communicating and enforcing a policy of “no retaliation” against anyone who reports sexual harassment.

30. **What You Can Do to Help** - So how does an employee of a company prevent sexual harassment? Let’s discuss some key actions you can take.

31. **What You Can Do to Help – Step 1:** First, know and comply with workplace policy on sexual harassment. Be sure to take the time to read it, and ask your supervisor or HR representative if you have any questions about your responsibilities.

32. **What You Can Do to Help – Step 2:** Next, and more specifically, it’s very important to address incidents of sexual harassment immediately. Report any incident that you reasonably believe is offensive, whether you are the direct target or not. If you can, respond directly to anyone who is committing sexual harassment, making it clear that this behavior bothers you.

If it’s uncomfortable for you to address them directly—for example, if the harasser is your supervisor—report the incident to your supervisor’s manager or to an HR representative. Record the time, place, and details of the incident, including the names of any co-workers who might have observed it.

33. **What You Can Do to Help – Step 3:** Finally, cooperate with investigations of sexual harassment. Provide any information you might have about an incident, and do your part to help make the investigation run smoothly and move as quickly as possible toward a resolution.

In addition, you can help prevent sexual harassment by supporting victims of sexual harassment as much as possible. Encourage them to report incidents according to workplace policy and support them throughout the process until it is resolved to everyone’s satisfaction.

34. **Summary:** In conclusion, here are the key points you should remember from this training session on sexual harassment:

- Sexual harassment is prohibited, both by law and by workplace 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; and

- Finally, you have the power to help prevent sexual harassment. Know the workplace’s policy, and do your part to confront sexual harassment, report incidents, and support victims.

35. **Take the Exam**