

North Country Community Mental health

Preventing Sexual Harassment in the Workplace

This training program is designed to help you become familiar with the issue of sexual harassment in the workplace – why it's important, what it is, and how we can prevent and deal with it. It also will explain the policies and procedures used by North Country Community Mental Health on sexual harassment.

About Sexual Harassment

Sexual harassment is an important issue to both men and women. Why?

Because...

- Sexual harassment can impact productivity and performance.
- The government and courts have clearly stated that sexual harassment is illegal.
- Sexual harassment needs to be addressed in the interest of being fair to employees.

EEOC Guidelines

Title VII, when it was passed in 1964, did not specifically define sexual harassment. It was not until 1980 that the Equal Employment Opportunity Commission (EEOC), the federal agency that enforces anti-discrimination laws, formulated its guidelines on sexual harassment. Although they do not have the force of law, the guidelines set forth the EEOC's interpretation of how sexual harassment is illegal sex discrimination under Title VII. Let's look at some of the key concepts covered in the EEOC guidelines.

Sexual harassment is any *unwelcome* sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. It occurs when:

1. Sexual favors are demanded "as a term of employment". *Example:* A supervisor demands that a subordinate employee sleep with him or be fired.
2. Sexual demands, once made, are refused and the employee faces adverse consequences for that refusal. *Example:* an employee rejects the sexual advance of his boss and he is demoted and later fired for his refusal.
3. The acts of verbal abuse, physical touching, sexual demands or other conduct of a sexual nature are so pervasive and persistent as to have "the effect of unreasonably interfering with an individual's work performance or creating a hostile, offensive, or intimidating working environment" for an employee. *Example:* male employees tease and insult women in the workplace with obscene jokes, sexual innuendoes, or display pinup girl posters. The female employees are embarrassed and offended by this behavior, which is carried out by co-workers with supervisors doing little to stop it, or by the supervisors themselves with top management doing nothing.

The relationship of the harasser to the harassed employee may be supervisor, co-worker, or non-employee (such as business visitor or customer) to an employee on the job.

The EEOC's guidelines establish a legal cause of action for sexual harassment when it occurs in two basic fact patterns. One is the quid pro quo, or "job detriment" case in which sexual demand is made in exchange for something else. ("if you sleep with me, I'll give you a promotion.") and if there is a refusal of the sexual demand, the employee faces an adverse consequence ("Since you will not sleep with me, you are fired."). The second is when the sexual harassment creates a "hostile working environment". An example is the co-worker harassment described above.

Important Terms

Quid Pro Quo. Literally, something for something. In this case it applies to a person using his or her power over an employee to demand sexual favors in return for a promotion, a raise, or other favorable terms. Anyone with influence as to the status of an individual can be guilty of quid pro quo harassment. This is the most common kind of sexual harassment.

Hostile Environment. *Regular or repeated* actions or item displayed in the workplace that unreasonably interfere with job performance or create an intimidating, hostile, or offensive environment.

Dealing with Sexual Harassment

Remember the employer's role is to...

- Establish a policy against sexual harassment and a procedure for receiving and investigating complaints.
- Investigate complaints immediately and thoroughly.
- Encourage complaints.

The employee's role is to...

- **Respond** – by telling the harasser directly how you feel about his or her actions.
- **Record** – by writing down name(s), the dates, time, and specifics of each incident and or your reaction(s).
- **Report** – immediately, according to North Country Community Mental Health's procedure.
- If the offender is your supervisor and he or she continues to harass you, speak to his or her supervisor or see your human resources specialist.

How to Avoid Being Labeled as a Harasser

1. Anyone may be considered a harasser whose behavior toward another becomes unwanted, offensive, and hostile, or creates an offensive and disruptive work environment. Unwanted sexual behavior can apply in cases of supervisor to subordinate or among peers and is not limited to men/women situations. Supervisors can also be victims of sexual harassment.
2. The assumption that our behavior is acceptable to everyone with whom we come in contact creates a difficult situation for both the victim as well as the harasser. Whether harassment is intended or unintended, you may be appropriately accused of harassment if you indulge in such actions as:
 - Making sexual comments about a person's clothing or body
 - Telling sexual jokes; using sexual innuendoes
 - Touching, hugging, patting, kissing
 - Repeated, unwanted overtures of a sexual nature
 - Displaying lewd or offensive pictures or objects
 - Using lewd or offensive gestures
3. If you are a supervisor, subordinates may not feel comfortable in telling you when they are offended or harassed. The attitude you exhibit toward employees determines whether they find it easy or difficult to speak up regarding treatment.
4. Be aware of how people respond to what you do and say. If an individual objects to your behavior toward them, listen and heed their objections. What is acceptable behavior to some people is not always acceptable behavior to others.
5. **Remember:** A complaint of sexual harassment can result in a lawsuit being filed against North Country Community Mental Health as well as the harasser.