



# Sexual Harassment

What Every Student Needs To Know

# Sexual Harassment in the Workplace

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- What do you know about sexual harassment?
- Do you think it is over or under reported?

Take the Quiz



What Is Sexual Harassment?

# What Is Sexual Harassment?

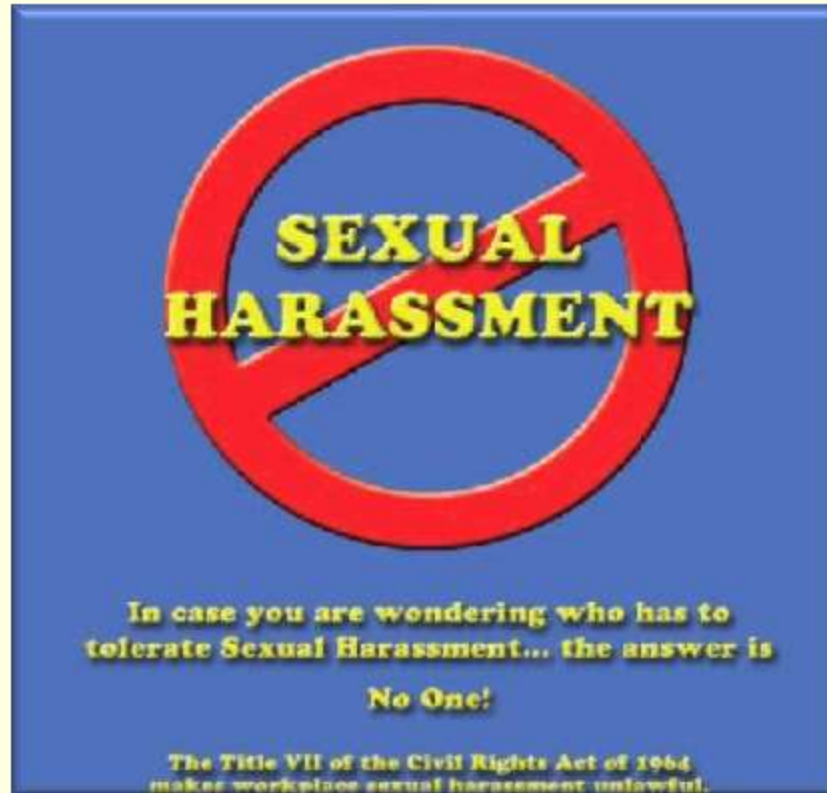
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- Sexual harassment means bothering someone in a sexual way.
- Sexual harassment is behavior that is not only unwelcome, but in most cases repeated.
- Sexual harassment is defined from the victim's point of view, not the harasser's.
- The goal of sexual harassment is not sexual pleasure, but gaining power over another.
- Sexual harassment is against the law.



# Who Has To Tolerate Sexual Harassment?

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**NO ONE!!**

# Federal Law

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- Illegal sexual harassment falls into four categories:
  - **A.QUID PRO QUO**
  - **B.HOSTILE ENVIRONMENT**
  - **C.SEXUAL FAVORITISM**
  - **D.HARASSMENT BY NON-EMPLOYEES**

# Quid Pro Quo

- A person suggests something will be given in return for sexual favors



# Hostile Environment

- Repeated unwelcome sexual conduct (jokes, posters, statements, behavior) has the effect of "poisoning" the employee's work environment





# Sexual Favoritism

- A supervisor rewards only those employees who submit to sexual demands



# Harassment by Non-employees

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- There is harassment by people outside the company, over whose actions the employer has control or could have control



# STATE LAW

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California law defines sexual harassment as the following:

- **VISUAL HARASSMENT** - derogatory posters, cartoons, or drawings; unwanted love letters or notes
- **VERBAL HARASSMENT** - derogatory comments or slurs, suggestive or insulting sounds, comments about anatomy or clothes
- **PHYSICAL HARASSMENT** - assault, impeding or blocking movement, or any physical interference with normal work or movement, when directed at an individual
- **SEXUAL FAVORS** - unwanted sexual advances which make an employment benefit contingent upon an exchange of sexual favors

# Sexual Harassment: Quid Pro Quo

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- Quid Pro Quo occurs when submission to, or refusal to submit to, sexual conduct is used to make employment decisions.
- Any conduct by a manager that reasonably causes a subordinate employee to feel pressure to enter into a sexual or romantic relationship as a condition of employment can be quid pro quo harassment

# Examples:

## Quid Pro Quo

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- Telling an applicant that you will hire her only if she's willing to "make your life sweet, on and off the job"
- Promising a subordinate better work assignments and higher evaluations if they will have a romantic relationship with you
- Downgrading an employee's performance evaluation because they won't become sexually involved with you

# Sexual Harassment:

## *Hostile Environment*

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- A hostile environment arises from inattentive management allowing a pattern of sexual conduct in the workplace so severe that it creates an intimidating, hostile or offensive work environment.
- Hostile environment can exist even *if there are no* sexual advances or romantic overtures.
- Display of pornography or sexually suggestive images
- Sexual banter between employees
- Leering
- Sexual jokes
- Unwanted touching of a sexual nature



# How to Determine Whether an Environment is Sexually Hostile

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**Conduct must be severe and pervasive.**

- Trivial or merely annoying conduct will not sufficiently alter and an employee's working conditions. Hypersensitive employees will not automatically be entitled to relief.

# How to Determine Whether an Environment is Sexually Hostile

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## **A pattern of offensive conduct generally required**

- Generally, a single incident or isolated incidents of sexual conduct will not be sufficient to show environmental harassment. However, if the conduct is severe (e.g. unwanted sexual touching), even a single incident can be sufficient to cause liability.



# How to Determine Whether an Environment is Sexually Hostile

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**Evaluated from the view of a "reasonable woman or man"**

- The victim's perspective, not stereotypes of acceptable behavior, will be used. The historic atmosphere of the workplace will not excuse offensive behavior. For example, harassment is prohibited in a warehouse work area to the same extent it is prohibited in an office environment.

# How to Determine Whether an Environment is Sexually Hostile

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**Not necessary for the victim to suffer psychological injury.**

- A claim of hostile environment harassment can arise even if conduct is not sufficiently severe to cause psychological stress. The conduct need only be offensive to a reasonable person.



# How to Determine Whether an Environment is Sexually Hostile

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**Any sexual conduct in the workplace can cause a problem**

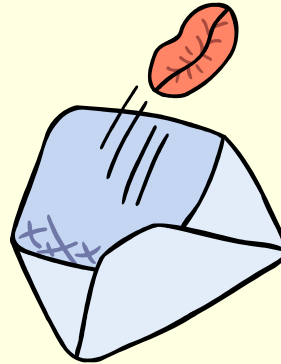
- Even if sexual conduct is not sufficiently outrageous to create a legally valid harassment claim, it can create serious employee relations problems and make an invalid claim more difficult to defend.

# SEXUAL HARASSMENT BEHAVIOR PATTERNS

## VISUAL HARASSMENT

### VISUAL

Staring  
Leering  
Obscene gestures



### WRITTEN

**Unwanted:**  
Love poems  
Love letters  
Cards  
Obscene poems

### **Sexually suggestive:**

Cartoons  
Posters  
Drawings  
Magazines  
Flyers  
Displaying sexually suggestive  
objects or pictures



# **SEXUAL HARASSMENT BEHAVIOR PATTERNS**

## **VERBAL HARASSMENT**

**Unwanted requests for dates  
Questions about personal life  
Indecent comments  
Dirty/sexual jokes  
Sexually explicit or degrading words  
Name calling  
Suggestive or insulting sounds  
Graphic, verbal comments about another's dress or body  
Whistling**



# SEXUAL HARASSMENT BEHAVIOR PATTERNS

## SEXUAL FAVORS

### POWER

Relationships

Using position to request dates,  
sex, etc.



### THREATS

Quid pro Quo

(Something is given in return for  
something else.)

Demands

Loss of job

Selection Process:

- demotion
- promotion
- raise, etc.

# SEXUAL HARASSMENT BEHAVIOR PATTERNS

## PHYSICAL HARASSMENT

**TOUCHING** Patting  
Grabbing  
Caressing  
Kissing  
Brushing against  
another's body

**VIOLATING  
SPACE**  
Blocking  
Following  
Cornering

**FORCE**  
Rape  
Physical  
assault



# EXAMPLES OF SEXUAL HARASSMENT

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## VERBAL

- Referring to an adult as a girl, hunk, doll, babe, or honey
- Whistling at someone, cat calls
- Making sexual comments about a person's body
- Making sexual comments or innuendos
- Turning work discussions to sexual topics
- Telling sexual jokes or stories



# EXAMPLES OF SEXUAL HARASSMENT

## VERBAL

- Asking about sexual fantasies, preferences, or history
- Asking personal questions about social or sexual life
- Making sexual comments about a person's clothing, anatomy, or looks
- Repeatedly asking out a person who is not interested
- Making kissing sounds, howling, and smacking lips
- Telling lies or spreading rumors about a person's personal sex life

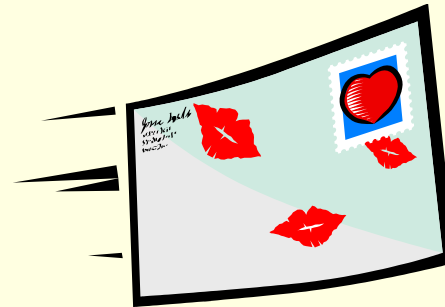


# EXAMPLES OF SEXUAL HARASSMENT

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## NON-VERBAL

- Looking a person up and down (elevator eyes)
- Staring at someone
- Blocking a person's path
- Following the person
- Giving personal gifts
- Displaying sexually suggestive visuals
- Making facial expressions such a winking, throwing kisses, or licking lips
- Making sexual gestures with hands or through body movements



# EXAMPLES OF SEXUAL HARASSMENT

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## PHYSICAL

- Giving a massage around the neck or shoulders
- Touching the person's clothing, hair, or body
- Hanging around a person
- Hugging, kissing, patting, or stroking
- Touching or rubbing oneself sexually around another person
- Standing close or brushing up against a person



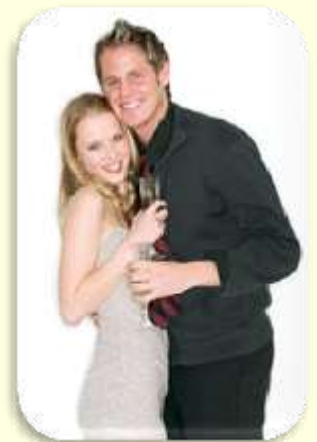
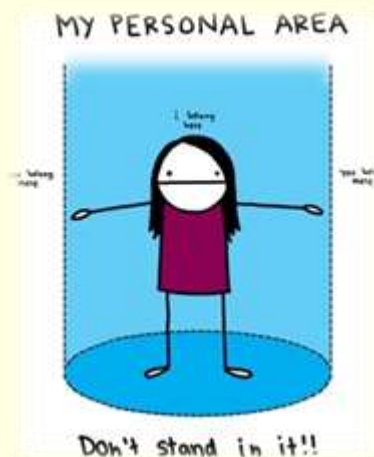
# COMFORT ZONES

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- A comfort zone can be described as a circle you draw around yourself inside which you only allow those behaviors with which you are comfortable.
- THESE BEHAVIORS INCLUDE:YOUR OWN  
AND
- THE BEHAVIORS OF OTHERS THAT YOU  
WILL ACCEPT WITHOUT CONSIDERING  
THE COMMENTS OR ACTIONS OFFENSIVE.

# COMFORT ZONES

- Each person has a different comfort zone.
- Each person selects what she/he allows inside her/his comfort zone.
- People have different comfort zones for different relationships; different times, and for different reasons.



# COMFORT ZONES (EXAMPLE)

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## DEGREE OF OFFENSIVENESS

### ■ Offensive

"You really fill out that outfit."

### ■ Possibly Offensive

"You look great in that outfit."

### ■ Almost Never Offensive

"What a beautiful jacket!"



# HOW DO YOU KNOW IF YOU ARE BEING SEXUALLY HARASSED?

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## **ASK YOURSELF THESE QUESTIONS:**

- Am I bothered by this behavior?
- How does it make me feel?
- Is this behavior related to my job?
- Is the behavior not asked for and unwelcome?
- Are these behaviors of a sexual nature?

# WHY SOME PEOPLE HESITATE IN TALKING ABOUT SEXUAL HARASSMENT SITUATIONS

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- Often recipients of sexual harassment are very embarrassed and don't want to talk about it with anyone.
- They fear that, if they talk about it, nothing will be done or the complaint won't be taken seriously.
- They fear reprisal, from the harasser, especially if that person is their boss or a representative of management.



# WHY SOME PEOPLE HESITATE IN TALKING ABOUT SEXUAL HARASSMENT SITUATIONS

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- They may be concerned about being labeled a troublemaker, especially if they are new on the job.
- They are afraid of being told that they "asked for it."
- They are afraid of being fired, demoted, not promoted, or transferred.
- They blame themselves.



# WHY SOME PEOPLE HESITATE IN TALKING ABOUT SEXUAL HARASSMENT SITUATIONS

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- They are told by someone that they should be flattered.
- They are afraid of being blamed or laughed at.
- Many may fear for their personal safety.
- Some women are told, "Be a good sport," "Can't you take a joke," "Boys will be boys," or "You've got to expect that in a traditionally male job".

**BOYS** WILL BE **BOYS**



# WHY SOME PEOPLE HESITATE IN TALKING ABOUT SEXUAL HARASSMENT SITUATIONS

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- They fear getting a bad reputation.
- They're told to be woman or man enough to handle it themselves.
- They don't want the sexual harasser to get in trouble.
- The employees may be unaware of the organization's policy on sexual harassment

**BAD REPUTATION**

# WHY SOME PEOPLE HESITATE IN TALKING ABOUT SEXUAL HARASSMENT SITUATIONS

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- The sexual harassment resource person has a reputation for being a sexual harasser.
- They don't want to get an industry-wide reputation as a complainer.
- They are reluctant to talk to someone because no one else seems to mind the harasser's behavior.



# WHY SOME PEOPLE HESITATE IN TALKING ABOUT SEXUAL HARASSMENT SITUATIONS

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- They just don't know how to deal with the situation or whom they should talk to.
- Some men are told, when harassed by a woman, "Go for it" "You should be flattered!" or "What's wrong with you?"
- Men or women, when harassed by someone of the same gender, may be told, "Maybe you really like the same sex," or "Why do you think he/she picked you?"

# WHAT IF IT HAPPENS TO YOU?

## WAYS TO HANDLE SEXUAL HARASSMENT

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**LET THE HARASSER KNOW THE BEHAVIOR  
IS UNWANTED.**

<b>a. Say it in person.</b>	<b>OR</b>	<b>b. Write it in a letter.</b>
<ul style="list-style-type: none"><li>• Follow up with letter.</li><li>• Deliver in person.</li><li>• Keep a copy.</li><li>• Bring a witness.</li></ul>		<ul style="list-style-type: none"><li>• Deliver in person.</li><li>• Bring a witness.</li><li>• Keep a copy.</li></ul>

# WHAT IF IT HAPPENS TO YOU?

## WAYS TO HANDLE SEXUAL HARASSMENT

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TALK ABOUT THE SITUATION WITH  
SOMEONE.

- a friend
- a co-worker



# WHAT IF IT HAPPENS TO YOU?

## WAYS TO HANDLE SEXUAL HARASSMENT

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KEEP A JOURNAL. DOCUMENT IN DETAIL  
ALL OF THE FOLLOWING:

- What happened
- Where and when it took place
- Your response
- Any witnesses
- Whom you told and what you said





# WHAT IF IT HAPPENS TO YOU?

## WAYS TO HANDLE SEXUAL HARASSMENT

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FIND OUT IF THE HARASSER HAS  
HARASSED OTHERS FROM THE  
FOLLOWING SOURCES:

- witnesses
- other evidence from co-workers



# **WHAT IF IT HAPPENS TO YOU?**

## **WAYS TO HANDLE SEXUAL HARASSMENT**

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**IF THE FIRST MEETING OR LETTER DOES NOT STOP HARASSMENT, REPORT IT TO ONE OF THE FOLLOWING PEOPLE:**

- Supervisor/personnel
- Whomever company policy says

# WHAT IF IT HAPPENS TO YOU?

## WAYS TO HANDLE SEXUAL HARASSMENT

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IF THE HARASSMENT PERSISTS, FILE A WRITTEN COMPLAINT, USING THESE STEPS:

- Use company's grievance procedure.
- Seek support and advice from union, lawyer, women's groups other human rights agencies.



# **WHAT IF IT HAPPENS TO YOU?**

## **WAYS TO HANDLE SEXUAL HARASSMENT**

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**AFTER FILING WITH EITHER AGENCY,  
CONTACT ONE OF THE FOLLOWING FOR  
ADVICE:**

- Lawyer
- Legal Aid Society
- Community legal services

**AFTER LEGAL CONSULTATION YOU MAY  
CHOOSE TO FILE A LAWSUIT BASED ON  
CALIFORNIA LAW.**

# WHAT IF IT HAPPENS TO YOU?

## WAYS TO HANDLE SEXUAL HARASSMENT

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IF COMPANY DOES NOT STOP HARASSMENT, FILE A COMPLAINT WITH ONE OF THE FOLLOWING AGENCIES:

- The Department of Fair Employment and Housing (state agency), if company has no more than 15 employees
- The Equal Employment Opportunity Commission (EEOC) (federal agency), if company has more than 15 employees



# **COMMUNICATION**

## **POINTS TO REMEMBER WHEN CONFRONTING A SEXUAL HARASSER**

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### **THE "DO'S"**

- **USE AN ASSERTIVE METHOD CALLED  
"THE BROKEN RECORD TECHNIQUE."**
- **STATE YOUR POSITION AND KEEP  
REPEATING IT.**
- **BE SPECIFIC.**
- **BE CONSISTENT.**
- **BE DIRECT AND CONFIDENT.**

# **COMMUNICATION**

## **POINTS TO REMEMBER WHEN CONFRONTING A SEXUAL HARASSER**

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### **THE "DO NOT'S"**

- **DO NOT DEBATE OR ARGUE WITH THE HARASSER.**
- **DO NOT ASSUME ANY RESPONSIBILITY FOR THE SITUATION.**
- **DO NOT ANALYZE THE HARASSER'S PROBLEMS.**
- **DO NOT REFER TO THE HARASSER'S PERSONAL LIFE.**

# Filing a Charge

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- The U.S. Equal Employment Opportunity Commission





# GUIDELINES

## HOW NOT TO SEXUALLY HARASS OTHERS

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- Until you learn otherwise, assume that a person you don't know will NOT enjoy off-color jokes or sexual advances at work.
- Sharpen your listening skills and pay attention to the other person's verbal or physical responses. If someone's responses seem negative, trust that they are. (Examples: Someone turns his/her eyes away or moves physically away).
- If a person tells you NO, then assume that "NO" means "NO."



**IF YOU ARE UNSURE WHETHER YOUR  
WORKPLACE BEHAVIOR IS  
ACCEPTABLE**

**ASK YOURSELF THE FOLLOWING  
QUESTIONS:**

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Would I want someone to act this way toward  
someone I love?

(Ex: girlfriend/boyfriend, wife/husband,  
sister/brother)



- 
- Would I behave this way if a member of my family was standing next to me?



- 
- Would I want this behavior to be the subject of a column in the newspaper, or to appear on the evening news?



- 
- Is this behavior mutually acceptable to the other person and me?



- Is there equal power/authority between the other person and me?



# Workplace Scenarios

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# CONGRATULATIONS

You have successfully  
completed the 49er ROP  
Sexual Harassment Unit!

**PLEASE PRINT FOR YOUR INSTRUCTOR**

Print Your Name, Period and Date

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**PCOE** 49ER **ROP**  
Excellence in Career Preparation