
HARASSMENT

Harassment is conduct that exhibits a lack of respect toward another person or group. It may occur as bullying, threats or intimidation, abusive words, slurs, graphic material that shows hostility toward an individual or group, put down jokes, etc. It may be subtle, unintentional and done without being consciously aware that you are doing it.

Under the Civil Rights Act of 1964 (amended in 1991), certain groups are protected on the basis of:

- Race
- Color
- Religion
- Sex
- National origin

Other laws protect on the basis of the following:

- Gender
- Marital status
- Sexual orientation
- Age
- Disability

In determining whether harassment has, in fact, occurred, a “**reasonable person**” standard is applied. Would a reasonable person consider the behavior or act over the limit? Courts have ruled that the perception of the victim outweighs the intention of the aggressor provided the perception is reasonable.

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If the act(s) of one person or persons has the effect of making another feel uncomfortable, humiliated, embarrassed or unsafe, the action(s) may be considered harassment.

Harassment may result in decreased productivity, lowered morale and higher employee attrition. These all impact organizational effectiveness.

How can we prevent harassment?

The following guidelines may help you to prevent harassment at work:

- Show respect for others
- Focus on each individual's ability to contribute **not** their personality
- Respect a person's right to perform their job
- Think before you speak
- Be careful with jokes at work and avoid "off color" humor
- Consider how an outsider might consider your actions or conduct
- Avoid being pressured by peers to act out of character
- How you conduct yourself at home or in other settings might not be appropriate at work

How to handle perceived harassment:

- Talk to the offender
- Be specific about the behavior that bothers or offends you
- If it continues, discuss it with your manager, labor relations or, if necessary, file a formal complaint. This should be your last resort if all else fails.

Who is a harasser ?

A harasser can be a supervisor, co-worker or anyone in the organization who has apparent or real authority to affect the victim's terms of employment. However, a single quid pro quo act may not be sufficient to constitute sexual harassment.

SEXUAL HARASSMENT

There are **two types** of sexual harassment:

1. Hostile environment AND
2. Quid pro quo (this for that)

Hostile Environment

This occurs when constant sexual acts or conduct creates an offensive work environment that affects one's ability to do their job. This is the most common form of sexual harassment.

Physical acts include unnecessary touching, hugging grabbing, pinching, holding, kissing or blocking one's path.

Verbal conduct includes obscene language, sexual innuendos, crude jokes about gender based traits, discussing sexual activities, commenting on someone's physical attributes.

Nonverbal behavior includes sexually suggestive or obscene gestures or noises, exhibiting sexual explicit materials such as calendars or pictures, using computer based images that depict sexual scenarios, pornography, giving letters or gifts of a sexual nature.

Quid Pro Quo Harassment (this for that)

This type includes tangible employment actions such as:

- A promotion or raise in exchange for a sexual favor
- Inflated performance evaluation

It also occurs if/when a superior punishes an employee for refusing to engage in the sexual conduct. Examples of this are:

- Job loss
- Blocked promotion
- Demotion/transfer
- Poor job performance evaluation or action

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QUIZ

True or False (Circle T or F)

- T/F 1. The Civil Right Act of 1964 prohibits discrimination based on race, color, religion, sex or national origin.
- T/F 2. Harassing behaviors show lack of respect toward another person or group.
- T/F 3. Behavior must be violent or angry to be considered hostile.
- T/F 4. Pervasive means the conduct is ongoing.
- T/F 5. The intention of a person's behavior must be considered when determining whether harassment has occurred.
- T/F 6. A "reasonable person" standard is applied to determine whether behavior is considered harassment.
- T/F 7. Harassment is only costly to an organization when a lawsuit is filed.
- T/F 8. The key to prevention is to understand what harassment is and how it impacts others.
- T/F 9. Reasonable actions include letting the offender know that his/her behavior is unwelcome or inappropriate to you.
- T/F 10. Respecting our differences is critical in order to avoiding harassment in the workplace.