

Preventing Sexual Harassment Training

Understanding and Preventing Sexual Harassment in the Workplace

Transcript

0:02

Welcome to Preventing Sexual Harassment Training.

0:05

In recent years, the topic of sexual harassment in the workplace has been brought into the National Spotlight, bringing with it renewed awareness about the serious and unacceptable nature of these actions, and the severe consequences that follow.

0:20

The term sexual harassment may mean different things to different people.

0:24

Depending on your life experience, certain conduct may seem acceptable or have seemed acceptable in the past, but that does not mean that it's acceptable to the people we work with.

0:36

The purpose of this training is to set forth a common understanding about what is and what is not acceptable in our workplace.

0:45

Training is developed by the Department of Human Resources Management, THRAM, and present fundamental information for preventing sexual harassment for contractors, performing work under state government contracts.

1:01

By the end of this module, you'll be able to understand the law and protections, define sexual harassment, participants and unwelcome conduct, understand reporting and retaliation, and identify how to prevent sexual harassment.

1:20

Law and protections.

1:25

Sexual harassment, which is a form of illegal discrimination, is prohibited by law, State Policy, and the Governor's Executive Order on Equal Employment.

1:36

These laws and policies, forbid harassment against any employee or applicant for employment or any other third party and the Commonwealth's workplace.

1:45

This training focuses on discriminatory workplace harassment on the basis of sexual orientation, gender, gender identity, or gender expression.

2:00

Why does the law protect? Individuals are entitled to work in an environment free from harassment based upon gender. Therefore, the law protects both male and female employees at all levels and in all types of jobs from unwelcome sexual conduct.

2:17

Same sex harassment is against the law.

2:20

Sexual harassment does not always involve a male harassing a female. It is unlawful for male to sexually harass another male and for female to sexually harass another female.

2:31

The only other issue is whether the harasser is treating the recipient a particular way because of his or her gender.

2:41

Harassment of both men and women can be illegal.

2:45

Equal opportunity harassment, where harassers subjects, both men and women to offensive conduct, can violate Title seven.

2:54

For instance, an employer may be liable for sexual harassment, even if a male manager accused of harassing a female subordinate, also harasses male subordinates.

3:05

This is particularly, so, if the harassment toward the woman centers on the fact that she's a woman.

3:11

For example, the manager makes a derogatory statement about women, makes explicit references to women's bodies, and, or engages in other sexual conduct.

3:22

Sexual orientation, harassment is illegal. Harassment on the basis of sexual orientation, and or gender identity is illegal, both under the new Supreme Court decision and Virginia law.

3:36

Further, this conduct is not in keeping with the Commonwealth's commitment to maintaining a diverse and inclusive workforce, and an engaged and civil work environment.

3:51

Let's protect it.

3:53

Under law and state government policy, all state employees and applicants for state employment, customers, clients, contract workers, volunteers, and other third parties are protected from any prohibited conduct.

4:09

The offender, or target of any prohibited conduct may be a supervisor, manager, co-worker, intern, or contractor.

4:20

In addition, non-employee customers, vendors, volunteers, or other third parties who have business interactions with the state employees are both protected from and may not engage in prohibited conduct.

4:34

This includes applicants for state employment or services.

4:39

An individual does not have to be the target of the harassment.

4:43

Or other prohibited conduct to make a complaint but can be anyone who is affected by the offensive behavior or who observes it.

4:56

What is sexual harassment?

5:03

In the language of workplace harassment, there are three references used to describe the participants.

5:10

The target or recipient is the individual receiving the harassing behavior.

5:16

The word evicting is not used because it gives the tone of helplessness.

5:20

Individuals who are targets of harassment are not powerless.

5:25

Perpetrator is the individual doing the harassing behavior. There may be more than one involved.

5:32

Observer, and, or third party, is anyone who sees an incident of harassment occurring, whether they take action or not, Note that failing to take action is an action in itself and gives implied approval of the offender's behavior.

5:52

Sexual harassment is unwelcome sexual conduct that explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance or creates an intimidating, hostile, or offensive work environment.

6:09

It may include unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature.

6:19

There are two basic forms of sexual harassment.

6:23

The first form of sexual harassment is conduct that creates a hostile work environment.

6:28

Generally speaking, a hostile work environment is created by multiple sex based incidents or comments over time that permeate the workplace to make it hostile.

6:39

The second is called Quid Pro Quo Harassment, which literally means this, for that.

6:45

It occurs when a person having power or authority offers to provide or withhold the benefit of the workplace in exchange for some kind of sexual favor or conduct.

7:03

Hostile work environment is a form of sexual harassment that occurs when a target is subjected to unwelcome and severe or pervasive, repeated, sexual comments, innuendoes, touching, or other conduct of a sexual nature that creates an intimidating or offensive place for the employees to work.

7:23

A work environment is considered hostile when sexual behavior is severe or pervasive enough to alter the target's employment conditions and create an abusive work environment.

7:39

Some activities that could create a hostile work environment would include discussing sexual activities or sexually explicit jokes, Unnecessary touching the use of demeaning or inappropriate terms such as babe, Fox, Sweetheart, Doll, et cetera.

7:58

In decent gestures, constant pursuing someone for a date, wearing of certain types of clothing, using crude or offensive language, and displaying sexual pictures or pin ups.

8:19

Quid pro quo means this for that, or giving something to get something.

8:24

For example, I'll give you a promotion if you have sexual relations with me.

8:29

Quid pro quo harassment is a form of sexual harassment in which a person of authority, including managers and supervisors, accept receipt of job benefits, or impose, tangible job detriments on the acceptance or rejection of the harassment where employment opportunities or benefits are granted because of an individual submission to the sexual advances requests for sexual favors, An employer may be held liable for unlawful sex discrimination against other persons who are qualified for but denied that employment opportunity or benefit.

9:11

Quid pro quo harassment is based on a power issue between the perpetrator and target.

9:16

Examples of quid pro quo harassment include a supervisor telling a subordinate employee that if he or she accompanies the supervisor for a weekend getaway, the supervisor might be able to arrange for some paid time off for the employee, or look into a promotion for the employee.

9:37

A person in authority is threatening to discredit a subordinate employee if they won't attend a party with them after work.

9:44

Quid pro quo harassment is very serious.

9:48

If it is found to occur, management must take swift action to address the behavior.

10:00

Harassment can occur whenever and wherever employees are fulfilling their work responsibilities, including in the field, at any employer sponsored event, trainings, conferences, and office parties.

10:13

It can occur off site or during non-work hours, too.

10:18

This can include employee interactions during non-work hours, such as at a hotel, while traveling, or at events after work, that can have an impact in the workplace.

10:29

Locations off site and off our activities can be considered extensions of the work environment.

10:36

Also, keep in mind that employees can be the target of sexual harassment through calls, texts, e-mail, and social media.

10:44

Harassing behavior that in any way affects the work environment should be addressed immediately.

10:56

Let's explore the concept of unwelcomed conduct as a key factor in harassment.

11:02

To be considered hostile environment harassment, the conduct must be unwelcomed in some way.

11:09

The flip side of this is that if the conduct is welcome and no one has any problem with the behavior, then a hostile work environment may not exist. However, can you always be sure that those around you welcome the conduct you might engage in or experience?

11:26

For instance, just because someone voluntarily goes along with something, or does not immediately object to conduct as offensive, does not mean that the person welcomes the behavior.

11:39

The workplace is full of formal and informal disparities of power.

11:43

Therefore do not rely on the fact no one objected to offensive behavior in the past to determine that certain conduct is welcome.

11:53

Everyone has the right to a harassment free workplace. What is welcome to you may not be welcomed to others.

12:00

Just because others engage in behavior that appears to be welcome does not mean you can do the same thing, and your actions will be considered welcome.

12:09

Just because it was welcome yesterday, does not mean it is welcomed today.

12:14

Employees may consider behavior welcomed in one circumstance but unwelcome in another.

12:20

Therefore, employers must be cognizant of how conduct affects everyone in the workplace.

12:26

Employees must be sensitive to indications from a co-worker that their conduct or language is making him or her uncomfortable.

12:39

Here is a brief example of unwelcomed conduct.

12:43

A male employee is a very friendly personality. He takes time to get to know his team members and chats with them about their life outside of work frequently.

12:54

Most employees appreciate his friendly style.

12:57

He is also known to hug female employees hello or goodbye.

13:01

No one has objected to the hugging, but it makes some feel uncomfortable, and they do not engage in physical contact with him.

13:10

The employee here walks a very thin line.

13:13

Does he know everyone on the team who does not want to engage in hugging?

13:17

No one has objected or reported the behavior, but that does not mean that it would be appropriate for him to hug someone if that person found it offensive.

13:30

Remember, when conduct stops being welcomed, it starts becoming harassment.

13:36

Another key factor in defining harassment is determining how severe and pervasive the unwelcome conduct is.

13:44

In addition to being unwelcome a hostile work environment must involve conduct that is sufficiently severe or pervasive as to alter the conditions of the target's employment and create an abusive working environment.

14:00

This means that the conduct could be a single or few instances of behavior that are particularly severe.

14:07

Or there are many incidents over time that are pervasive in the workplace such that a hostile work environment is created.

14:16

To determine whether severe or pervasive harassment has occurred, all of the circumstances of a situation are considered including the frequency and severity of the conduct whether it is physically threatening or humiliating,

14:31

Whether it unreasonably interfered with the employee's work performance,

14:35

the nature of the conduct such as whether it is physical or verbal, the identity of the perpetrator in relation to the target in all the context surrounding the conduct.

14:48

These are not assessments that employees should be making.

14:51

No one should wait for the line of severity or pervasiveness, to be crossed before reporting harassment.

14:58

Management should not wait for conduct to become so severe or pervasive that a hostile work environment is created before taking action to stop and prevent it from progressing.

15:11

Regardless of how mild the behavior may seem, if it is unwelcome, unwanted or unsolicited, it is unacceptable and may be interpreted as harassment.

15:23

All such behaviors should be reported and appropriately addressed by management.

15:32

To summarize, let's look at some examples of behaviors that could be sexual harassment.

15:39

Any kind of unwelcome physical contact, even if not immediately apparent to be sexual in nature, could be harassment, especially if repeated.

15:50

Discussion of sex, sexual comments, sexually related jokes, and puns or questions about someone's sexual experience or preferences, should never be part of a workplace discussion.

16:04

Even if the person you are talking with about those things, welcomes the comments, it could create a hostile work environment for others in the workplace, who overhear or hear of the discussions. Compliments or comments about someone's appearance, whether directed at the individual or not could also create a hostile work environment.

16:26

Before making a comment of this kind, consider whether you only make those kinds of comments to co-workers of one gender or sexual orientation.

16:36

Comments of these sorts, while appreciated in the correct context, can also be upsetting, offensive, and demeaning, even if well-intentioned.

16:46

An exception here would be where a supervisor needs to address a dress code violation.

16:50

Displaying, or even watching inappropriate, sexually related videos, or photos, would violate a variety of state policies and potentially laws and

17:03

could also create a sexually harassing work environment.

17:08

Other gendered or stereotyped comments like referring to female co-workers as honey, sweetheart, or girl, for example, would not be appropriate either.

17:20

Remember, we also discussed in the beginning that non sexual conduct may also result in sexual harassment

17:26

for example, if someone is harassed because the person is female rather than male, because the person is male rather than female, or because of the person's sexual orientation, gender, identity or gender expression.

17:46

Reporting and retaliation.

17:52

We cannot stop harassment in the workplace unless management knows about the harassment.

17:57

It is everyone's responsibility.

18:00

You are encouraged to report harassment to a supervisor, manager, or another person designated by your employer to receive complaints.

18:11

Once you report harassment, your company should investigate any claims.

18:16

You should report any behavior you experience or know about that's inappropriate without worrying about whether or not it is unlawful harassment.

18:25

Individuals who report or experience harassment should co-operate with management so, a full and fair investigation can be conducted, and any necessary corrective action can be taken.

18:39

Finally, if you're not sure you want to pursue a complaint at the time of potential harassment, document the incident to ensure it stays fresh in your mind. You may also file a complaint with the Federal Equal Employment Opportunity Commission, EEOC.

19:00

What should I do if I witness sexual harassment?

19:04

Anyone who witnesses or becomes aware of potential instances of sexual harassment should report it to a supervisor, manager, or designee.

19:15

It can be uncomfortable and scary, but it's very important to tell co-workers that it is not OK when you are uncomfortable about harassment happening in front of you.

19:26

It is unlawful for an employer to retaliate against you, or reporting suspected sexual harassment or assisting in any investigation.

19:40

Reporting expectations. Reporting incidents of prohibited conduct should occur as soon as possible after the incident occurs.

19:50

Under no circumstances shall the recipient of prohibited conduct, be required to file a complaint directly with the alleged perpetrator.

19:58

Under no circumstances, shall the alleged perpetrator be allowed to investigate the complaint against him or her.

20:12

Retaliation, is any action taken to alter an employee's terms and conditions of employment such as a demotion or harmful work schedule or location change because that individual engaged in any of the above protected activities.

20:28

Such individuals should expect to be free from any negative actions by supervisors, managers, or the employer motivated by these protected action activities.

20:40

Retaliation can be any such adverse action taken by the employer against the employee that could have the effect of discouraging a reasonable worker from making a complaint about harassment or discrimination.

20:55

The negative action need not be job related or occur in the workplace and may occur after the end of employment, such as an unwarranted negative reference.

21:12

The Commonwealth of Virginia state government will not tolerate any form of retaliation, directly against an employee or third party, who in good faith, either reports these prohibited behaviors or participates in any investigation concerning such behaviors.

21:35

Preventing sexual harassment.

21:41

Here are some basic guidelines for determining whether your behavior or the behavior of others may contribute to or constitute a hostile work environment.

21:51

If the answer to any of these questions is no, appropriate action should be taken to stop the behavior.

21:58

If you're wondering if your action or behavior may be harassment, ask yourself, would you want the same thing said or done in front of your spouse, sibling, child, or parent?

22:11

Would you normally say or do the same thing to a member of your own sex for male/female harassment?

22:23

It is important for everyone to treat others with respect and dignity in the workplace.

22:28

Discriminatory harassment, including sexual harassment is unlawful.

22:33

And it has a serious impact on the work environment.

22:37

A hostile work environment negatively affects employee productivity in agency business and can create issues with retention and turnover.

22:47

Establishing an inclusive workplace culture starts at the top of the organization with executive management.

22:54

Ultimately, everyone is responsible for helping to create a welcoming, safe, and respectful workplace.

23:02

Individuals can contribute to this goal by above all, not engaging or participating in harassing activity or prohibited conduct.

23:12

Anyone who is a target of possible prohibited conduct or who sees possible prohibited conduct occurring that is directed at other employees or third parties should report the situation to their employer's management or to human resources as soon as possible.

23:30

Supervisors and managers are responsible for holding offenders accountable for violations of policy.

23:40

Thank you for your participation in preventing sexual harassment training.

23:45

The prevention of sexual harassment is essential to creating a workplace supportive of engagement and inclusion.

23:51

It is something that we must all support to ensure we create a safe and supportive workplace.

23:57

For questions regarding your training, certificate, sexual harassment, additional training, or other HR or legal matters, please contact your employer.