

Sexual Harassment: It's a Matter of Respect!

Introduction

Sexual Harassment is an important issue that affects everyone in the workplace. It doesn't matter whether you are a man or a woman. It doesn't matter whether you are straight or gay. You need to understand about sexual harassment. This course will help you recognize sexual harassment when it happens. It will also help you examine your own behaviors at work.

What is Sexual Harassment?

It is not always easy to know whether a particular behavior at work is proper or not. Many people are confused about what sexual harassment really is. The Equal Employment Opportunity Commission (EEOC) defines it this way. Sexual Harassment is:

- Unwelcome sexual advances
- Requests for sexual favors
- Verbal or physical conduct of a sexual nature
- Suggesting that sexual favors are a term or condition of employment
- Conduct that interferes with a person's work performance
- Conduct that creates a hostile or offensive work environment

Identifying Sexual Harassment

How can you identify sexual harassment in the workplace? Here are some actions that could constitute sexual harassment:

- Someone exposes himself or herself to you
- Having to listen to "sex" jokes told by co-workers
- Having unwelcome comments made to you or about your body, such as, "hey good-looking", "hi, babe", "You look hot today!" or "You've got a great body."
- A family member of one of your patient's says you should have sex with him or Jose your job
- A co-worker grabs or touches you in a sexual way
- A supervisor says, "If you and I get together for the weekend, I think that it would help your chances of a promotion."
- A co-worker constantly talks about her sex life. She uses language that is dirty and embarrassing.
- Someone in power tries to take sexual advantage of someone who does not have the same level of power
- Sometimes sexual harassment is not as easy to identify. The main thing is whether or not the attention is unwanted and unwelcome. For instance, the following actions may or may not be sexual harassment:
- Being given a back rub by a co-work
- Being stared at by a colleague
- A co-worker hit on me and asked me on a date

People who are victims of sexual harassment may not complain or report the abuse. Here is a list of reasons:

- They are too embarrassed.
- They feel that they have done something to bring on this type of behavior
- They are afraid of being labeled a "trouble maker"
- They are scared of what the other person may do
- They feel that it is just part of the job
- They are afraid they may lose their job

Types of Sexual Harassment

Basically there are two types of sexual harassment:

1. Quid Pro Quo
2. Hostile Work Environment.

Let's look at the differences between these two types of sexual harassment.

Quid Pro Quo

Quid Pro Quo is a Latin term that means "this for that." This type of harassment is when an employer uses harassing behavior as the basis for making employment decisions. This is against the law. Employers cannot make employment decisions based on such things as race, ethnic background, or gender. In addition, employers are not allowed to make employment decisions on the basis of whether or not an employee grants or withholds "sexual favors." Employment benefits can NEVER be granted, refused, or promised in exchange for sexual favors or romantic interest.

Hostile Work Environment

A Hostile Work Environment describes a workplace where it is difficult for employees to concentrate on his or her job because of the open sexual nature of conversations, pictures, or actions that occur in the workplace. The following actions can all contribute to such a hostile environment:

- Insults or threats
- Offensive sexual material, such as pictures or calendars

- Sexual language
- Off-color jokes or stories
- Unwanted comments about an individual's body
- Unwanted requests for dates or for sexual favors
- Unwanted touching

What is Unwanted and Unwelcome Behavior?

In order for sexual harassment to occur, it must be unwelcome or unwanted. The purpose of the law is not to prevent people from entering into personal, mutually acceptable relationships with people they meet in the workplace. It is designed to prevent workers from being harassed or embarrassed.

Unwelcome behavior is usually met with a negative response from the other person. It includes words such as:

- "No!"
- "No, thank you"
- "I'm not interested"
- "Please do not do that"
- "Please do not speak to me like that"
- "Stop it"
- "Thanks, but no thanks"

What is harassing behavior to one person may not bother another person. To avoid sexually harassing another person, it is important to respect the person's signals that say "no." Each person's right to refuse unwelcome behavior must be respected.

Who is guilty of Sexual Harassment?

There is a myth that sexual harassment only occurs between a male boss and female worker. People often think of the days when Hollywood movie producers would lure young starlets onto the "casting" couch before they were selected for a film. But sexual harassment includes many more types of behavior.

Today, sexual harassment can include:

- Peer-to-peer harassment; among co-workers or equals
- Third Party Harassment. This is where the person is not the direct target but may be exposed to unwanted sexual behavior, such as overhearing, telephone calls describing sexual activity, etc.
- Workers may also harass, threaten, or blackmail a supervisor or superior
- Women can sexually harass men. In 2001, more than 13% of the sexual harassment charges filed with the EEOC were from men. This figure includes cases where both women and other men were the harassers.
- Member of the same sex can sexually harass each other; males can harass males; females can harass females
- The offender can be a non-employee, such as patients or vendors.

Cases of Sexual Harassment

Please read the following short stories. Decide whether you think they represent Sexual Harassment. If you believe they do fit the description of sexual harassment, try to determine the type (Hostile Work Environment or Quid Pro Quo).

Situation 1: A male therapist in your nursing home asks a female CNA, "Hey Becky, from the smile on your face this morning, it looks like you got some from your boyfriend last night. He's a lucky guy, when you get tired of him, we should hook up."

Situation 2: In the medicine room on the third floor, the female nurses have hung the centerfold from the July issue of Playgirl. It shows ALL of Mr. July.

Situation 3: A Home Health Agency has an opening for a day-shift supervisor. Openings for a supervisor are rare. Several nurses, both male and female, have applied for the job. The Administrator takes Kim aside and says, "I find you very attractive. Why don't you and I get together for dinner and drinks? I think that you might make a terrific day-shift supervisor, especially if you play your cards right. Who knows, we might even have breakfast together."

Situation 4: Betty is a nursing aide who has just been assigned to work with John in the rehab unit. Betty finds John very handsome and thinks of him as a "hottie". John is happily married and not interested in Betty. Betty continually flirts with John, using every opportunity to brush up against him. She strokes his long blond hair whenever she gets the chance. John has politely asked her to stop and has tried to make a joke of the attention. She continues with the same actions and is getting bolder.

Situation 5: Mr. Jones is the Director of a Rehabilitation Center. He is a 52-year-old white man, who is a bachelor. Peter is a Physical Therapist who has worked at the Rehabilitation Center part-time for about six months. Peter is straight and has a girlfriend. Lately, Mr. Jones has begun to make very suggestive comments to Peter, such as "Peter, you are really filling out those scrubs very nicely. Let me feel your muscles." "I'd love it if you gave me some private therapy."

What did you think of these situations? Was it hard for you to decide what behavior is really sexual harassment? Here is what the author has to say about each situation:

Situation 1: The male therapist is creating a hostile work environment. His comments regarding the female nurse's looks and sexual activity are unwanted and unwelcome.

Situation 2: While some of the nurses may enjoy seeing Mr. July when they stock up on medicine, there may be other employees, both male and female, who are shocked, uncomfortable, and offended by looking at a picture of a naked man in the workplace. This creates a hostile work environment.

Situation 3: The Administrator is clearly implying that by having dinner, drinks, and who knows what else, Kim could get the job as supervisor. This is an example of Quid Pro Quo.

Situation 4: In this situation, a woman is doing the harassing. John has repeatedly asked Betty to stop making comments and to stop touching him. Betty is creating a hostile work environment.

Situation 5: Yes, sexual harassment can occur between members of the same sex. Mr. Jones, who is in a position of authority, is creating a hostile work environment for Peter. The comments are not wanted and Peter is being placed in a very uncomfortable position.

What does sexual harassment look like?

As we have seen, harassment can occur in many forms. You need to know what each form of sexual harassment looks like.

The four most common forms include:

1. Verbal
2. Visual
3. Written
4. Physical

Verbal Harassment

Verbal harassment may include any of the following actions or behaviors:

- Telling off-color or sexist jokes
- Making suggestive comments about parts of the human body
- Discussing sexual experiences in general or in specific terms
- Asking questions about an individual's sexual practices or activities
- Making negative remarks about a person's looks or sexuality
- Making continued requests for sexual or social contact after being told that the request is unwelcome. This includes repeated requests for a date, excessive telephone calls, or following the person around.
- Using sexually intimate words, such as, "babe", "sweetie", "sweetheart", "doll", and "honey".
- Making grunts, catcalls, or whistling

Visual Harassment

Common workplace items can be sexually offensive. Such items can include:

- Suggestive Pictures
- Posters
- Decorations
- Calendars
- Cartoons
- Drawings
- Magazines
- Books
- Computer "screen savers"

Written Harassment

Unwelcome written communications can come in many of forms. Some examples include:

- Love Letters
- Invitations
- Personal Notes
- Greeting Cards
- E-Mails

Physical Harassment

Unwanted physical contact can include:

- Touching
- Hugging
- Exposing body parts
- Stalking
- Stroking

- Pressing against someone
- Kissing
- Grabbing
- Patting
- Rubbing
- Brushing
- Giving Back or Neck Rubs

Review the list of items below and decide whether it is sexual harassment. What form of harassment is it: Verbal, Visual, Written, or Physical

Here are the author's answers:

What Do You Think?

Scenario: Is this Harassment? (Yes or No) Form of Harassment (Verbal, Visual, Written, Physical)

You're looking good babe! Yes Verbal

You received your fifth written invitation from the same person to go out to dinner. Yes Written

Did you get lucky last night? Yes Verbal

Take a look at the new Victoria's Secret catalogue I got in the mail. Yes Visual

Your sweater looks so soft, let me feel it. Yes Verbal and Physical

You look tense; let me give you a back rub to relax you. Yes Physical

They just hung the new Playgirl calendar in the Nurse's Lounge. Check it out. Yes Visual

Hey go and check out the guy in Room 331; he is hot looking. I can't wait to give him a sponge bath. Yes Visual

A cartoon was left on your desk featuring two naked people. Yes Visual

What Should You Do If You Are Being Harassed?

Listed below are the proper steps to take when you feel you are the victim of sexual harassment.

1. Step One: Remember that you are the victim. Do not be embarrassed. This is not your fault. You have done nothing wrong and do not deserve to be treated in this way.
2. Step Two: Just say "NO!" Tell the person who is harassing you that his or her actions are unwanted. Tell them in very clear terms that this type of behavior is offensive to you.
3. Step Three: Document, Document, Document Record the time, date, place, person, and a description of the incident.
4. Step Four: Contact your immediate supervisor or human resources department. If the harasser is your immediate supervisor, then contact the person who is next in line up the organizational chart.
5. Step Five: Follow your organization's complaint process. Most organizations have specific, detailed procedures to follow. This type of information is often included in your Employee Handbook or the Company website.
6. Step Six: If necessary, you may need to file a formal complaint through the local office of the federal Equal Employment Opportunity Commission (EEOC). Also, you may be able to file a complaint through local or state agencies in your area.
7. Step Seven: If you feel that you need legal representation or advice, please consult with an attorney. You should choose one who specializes in human resource law.

What is the Cost of Sexual Harassment?

Sexual Harassment is very costly. It hurts everyone. It may cost the agency money because of huge legal settlements. But another cost is the emotional toll that sexual harassment can take on an employee.

Here are the most common costs of sexual harassment:

Financial:

- Lost Productivity
- Absenteeism
- Employee turnover
- Legal settlements/claims
- Job loss

Emotional:

- Embarrassment
- Fear
- Feeling of no control
- Shame
- Guilt
- Frustration

- Anger

Physical:

- Nervousness
- Headaches
- Panic attacks
- Sleeping problems
- Inability to eat
- Overeating
- Sexual performance issues

Steps to Prevent Sexual Harassment

Sexual Harassment is an ongoing problem in the workplace. It is something that will not go away as long as people, both male and female, are working together. To help develop a workplace that is free of sexual harassment, there are a few steps that can be taken.

They include:

Employee Education: Every employee should be provided some type of training in sexual harassment. This should include the definition and examples of sexual harassment, a review of the organization's sexual harassment policy, and an overview of the complaint process and how it works.

A Sexual Harassment Policy: Every organization should have a formal sexual harassment policy. This policy is usually down in writing. Ask your supervisor for a copy. Make sure that your behavior is in line with the policy.

A Formal Complaint Process: Most organizations have a formal complaint process to go along with its sexual harassment policy. If you have been sexually harassed, you have the right to file a complaint. Your supervisor is usually the best place to start. If your supervisor is the one doing the harassing, you can contact Personnel, Human Resources, or another manager higher up the organization chart.

Respect is the Key

Respect for every person in the workplace is the real key to preventing sexual harassment. Below are some guidelines to follow to show respect and proper workplace behavior:

- Value each person for the knowledge, skills, and abilities they bring to the workplace.
- Treat everyone with respect regardless of his or her role or title.
- Be respectful of all people, regardless of their sexual preference.
- Acknowledge that males and females are capable of performing the same job in the same way.
- Remember that an individual's looks should not be a factor in the workplace.
- Treat your co-workers and patients the same way you would want to be treated.
- Know, understand, and follow your organization's policy regarding sexual harassment.

Sexual Harassment: Respecting the Individual
Post Test

1. Sexual Harassment can occur between:
 - a. Male and Females only
 - b. Male and Male only
 - c. Female and Female only
 - d. Male and Male, Female and Female, Male and Female
2. People who are victims of sexual harassment may not complain or report the abuse because:
 - a. They are too embarrassed
 - b. They feel that they have done something to bring on this type of behavior
 - c. They are afraid of being labeled a "trouble maker"
 - d. All of the above
3. The two types of sexual harassment are:
 - a. Sexual Environment and Quid Pro Quo
 - b. Pro Bono and Hostile Work Environment
 - c. Hostile Work Environment and Quid Pro Quo
 - d. Unwanted and Unwelcome
4. Quid Pro Quo is Latin and means:
 - a. This for That
 - b. Forbidden by law
 - c. Professionals Only
 - d. All's fair in love and work
5. In order for harassment to occur, it must be:
 - a. Occurring everyday of the week
 - b. Hidden from the boss
 - c. Unwelcome or unwanted
 - d. Fun
6. Four common forms of harassment include:
 - a. Lewd Comments, Touching, Laughing, and Joking
 - b. Verbal, Visual, Written, and Physical
 - c. Flirting, Whistling, Touching, and Grabbing
 - d. Physical, Verbal, Hidden, and Secret
7. Which of the following constitutes a Hostile Work Environment?
 - a. Insults or threats
 - b. Off-color jokes or stories
 - c. Unwanted comments about an individual's body
 - d. All of the above
8. In a healthcare setting, sexual harassment offenders can be:
 - a. Managers
 - b. Patients
 - c. Vendors
 - d. All of the above
9. The display of sexually offensive material, such as cartoons, drawings, and suggestive pictures are examples of what form of harassment?
 - a. Verbal Harassment
 - b. Visual Harassment
 - c. Written Harassment
 - d. Physical Harassment
10. If you are the object of sexual harassment in the workplace, what should you do?
 - a. Firmly tell the offender that you are not interested and that you consider the behavior offensive
 - b. Document the incident
 - c. Tell your immediate supervisor
 - d. Utilize the formal complaint process outlined in your organization's Sexual Harassment Policy
 - e. All of the above