

PREVENTING SEXUAL HARASSMENT FOR... MANAGERS AND SUPERVISORS

COURSE OUTLINE

- **The Equal Employment Opportunity Commission receives more than 10,000 complaints about sexual harassment from US workers every year.**
 - Based on several studies, this is probably just the "tip of the iceberg".
- **Sexual harassment can be devastating for its victims, and it also damages the companies they work for by:**
 - Creating a hostile work environment.
 - Decreasing productivity
 - Increasing expenses.
- **When an employee takes their employer to court over a sexual harassment claim, the cost of a settlement or awards to plaintiffs can be substantial.**
 - No company can "afford" to ignore sexual harassment.
 - Your company depends on managers and supervisors like you to prevent this type of abuse from occurring.
- **In legal terms, "sexual harassment" in the workplace is a form of sex or gender discrimination.**
 - This type of behavior was officially made illegal by the Civil Rights Act of 1964.
- **While most reported cases of sexual harassment involve males harassing females, many of the unreported incidents include men who are sexually harassed by women.**
 - It's important to understand that an employee can be harassed by a person of any gender.
- **Sexually harassing behavior includes:**
 - Unwelcome sexual advances.
 - Requests for sexual favors.
 - Other verbal or physical conduct of a sexual nature that is unwanted or that the "victim" finds threatening.

- **Blatant sexual acts qualify as sexual harassment whenever they occur. These include:**
 - Sexual assaults.
 - Touching a coworker with sexual intent.
 - Requiring them to engage in a sexual act to keep their job or advance their career.
- **Less blatant types of offensive conduct usually have to occur repeatedly to be regarded as sexual harassment. These can include:**
 - Talking about sex.
 - Making offensive remarks about a person's sexual orientation, gender identification, gender or gender expression.
 - Commenting on a coworker's physical appearance.
- **Other forms of harassment include:**
 - Looking at someone in an "inappropriate" way.
 - Displaying sexually "suggestive" pictures or objects.
 - Visiting pornographic websites or sending provocative emails.
 - Using foul language or making obscene gestures.
- **Victims of sexual harassment can be damaged emotionally, psychologically, even physically by the abuse.**
 - Even the "less blatant" types of harassment can "tear down" their self-esteem over time.
- **As you might suspect, this often results in a victim becoming less productive.**
- **Sexual harassment can poison the work environment for everyone else in their department as well. It can:**
 - Interfere with the functioning of the workplace.
 - Increase absenteeism.
 - Drive up medical expenses.
 - Force employees to go looking for jobs somewhere else.
- **Sexual harassment may also lead to significant legal costs, as well as damaging the company's reputation.**
 - Preventing this type of abusive workplace behavior has to be a top priority for all companies.

- **Each employee is the judge of what they themselves feel to be disturbing.**
 - So a company must take many things into account when establishing what types of behavior and language will and will not be acceptable in the workplace.
 - This should be laid out in a written sexual harassment policy.
- **Of course, managers and supervisors are expected to know their company's sexual harassment policy and follow it themselves.**
 - Being in a supervisory position means your behavior will be under even greater scrutiny than most employees!
- **In addition to being an employee yourself, you also represent your company.**
 - Any "slip of the tongue" or inappropriate action will reflect directly on your employer.
 - You should always think before you speak, and take care not to do anything that could offend others or be construed as sexual in nature.
- **For example, you should avoid any unnecessary physical contact, even if it's just tapping an employee on the shoulder or helping them to adjust their equipment.**
- **On a more intimate level, many companies' sexual harassment policies do not allow managers to date or conduct romantic relationships with the people that they supervise.**
- **This rule helps to ensure that no employees can be coerced into an unwanted sexual relationship because they're afraid that they might:**
 - Lose their job.
 - Not get a raise.
 - Not be promoted.
 - Have to face some type of disciplinary action.
- **Even a "healthy" personal relationship between an employee and a manager can cause problems in a workplace.**
 - So the best, most professional course of action is to avoid getting “romantically involved” with any coworker, period.

- **Companies that avoid talking about the subject of sexual harassment create an environment where this type of abusive behavior is more likely to occur, and even thrive.**
 - As a manager or supervisor you need to get the issue out in the open in your department and keep it there.
 - It should be an ongoing effort.
- **You can start raising employee awareness of sexual harassment when you hold team meetings and staff training sessions.**
 - Discuss the various types of behavior that are considered abusive.
 - Emphasize that they will not be tolerated by you or the company.
 - Use your employer's sexual harassment policy to clarify what behaviors are not acceptable.
- **Make sure everyone in the department has a copy of the policy, including any contractors or other temporary workers.**
 - Be sure they understand that not adhering to the policy could result in disciplinary action, even termination.
- **Remind your people that sexual conduct is always inappropriate on the job. Encourage them to:**
 - Speak openly about behavior that they personally find offensive.
 - Let others know when they feel that their conduct "crosses the line".
- **Explain that they should do this even if they are not directly involved in an incident, and are only a witness to it.**
 - This is called "bystander intervention".
- **By speaking up immediately, everyone will come to understand each other's boundaries, so they can avoid doing or saying things that will be offensive to their coworkers in the future.**
- **The people in your department should also be your "eyes and ears" when it comes to sexual harassment.**
 - Whether they are victims or witnesses, it is critical for them to tell you about an incident if one occurs.
- **So encourage them to report any harassment, and explain that they need to be as specific about what happened as possible.**

- **Advise them to write down exactly what occurred as soon after the incident as they can. They should note:**
 - Who was involved.
 - What happened.
 - Where and when the incident occurred.
 - Why they feel it was sexual harassment.
- **You should look for sexually harassing behavior in your department as well.**
 - Get a feel for what may be offensive to your employees.
 - Observe how they interact with one another.
 - Deal promptly with any behavior that you feel comes too close to "crossing one of their lines".
- **If you have to speak to an employee about their behavior...**
 - Explain to them why it was inappropriate.
 - Remind them of the company's sexual harassment policy.
 - Make it clear that such behavior must stop.
- **If one of your people comes to you with a report about potential sexual harassment in your department, how you respond is very important.**
 - Remember, as a manager or supervisor what you do reflects on the company, so you need to proceed systematically.
- **If you try to "wing it", any mistakes you make could come back to haunt you and your organization in the form of complaints, lawsuits or fines.**
 - If you need guidance, consult your company's sexual harassment policy.
 - You might also talk to another manager or your HR department to get their input.
- **There are some general guidelines that you should follow. You need to:**
 - Take the report seriously.
 - Show concern
 - Keep it confidential.
- **Speak with the person who has submitted the report in private.**
 - Treat them with respect and sensitivity.
 - Whether they're the victim or a witness, they shouldn't feel penalized in any way for coming forward.

- **Listen carefully. Ask questions.**
 - Examine any documentation that they bring with them, including their written description of the incident itself.
- **Start your own "paper trail", by writing up a summary based on their report and your conversation with them.**
 - Have them read your summary and sign it when they're satisfied that it's accurate.
- **Make a habit of keeping good records.**
 - Don't rely on your memory.
 - Document everything.
 - Note the specifics regarding "who", "what", "where", "when" and "why".
 - Keep the file up-to-date and organized.
- **Make sure everything is legible!**
 - Rewrite your handwritten notes neatly, if necessary.
 - Even better, type them up, but remember to keep the originals.
- **When you investigate a complaint about sexual harassment, you're not just trying to find out what happened.**
 - You're establishing facts "for the record", so you have a solid foundation for any decisions that you will make and actions that you take.
- **Throughout your enquiry, it's crucial for you to remain objective and impartial, even if it seems "obvious" at first who's "at fault".**
- **When speaking with the accused employee, your goal is to gather clear and accurate information.**
 - Don't show bias or make any accusations.
 - That could lead them to file a grievance against you or the company.
- **Explain what you've heard about the incident, and ask them for their side of the story.**
 - Be supportive, but make sure they understand that some behavior just isn't acceptable in the workplace.
 - Create a summary of their responses, then have them read and sign it.

- **Contact any witnesses and get the facts about what they saw and heard as well. Make sure that they all understand that:**
 - They need to be truthful.
 - The investigation should be kept confidential.
- **Above all, let yourself be guided by the facts when you investigate a report of sexual harassment.**
 - Listen carefully and take notes.
 - Do not be judgmental.
 - Don't jump to conclusions.
- **When the facts are in, it's time to consult your sexual harassment policy and work with your company's HR department to determine:**
 - Whether harassment has in fact occurred.
 - What sort of disciplinary action, if any, is required.

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- **What you say and do will reflect on your employer, so you should know the company's sexual harassment policy and follow it yourself.**
- **Make sure your employees also understand the policy, as well as the types of behavior that won't be tolerated in your company.**
- **Encourage your people to speak up when someone's behavior offends them.**
- **Explain that they have a responsibility to write down the facts about any sexual harassment incident that they are involved in or witness, and report it to you.**
- **Take all reports of sexual harassment seriously, and keep them confidential.**
- **Be sure to proceed impartially when looking into any accusation of harassing behavior.**
- **Now that you understand what sexual harassment is, how it can damage your company and what you can do to stop it, you can help make sure your workplace is harassment-free, every day!**