

PREVENTION OF SEXUAL HARASSMENT

POSSIBLE



COURSE OBJECTIVES

- + To understand what constitutes sexual harassment
- + To identify the costs of a hostile work environment
- + To recognize and accept your role and responsibilities

Mohandas K. Gandhi: They cannot take away our self-respect if we do not give it to them

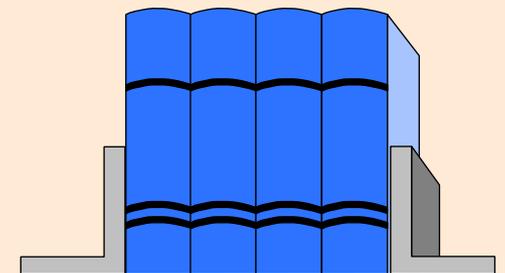
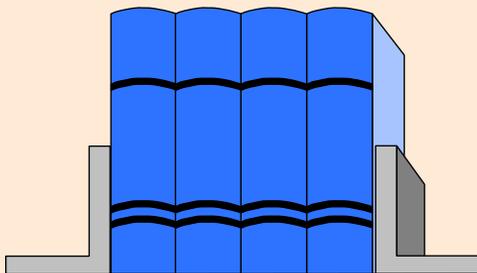
LEGAL AND REGULATORY BASES

Title VII of the Civil Rights Act of 1964

EEOC Guidelines on Sexual Harassment

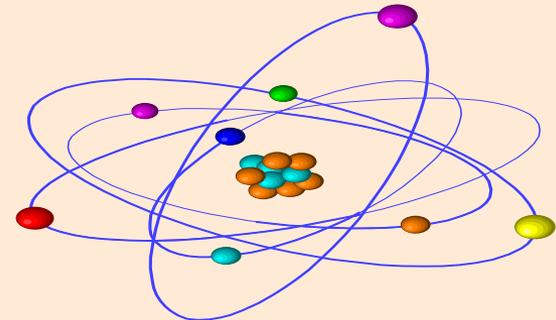
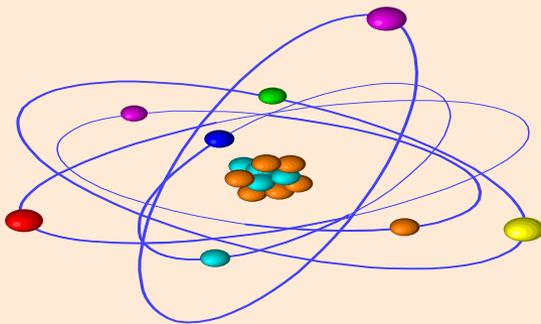
Civil Service Reform Act of 1978

Civil Rights Act of 1991

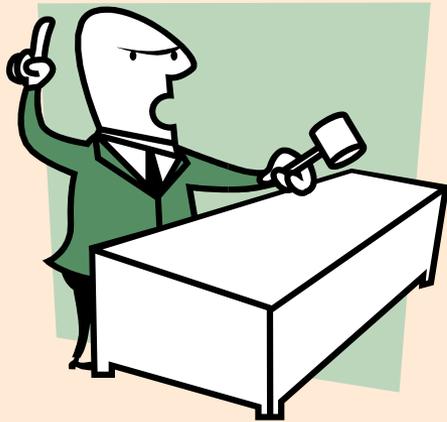


THE EEOC DEFINITION OF SEXUAL HARASSMENT

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature



HOSTILE ENVIRONMENT

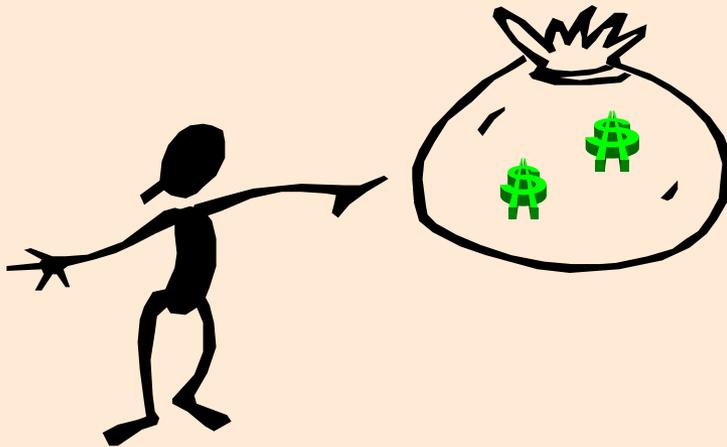


Making unwelcome sexual advances or other verbal or physical conduct of a sexual nature with the purpose of, or that creates the affect of, unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment

“Quid Pro Quo”

Tangible Employment Actions

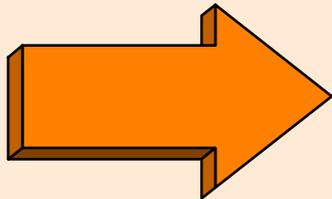
When submission to unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature is made a term or condition, implicitly or explicitly, of an individual's continued employment



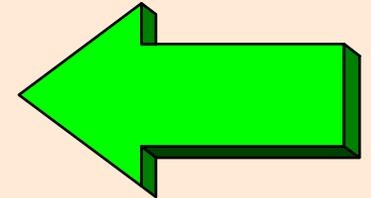
'THIS FOR THAT'

SEX DISCRIMINATION

Any practice or policy which results in differential treatment of an individual because of his or her gender



the exception to this is



Bona Fide Occupational Qualification

As an example, a specific gender is necessary for authenticity, genuineness, or normal operation of the job

STEREOTYPE



A fixed, unchanging idea about someone or something which may have little relationship to fact

WARNING: The danger of stereotyping is that instead of reacting naturally in a situation, the individual reacts or behaves according to the stereotype!

CASE LAW

Harris v. Forklift Systems, Inc.

Ruled that psychological damage may be a factor in determining the presence of sexual harassment, but need not be demonstrated to support a claim of sexual harassment. The determination of whether particular behavior amounts to sexual harassment should be based on the application of a 'reasonable person' standard.



Burlington Industries, Inc. v. Ellerth and Faragher v. City of Boca Raton



Ruled that employers are always liable for sexual harassment by supervisor that results in a tangible employment action

CASE LAW

COMMON MISCONCEPTIONS

Relationship between accused and victim must be supervisor to subordinate

Sexual harassment must involve touching or other physical conduct

Victim must be the one against whom the unwelcome conduct is directed

Consenting to requests for sexual relations prevents sexual harassment

You cannot prove that sexual harassment took place

Must occur more than once

VERBAL SEXUAL HARASSMENT

Personal questions or comments of a sexual nature

Whistling,
barking, or cat
calls



Jokes, profanity,
lies, rumors of a
sexual nature

Persistently asking for a date from an uninterested party

NONVERBAL SEXUAL HARASSMENT

Letters, gifts, or materials of a sexual nature



Leaving sexually oriented cartoons, pictures, letters, magazines in the work environment



Gestures made with intentional sexual overtones, such as: blowing kisses, licking lips, winking, and body movement



Sexually suggestive visuals



Touching or rubbing oneself inappropriately around another person



PHYSICAL SEXUAL HARASSMENT

Touching

Patting

Cornering

Grabbing

Blocking Passageway



Bumping

Hugging

Kissing

Pinching

Playing Footsie

IMPACT ON THE MISSION

**Performance
Liability for the Army
Increase in Turnover
Mission Readiness**



IMPACT ON THE INDIVIDUAL

Loss of position

Impact on
performance
appraisal



Loss of
promotional
opportunities

Psychological effects -- physical & emotional

WHEN DOES AN ENVIRONMENT BECOME SEXUALLY HOSTILE?

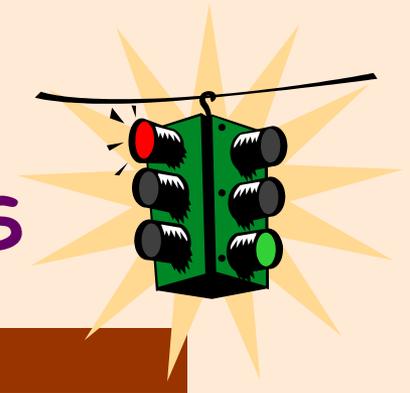


“ You know it when you see it”

To determine if your behavior could be unwelcome to another individual, remember that “unwelcome” is decided by the recipient of the behavior, not the person exhibiting the behavior

It is the IMPACT OF BEHAVIOR, not the INTENT OF THE INDIVIDUAL who exhibits the behavior, that determines if sexual harassment has occurred

LEADERSHIP RESPONSIBILITIES



Recognize your obligation and authority to create and preserve a work environment free from sexual harassment

Set the tone; be above reproach; ensure a positive and professional work environment

Be tuned in; adopt a “no-nonsense” mind - set

Take immediate action on observed or reported incidents

Counsel offender and document action(s) taken

Do NOT reprise against any individual who reports sexual harassment

EMPLOYEE'S RESPONSIBILITIES



Tell the perpetrator to cease and desist!

If it continues, notify the chain of command

Observers of sexual harassment should bring it to the attention of an appropriate official

Document harassment and action(s) taken

A stylized illustration of a desk with a blue mobile phone and a yellow pencil. The background is green with diagonal stripes. The desk is brown and has a white surface. The mobile phone is blue with a keypad and a screen. The pencil is yellow with a black eraser and a silver band.

REASONS WHY SEXUAL HARASSMENT IS NOT REPORTED:

Fear

Unaware of Policy

Socialization

**IF YOU WOULDN'T WANT IT SAID OR
DONE TO OR AROUND YOUR.....**



**PARENT
SIBLING
FRIEND
SPOUSE
OR YOUR
CHILD**



IT DOESN'T BELONG IN THE WORKPLACE!!

**Ignoring The
Problem
Won't Make
It Go Away**



**If We Do Nothing, There is a
Price We Pay...**