



U.S. Equal Employment Opportunity Commission

SEXUAL HARASSMENT

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Sexual Harassment

Are we missing something?



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	<h2>What is Sexual Harassment?</h2>
	<ul style="list-style-type: none"> ■ Unwelcome verbal or physical conduct of a sexual nature ■ A form of sex-based discrimination under Title VII of the Civil Rights Act ■ Alters conditions of employment

	<h2>Is the Behavior “Unwelcome”?</h2> <p>(regarded as undesirable, unwanted)</p>
	<ul style="list-style-type: none"> ■ Is there equal initiation and participation between me and the person I’m interacting with? ■ Would I want my actions to appear in the company newsletter or on the evening news? ■ Would I want someone else to act this way toward a person that I’m in a relationship with?

	<h2>Types of Harassment</h2>
	<h3>Hostile Work Environment</h3> <p>Creates an intimidating, hostile, or offensive work environment</p> <p>Can be committed by a manager/supervisor, co-worker, or non-employee</p> <p>■ Standard: severe or pervasive</p>

	<h2>Types of Harassment</h2>
	<h3>Tangible Employment Action</h3> <ul style="list-style-type: none"> ■ action taken to alter condition of employment ■ Examples include: <ul style="list-style-type: none"> Hiring Firing Demoting Reducing pay Denying promotion Retaliating ■ Committed by a supervisor or manager

	<h2>Employer Liability</h2> <p><i>Where Harasser is a Manager or Supervisor</i></p>
	<ul style="list-style-type: none"> ■ If <u>tangible employment action</u> (i.e., termination, demotion, etc.) is involved, agency is strictly liable for the harassment ■ If tangible employment action is not involved, the agency can avoid liability only if: <ul style="list-style-type: none"> ■ (a) the agency exercised reasonable care to prevent and correct promptly any harassing behavior; <u>AND</u> ■ (b) the employee unreasonably failed to take advantage of any preventive or corrective opportunities provided by the agency or to avoid harm otherwise.

	<h2>Employer Liability</h2> <p><i>Where Harasser is Co-worker</i></p>
	<ul style="list-style-type: none"> ■ Employer is liable for prohibited harassment by a co-worker where the agency knew or should have known of the harassment and failed to take prompt and effective corrective action.

Examples of Sexual Harassment

Inappropriate touching, groping, cornering, grabbing & pinching.

Sexual advances or pressure for dates.

Comments, jokes or innuendos of a sexual nature.

Comments about a person's clothing, anatomy, or looks.

Requests for sexual favors.

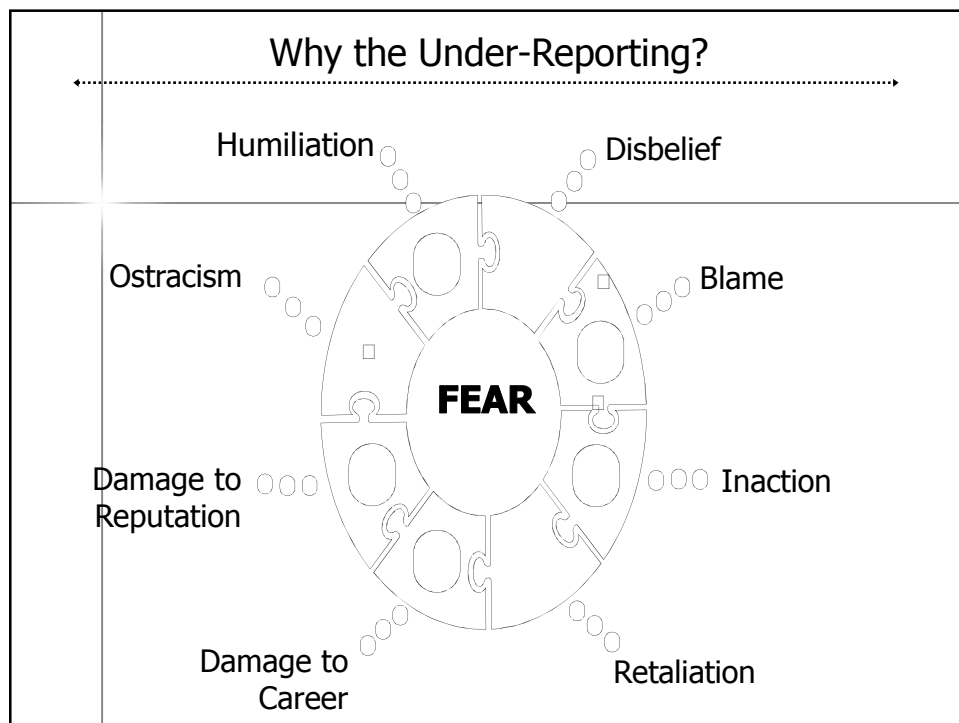
E-mails, texts, pictures, letters, calls, gestures or any other materials of a sexual nature.



Picture this...




Stigma = Silence

Most sexual harassment goes unreported.



	Common Responses to Harassment	
	Endure the behavior	
	Avoid the harasser	
	Downplay the gravity of the situation	
	Seek support from family & friends	
	Leave the job, if one can	

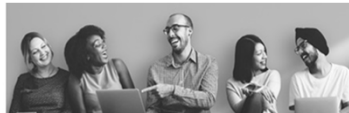
	Job Turnover	
		
	<div> Job turnover is potentially the largest single component of the overall cost of harassment. </div>	

Preventing & Addressing Harassment

- Committed and engaged leadership;
- Consistent and demonstrated accountability;
- Strong and comprehensive harassment policies;
- Trusted and accessible internal complaint procedures; and
- Training.



EEOC
Training Institute
...Learn from the Experts



The EEOC offers Harassment Prevention and Respectful Workplaces Training.

For more information contact
terrie.dandy@eeoc.gov or www.eeotraining.eeoc.gov



Accountability?



Proactive Measures

- Adopt an Anti-Harassment Policy
- Communicate policy to all employees
- Provide training
- Establish internal complaint procedure
- Monitor enforcement of policy

	Anti-Harassment Policy
	<ul style="list-style-type: none"> ■ Be written and well disseminated ■ Defines workplace harassment ■ Establishes a complaint procedure ■ Creates multiple paths in the complaint procedure ■ Provides corrective action ■ Ensures confidentiality ■ Protects against retaliation

	Responding to a Harassment Complaint
	<ul style="list-style-type: none"> ■ Take Complaints Seriously ■ Stop Harassment Immediately ■ Conduct an Investigation <ul style="list-style-type: none"> – Be prompt, – fair, and – effective in your response ■ Protect Against Retaliation ■ Provide Appropriate Relief

	Best Practices
	<ul style="list-style-type: none"> ■ Adopt, communicate, and enforce EEO policies ■ Train managers and supervisors ■ Establish neutral and objective policies ■ Avoid subjective decisions based on stereotypes, assumptions, and biases

	Best Practices
	<ul style="list-style-type: none"> ■ Avoid inconsistent application of policies or practices ■ Review employment practices and policies ■ Don't ignore problems/harassment ■ Take complaints seriously and respond in a timely fashion

Best Practices

- Take performance evaluations seriously
- Engage in an interactive process for accommodations.
- Document, Document, and Document
- Protect against retaliation
- Consult HR or legal counsel

EEOC Resources

- www.eeoc.gov
- Annual Seminar – Aug 23 & 24 in Atlanta
- Small Business Resource Center
- Publications and Guidance Materials
- On-site Training for Employers
- Free Outreach
- Mediation Program
- Contact EEOC **1-800-669-4000**
1-800-669-6820 (TTY)



	SAVE THE DATE
	EEOC Two-Day Seminar August 23 and 24 in Atlanta, GA. For more information and on-line registration, http://bit.ly/EEOTraining .

	QUESTIONS



THANK YOU!

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