



U.S. Equal Employment Opportunity Commission

SEXUAL HARASSMENT

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Sexual Harassment

Are we missing something?



What is Sexual Harassment?

- 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

	Is the Behavior “Unwelcome”? (regarded as undesirable, unwanted)
	<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?

	Types of Harassment
	Hostile Work Environment Creates an intimidating, hostile, or offensive work environment Can be committed by a manager/supervisor, co-worker, or non-employee <ul style="list-style-type: none"> ■ Standard: severe or pervasive

	Types of Harassment
	Tangible Employment Action <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.

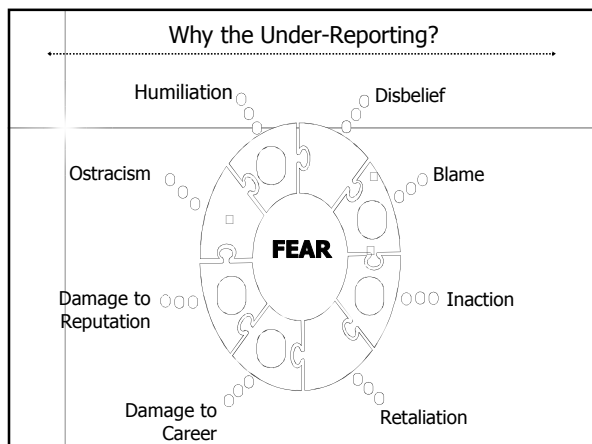
	<h2>Examples of Sexual Harassment</h2>
	Inappropriate touching, groping, cornering, grabbing & pinching.
	Sexual advances or pressure for dates.
	Comments, jokes or innuendos of a sexual nature.
	Comments about a person's clothing, anatomy, or looks.
	Requests for sexual favors.
	E-mails, texts, pictures, letters, calls, gestures or any other materials of a sexual nature.


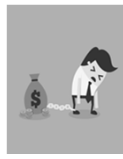
Picture this...



Stigma = Silence



Most sexual harassment goes unreported.



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

	<div>Job Turnover</div> <div> <p>Job turnover is potentially the largest single component of the overall cost of harassment.</p> </div>
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	<h2>Preventing & Addressing Harassment</h2>
	<ul style="list-style-type: none"> ■ Committed and engaged leadership; ■ Consistent and demonstrated accountability; ■ Strong and comprehensive harassment policies; ■ Trusted and accessible internal complaint procedures; and ■ Training.

	
	<p>The EEOC offers Harassment Prevention and Respectful Workplaces Training.</p> <p>For more information contact terrie.dandy@eeoc.gov or www.eetraining.eeoc.gov</p> 

	<p>Accountability?</p>
	

	<p>Proactive Measures</p>
	<ul style="list-style-type: none"> ■ Adopt an Anti-Harassment Policy ■ Communicate policy to all employees ■ Provide training ■ Establish internal complaint procedure ■ Monitor enforcement of policy

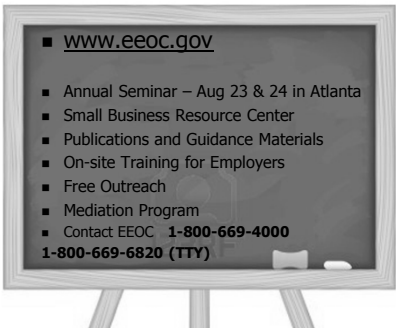
	Anti-Harassment Policy
	<ul style="list-style-type: none"> ■ Be written and well disseminated ■ Defines workplace harassment ■ Establishes a complaint procedure ■ Creates multiple paths in the complaint procedure ■ Provides corrective action ■ Ensures confidentiality ■ Protects against retaliation

	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

	<h3>Best Practices</h3> <ul style="list-style-type: none"> ■ Avoid inconsistent application of policies or practices
	<ul style="list-style-type: none"> ■ Review employment practices and policies
	<ul style="list-style-type: none"> ■ Don't ignore problems/harassment
	<ul style="list-style-type: none"> ■ Take complaints seriously and respond in a timely fashion

	<h3>Best Practices</h3> <ul style="list-style-type: none"> ■ Take performance evaluations seriously
	<ul style="list-style-type: none"> ■ Engage in an interactive process for accommodations.
	<ul style="list-style-type: none"> ■ Document, Document, and Document
	<ul style="list-style-type: none"> ■ Protect against retaliation
	<ul style="list-style-type: none"> ■ Consult HR or legal counsel

<h3>EEOC Resources</h3>	
	

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

	<p align="center">QUESTIONS</p>

	THANK YOU! 
	<p align="center"> ANTONETTE SEWELL Regional Attorney Atlanta District 100 Alabama Street, NE Suite 4R30 Atlanta, GA 30303 Antonette.sewell@eoc.gov 404-562-6818 1-800-669-4000 </p>
