



SELF-STUDY GUIDE: HARASSMENT

Unit I: What is Harassment?

Harassment is any physical or verbal abuse of a person due to their race, religion, age, gender, disability, national origin or any other legally protected status:

- It can be clarified as any conduct that creates significant anguish to another person, with the intent to bother, scare or emotionally abuse the person.
- Harassment can be defined as the act of tormenting by continued personal attacks and criticism. It can be repeatedly sending an individual threatening letters, calling on the phone or sending unwanted gifts. It may even involve a person following you, watching you and coming to your place of work or home.
- It may include intentionally exposing a person to materials which are culturally offensive or intimidating.
- In some cases, harassment results from romantic obsession and the harasser is not trying to make the person afraid, but rather trying to prove his or her love. In other cases, it is the intention of the harasser to make the person feel uncomfortable, scared or even strong-armed.



Harassment creates a hostile work environment. The person may dread going to work because of the distasteful, distressing or downright cruel atmosphere created by the harasser. A hostile work environment may also result when management acts in a manner designed to make an employee quit in retaliation for some action.

Unit II: Types of Harassment

1) Verbal Harassment

Verbal harassment includes:

- ✓ Derogatory jokes
- ✓ Racial slurs
- ✓ Religious harassment – comments or jokes about religious beliefs, practices or clothing
- ✓ Gender harassment – conversations that demean a person due to their being a male or a female
- ✓ Age harassment (40+) – discussions to exclude a person from participating in activities due to their age or trying to coerce a person to retire early
- ✓ Racial harassment – offensive stereotyping through jokes and gestures to disgrace or diminish a person or an ethnic group

2) Physical Harassment

Physical harassment includes:

- ✓ Blocking the person's ability to move
- ✓ Physical assault

3) Visual Harassment

Visual harassment includes:

- ✓ Posting explicit or vulgar posters, pictures, cartoons, drawings or gestures
- ✓ Unwelcome personal letters, notes or e-mails
- ✓ Viewing sexually oriented electronic data at the workplace



4) Quid Pro Quo

Quid pro quo is Latin for “this for that”; it is a trade. When the trade is on the basis of race, sex, color, national origin, creed, age or disability, it is illegal. Quid pro quo includes:

- ✓ The offer for employment benefits or advancement in return for specific favors.
Ex. “Go out on a date with me and your promotion is guaranteed”,
or, “Hire only Greek Orthodox employees and you will get a real nice raise this year”.

It can also include negatives.

Ex. “Stop associating with the green-eyed employees or you will get fired!”



Think About It

Ms. Wanda works at the Group Home. She regularly quotes Bible verses, prays quietly at various points during her shift, sings hymns while doing busy work and says, "Have a Blessed Day" to everybody she encounters. One of her co-workers, Val, started referring to her as "Saint Wanda". Wanda confronted Val, asking her to please stop calling her that, and Val replied, "Don't be so sensitive. Can't you take a joke?"

Val continues calling her "Saint Wanda" despite her request to please stop, and a couple other staff have started calling her that name, too.

Is this harassment? The answer is yes. Wanda asked Val to stop referring to her as "Saint Wanda" but it continued and others started to call her that name, too. Val acted like it was a joke. This is an example of religious harassment.



5) **Sexual Harassment**

Sexual Harassment is any unwelcome sexual advance, request for sexual favors, or any other verbal or physical conduct of a sexual nature that:

- ✓ Affects an individual's employment or condition of an individual's employment
 - ✓ Unreasonably interferes with an individual's work performance, or
 - ✓ Creates an intimidating, hostile or offensive work environment
- a. Sexual harassment can occur in a variety of circumstances, including but not limited to the following:
- ❖ The victim as well as the harasser may be a woman or a man. The victim may be the opposite sex or the same sex as the harasser
 - ❖ The harasser may be the victim's supervisor, co-worker or another employee of the agency
 - ❖ The victim does not have to be the person harassed but could be anyone who was affected by the offensive conduct
 - ❖ The harasser's behavior must be unwelcome

b. Sexual harassment comes in different types:

- ❖ Verbal: Sexual comments about appearance, sexual jokes, vulgar or explicit language or questions about sexuality
- ❖ Non-Verbal: Inappropriate gifts of a sexual nature, suggestive notes or e-mails, nude or suggestive photos or other items, inappropriate gestures, staring, etc.
- ❖ Physical: Uninvited massages, touching, rubbing, hugging, kissing, or any advances that are sexual in nature, including sexual assault
- ❖ Quid Pro Quo: This requires an individual to choose between submission to a sexual favor or suffering a negative consequence for failure to submit. It also may involve being rewarded in some way for a sexual favor, such as financially or a status promotion.
- ❖ Sexual Favoritism: An employee receives positive actions for submission to requests for unwelcome sexual favors. This is a form of sexual harassment because other co-workers are not receiving the same positive treatment that the victim is receiving for the sexual submission.
- ❖ Third Party: Any person that observes someone else being harassed or observes sexual conduct and is adversely affected may claim this type of sexual harassment.



Think About It

Tom is an attractive male employee. Once morbidly obese, he now is a body builder who works hard to maintain his muscular physique and healthy lifestyle. When he walks down the hall at the office some of the women and men stare, mutter comments under their breath, and one will silently act as if she is having a heart attack or fan herself all over as if she is suddenly very warm. He has repeatedly let his co-workers know that their conduct embarrasses him and has asked them to stop, but without much success. Some have suggested that he causes the problem because he “looks so good”.

Is this harassment? The answer is yes. Tom did not welcome the attention he got from his co-workers, and had repeatedly asked them to stop. He was even told that the behavior of his co-workers was his fault. This is an example of sexual harassment.

Unit III: Hostile Environment

Unlike quid pro quo, which only a supervisor can impose, a hostile work environment can result from anyone with whom the employee interacts with on the job.



The behaviors which may contribute to a hostile environment may include:

- Unfulfilled threats to impose a quid pro quo
- Discussing sexual activities
- Telling inappropriate jokes
- Commenting on people's physical attributes
- Displaying sexually suggestive pictures
- Using indecent gestures
- Pressuring a person to go out on dates
- Making offensive remarks about a person's looks, clothing, body parts, etc.
- Using demeaning behavior directed towards the victim and encouraging others to demean or damage the character of the victim
- Engaging in ill-natured physical contact
- Touching in a way that makes a person feel uncomfortable
- Using racially derogatory words or phrases
- Demonstrations of a racial or ethnic nature such as the use of gestures, pictures or drawing which would offend a particular racial or ethnic group
- Using crude and offensive language
- Making comments about a person's skin color or other racial/ethnic characteristics
- Negative comments about a person's religious beliefs
- Negative stereotypes about a person's ancestry or national origin
- Granting job favors to those who participate in consensual sexual activity
- Derogatory or intimidating references to a person's mental or physical impairment
- Negative comments about a person's age when referring to those 40 and over

Unit IV: Reporting Harassment

It is the policy of InReach to promote a positive work environment that is free from discrimination and harassment of any kind. InReach will not tolerate verbal or physical conduct that harasses, disrupts or interferes with another's work performance or that creates an intimidating, offensive or hostile environment.

It is the policy of InReach that certain rules and regulations regarding employee behavior are necessary for the efficient business operations as well as the benefit and safety of all employees.

Conduct that interferes with operations or discredits InReach, or is offensive to our staff, will not be tolerated.

No form of harassment will be tolerated at InReach, including negative treatment or discrimination of any kind for the following reasons: race, color, national origin, religion, gender, sexual orientation, disability or age.



If you are a Victim of Harassment at Work:

Do...

- ✓ Admit that a problem exists
- ✓ Tell the offender specifically what you find offensive
- ✓ Say specifically what you want or don't want to happen, such as "Please call me by my name" or, "Please don't use that language in front of me."
- ✓ Document all words and actions exchanged between you and the harasser. Even if the words are obscene, write them down along with the time, date and other detailed information. Be prepared to tell your supervisor or Human Resources exactly what occurred.

Do not....

- ✓ **Be afraid or ashamed to tell your supervisor or Human Resources what happened. It is important that you do not leave anything out of your report.**
- ✓ **Blame yourself for another person's behavior**
- ✓ **Choose to ignore the behavior**
- ✓ **Try to handle the harassment on your own without involving the agency; if it occurs at work, it is our issue**



- **Any employee who believes that he or she is a victim of unwelcome harassment has the responsibility to report or file a complaint about the situation as soon as possible.**
- **The report or complaint should be made to your supervisor or Human Resources if the complaint involves your supervisor.**
- ❖ **An investigation will take place if harassment is reported. The agency's objective will be to find out what happened and conclude whether or not harassment did or did not occur, or the result of the investigation may be inconclusive based on the information collected. However, all efforts will be made to perform a fair and thorough inquisition.**
- ❖ **If it is decided that harassment did occur, or even some inappropriate action falling short of harassment took place, InReach will take action in one or more of the following ways to prevent it from happening again:**
 - **An oral or written warning**
 - **Deferral of a raise or promotion**
 - **Demotion**
 - **Suspension**
 - **Termination**

After a Complaint Has Been Filed:

- All employees will be required to cooperate fully with the investigation of a harassment
- If you are afraid to cooperate, you should be very honest about your reasons and concerns when talking to the investigator
- Confidentiality is always expected, and it is crucial when a person's reputation is on the line. Keep in mind that you may not always know all of the facts.
- The investigator will keep the information as confidential as possible while conducting the review, following state and federal laws, and all parties involved will have the opportunity to present their cases



Participants in the Investigation...

- Have a duty to cooperate in the investigation regardless if you believe the allegations to be true or false
- Have a duty to respond truthfully to the questions concerning the allegations
- Will be asked to provide facts, including a chronology of events; the more information you provide, the better the chance for a firm conclusion
- May not share details of the interview with other employees
- May not retaliate against any other employees who participate in the investigation
- Must immediately report any new incidents of harassment that occur after the investigation has begun

To create a positive environment at work, employees should:

- Avoid behaviors that may be misinterpreted as possible harassment
- Avoid jokes, comments and e-mails that may be considered offensive
- Respect a person's cue that your conduct or attention is not welcome
- Avoid invading another's personal space
- Avoid touching a person without their permission
- Seek assistance immediately if they are the target of or observe severe or repeated instances of behavior that they believe is harassment

Unit V: Harassment and Discrimination Laws

The Equal Pay Act of 1963 (EPA):

- This law protects men and women who perform substantially equal work from gender-based wage discrimination

The Civil Rights Act of 1964:

- Prohibits discrimination based on color, race, religion, gender and national origin
- It is unlawful to discriminate in such areas as recruitment, selection, promotion, discipline, training, etc.
- Sexual harassment is considered a form of discrimination

The Age Discrimination in Employment Act of 1967 (ADEA):

- ADEA prohibits employment discrimination against those who are age 40 and older

The Rehabilitation Act of 1973:

- This law prohibits discrimination for qualified individuals who have disabilities
- It also requires employers to make “reasonable accommodation” to qualified individuals with disabilities who are employees or applicants for employment



Think About It

Juanita has dyslexia and is applying for a job which involves writing letters. During the interviewing process, the employer gives all applicants a test of their letter-writing ability. She can generally write letters very well but finds it difficult to do so in stressful situations and within short deadlines. The employer gives Juanita a longer time period to take the test.

Were reasonable accommodations made for Juanita by the potential employer? *The answer is yes, the employer made accommodations to support Juanita’s special needs to ensure that she had a fair interview process.*