



Sexual Harassment in the Workplace. Knowing roles and responsibilities.

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The Laws EEOC Enforces.

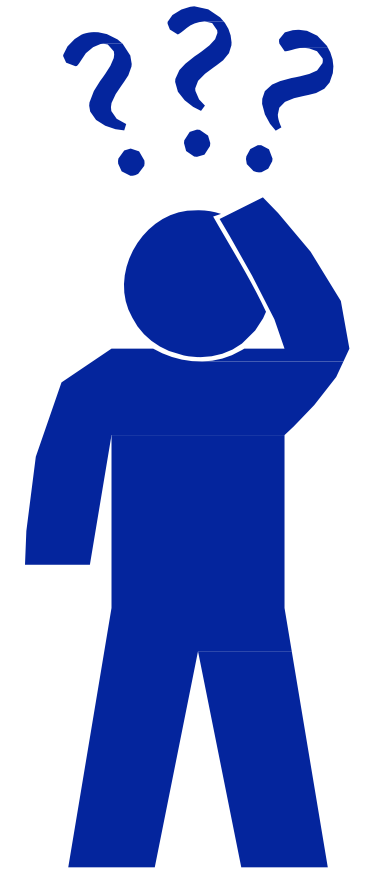
Title VII of the Civil Rights Act of 1964 (Title VII)

Age Discrimination in Employment Act of 1967 (ADEA)

Americans with Disabilities Act of 2008 (ADAAA)

Genetic Information and Nondiscrimination Act of 2008 (GINA)

Equal Pay Act of 1963 (EPA)



Who can be accused of harassment?

- A. Co-workers**
- B. Management (all levels)**
- C. Clients/Customers/Vendors (non-employees)**
- D. All of the above**



The Obligations of the Employer.

Make the workplace free of unlawful discrimination, harassment and retaliation.

Promptly and confidentially investigate complaints of discrimination, harassment and retaliation.

Where discrimination, harassment and retaliation may have occurred, take prompt and appropriate remedial action (i.e., discipline commensurate with the offense).



The Obligations of the Employee.

Know and follow your employer's policy on reporting harassment.

Take advantage of any corrective or preventative opportunities provided by the employer.

Do not condone or participate in harassment.



What is Harassment?

Unwelcome comments or conduct based on an individual's protected basis (e.g., sex, race, disability, etc.) that has the purpose or effect of unreasonably interfering with an individual's work performance or causing an intimidating, hostile or offensive atmosphere.



Examples of Harassment.

Gender Based Harassment-

Derogatory comments against males/females.

Derogatory comments against individuals based on LGBTQ status.

Race/National Origin Harassment-

Negative comments regarding birthplace or ancestry.

Epithets/slurs, negative comments focused on accents or physical features.

Religious Harassment-

Mocking someone's religious beliefs or practices.

Religious slurs.

Examples of Harassment.



Age Based Harassment-

Negative comments about abilities or retirement. *

Derogatory stereotyping.

Disability Based Harassment-

Imitating an employee's disability.

Derogatory names, negative references to an employee's mental or physical impairment.

Repeated negative comments/references related to reasonable accommodations.

The Stats.



Between 2018-2021 how many charges alleging sexual harassment were received by EEOC?

What percentage of these charges were filed by women?

What state do you think leads the nation in sexual harassment charges?

How much in monetary benefits did EEOC obtain for affected individuals who filed sexual harassment charges?



What is Sexual Harassment?

Unwelcome sexual advances, requests for sexual favors, and other verbal, visual or physical conduct of a sexual nature constitutes sexual harassment when the conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment.



A Case to Consider.

A corporation that operates gas stations and convenience stores in Alabama and Georgia, ignored frequent complaints from multiple female employees and customers about ongoing sexual harassment by a male employee, to include unwanted sexual touching, sexual comments and questions about their sex lives. It was also alleged that the harasser solicited co-workers for sex, repeatedly disrobed at work and circulated nude photos of himself that ultimately resulted in his criminal prosecution. It was alleged that multiple managers were aware of these complaints but failed to correct the hostile work environment, choosing instead to transfer the harasser to another store where he continued sexually harassing female employees.



Examples of Sexual Harassment.

Sexually explicit, lewd or sexually oriented kidding, teasing, innuendo, or jokes to include lewd jokes or stories.

Making sexual comments about physical appearance, clothing or body parts.

Sexting, sharing sexual photos, or pornographic materials.



Examples of Sexual Harassment.

Making ANY kind of undesired, unwelcome, non-consensual, or intentional touching, embracing, grabbing, poking, patting or pinching.

Assault, battery, and rape.

You must respect people's boundaries and personal physical space.



A Little More on Sexual Harassment?

Sexual harassment is unwelcome conduct of a sexual nature which is either:

A refusal to submit to a supervisor's sexual advances which results in a tangible employment action - OR -

Conduct which is so subjectively and objectively severe or pervasive as to alter the conditions of employment thus creating a hostile or abusive working environment (*Hostile Environment*).



Hostile Work Environment.

With respect to conduct between fellow employees, an employer is responsible for acts of sexual harassment in the workplace where the employer (or its agents or supervisory employees) knows or should have known of the conduct, unless it can show that it took immediate and appropriate corrective action.”

Did leadership know or should have known?

Was immediate action taken to address the harassment/hostile environment?



Know Your Roles and Responsibilities.

Employees' responsibilities:

Take advantage of any of the employer's complaint process.

Take advantage of any corrective or preventative opportunities provided by the company.

Do your part to prevent harassment.

Employers' responsibilities:

Take prompt, immediate, and corrective measures to prevent the harassment.

Have effective policies and procedures so that employees know how to make complaints.

Do your part to prevent harassment.



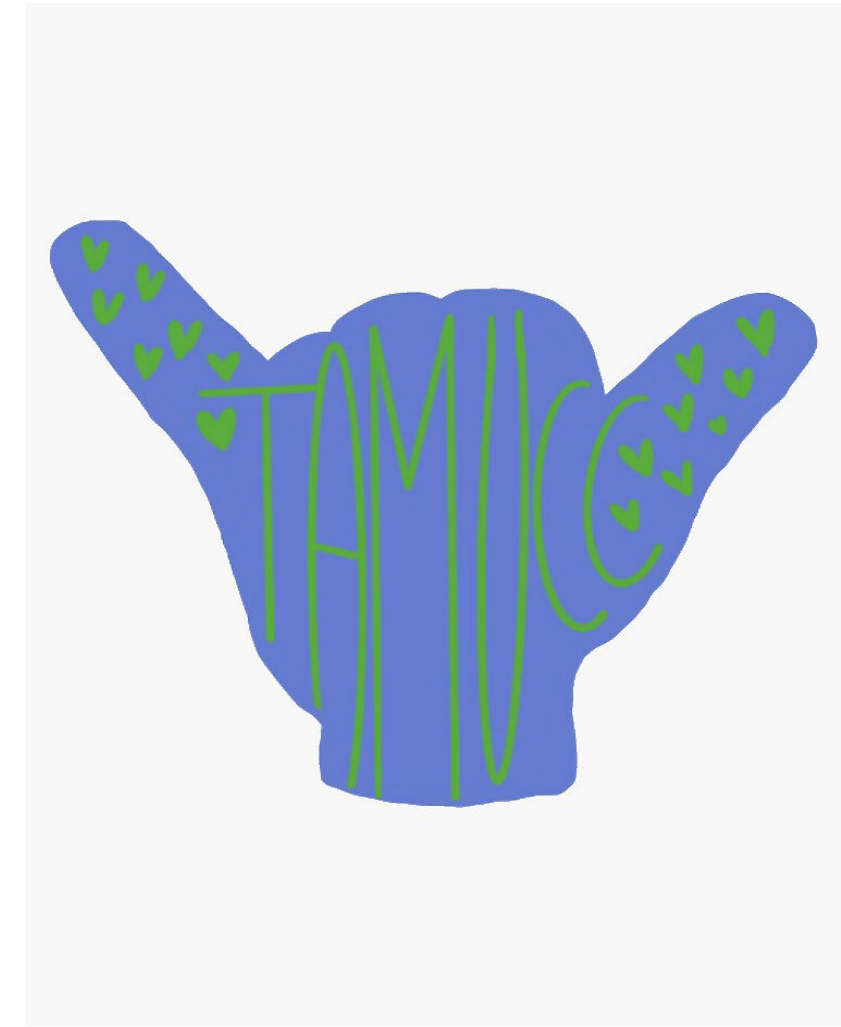
Prevention is Key!

- **Committed and engaged leadership;**
- **Consistent and demonstrated accountability;**
- **Strong and comprehensive harassment policies;**
- **Trusted and accessible complaint procedures; and**
- **Regular training.**

Also, be aware of our behaviors, treat people with respect.



thank
you



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