



**Sexual Harassment Training
2018**

Training Objectives

- Understand the need for the training
- Become aware of the legal and regulatory authorities
- Identify the types of sex discrimination
- Know the definition of Sexual Harassment
- Learn what your roles and responsibilities are for reporting and taking action.

**The LAW says,
“If You Don’t
Know, You Should
Have Known”**

Sexual Harassment Costs!

Tangible Costs: Monetary awards, legal fees



Non-tangible Costs: Turnover, lower productivity, low morale, hours worked, awards, travel & training

It could cost thousands of dollars in legal fees to process a harassment complaint.





- **Title VII of the Civil Rights Act of 1964**
- **Rehabilitation Act of 1973, as amended**
- **Age Discrimination Act of 1967**
- **Equal Pay Act of 1963, as amended**
- **Civil Rights Reform Act of 1978**
- **Civil Rights Act of 1991**
- **Pregnancy Discrimination Act of 1978**
- **Executive Order 11478 of 1969**



Title VII of the Civil Rights Act of 1964

- *Employers with 15 or more employees for each working day in each of twenty or more calendar weeks in the current or preceding calendar year*

Kansas Act Against Discrimination prohibits discrimination in employment on the basis of sex (*KS Stat. Sec. 44-1001 et seq.*). Sexual harassment is generally considered discrimination based on sex. The law applies to:

- All public employers and
- Private employers with four or more employees

While Kansas state law does not require training regarding a private employer's policy on sexual harassment. However, training is strongly recommended.

Training in the prevention of sexual harassment enables supervisors to:

- Properly address sexual harassment complaints
- Educates the workforce on the issue and the prevention of potentially harassing situations
- Establishes and documents the employer's policies, and
- Provides the basis for an effective defense* to sexual harassment claims

**10th Circuit Court of Appeals has ruled that an employer's sexual harassment policy and training program constituted evidence that it exercised reasonable care to prevent and correct harassment in the workplace (Pinkerton v. Colo. DOT, 563 F.3d 1052 (10th Cir. 2009)).*

- Is 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

- A person's gender is necessary for authenticity, genuineness or normal operation of the job.

Is defined as...

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

1. Submission to such conduct is made either explicitly or implicitly a term or condition of employment.
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individuals, or;
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

2 Types of Sexual Harassment

- **Tangible Employment Action:** Making the submission to unwelcome sexual advances or other verbal or physical conduct of a sexual nature a term or condition, implicitly, of an individual's employment status i.e., hiring and firing, promotion, demotion, change in benefits, compensation benefits, work assignments and undesirable reassignment based on his or her submission to or rejection of such conduct.
- **Hostile Work Environment:** Making unwelcome sexual advances or other verbal or physical conduct of a sexual nature with the purpose of, or that creates the effect of, unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Stereotype

- Is a fixed, unchanging idea about someone or something which may have little relationship to the actual fact.
- **Sex role stereotype** – a fixed idea about how men and women should behave.

Everyday customary remarks and actions based on stereotyping; unthinking, undirected; may or may not be discriminatory or harassing.



Examples

- Baby
- Honey
- Sweetheart
- Dear
- Boy
- Gal

Verbal Sexual Harassment

Personal inquiries unrelated to the work environment (i.e., social life or sex fantasies or preferences)

- Referring to co-workers as “Honey,” “Baby,” “Dear,” etc.
- Promises of rewards or benefits for “cooperating”



- Telling jokes with sexual connotations
- Sexually degrading language (i.e., profanity)

Nonverbal Sexual Harassment

- Gestures made with intentional sexual overtones. (i.e., blowing kisses, winking or licking lips).
- Leaving sexually oriented cartoons, pictures, letters, magazines in the work environment.
- Adding sexually oriented pictures to presentations as attention getters.
- Hanging around a person.
- Leering, ogling of someone's body, giving them the "once over".



Physical Sexual Harassment

Physical gestures made with intentional sexual overtones. (i.e., brushing up against a person, hugging or grabbing)



- **Blocking a passageway**
- **Playing Footsie/Kneesie**
- **Kissing**
- **Pinching**
- **Unsolicited back, massage and knee rubs**
- **Touching, Patting or Cornering**

Where can sexual harassment occur?

- **Before, During or After Work**
- **Breaks**
- **Lunch hour**
- **Work-related events outside of office,**
(i.e. happy hours, work conferences,
dinners, holiday parties, picnics)



- **Gossip**
- **Distrust**
- **Lack of Team Effort**
- **Productivity Affected**
- **Turnover**
- **Termination**
- **Discipline**
- **Work Disruption**



- **Demeaning**
- **Embarrassing**
- **Intimidating**
- **Insulting**
- **Threatening**



- **Frightening**
- **Guilty**
- **Lowered Self-Esteem**
- **Impeded Career Progression**

The ultimate responsibility for maintaining an environment free from sexual harassment rests with the employer.

Employees

- ❑ Make sure your conduct cannot be construed as sexual harassment.
- ❑ If you believe you have been subject to or have witnessed sexual harassment, confront the alleged harasser, if possible, by politely, but firmly, making the harasser aware that it is unwelcome. "Going along" sends the wrong message.
- ❑ Follow the company's Anti-Harassment policy and report sexual harassment to the appropriate individual(s). Reporting the harassment is especially important because employers are often only legally responsible if the harassment is properly reported and the employer fails to put a stop to it--especially when it is a co-worker (not your official supervisor) doing the harassing and no one else has previously complained about the co-worker's conduct.

Supervisors

- **Take personal responsibility for prevention.**
- **Recognize their supervisory role.**
- **Recognize environmental cues**
- **Provide an environment free of intimidation**
- **Control social interactions so they don't interfere with productivity**
- **Document warnings, reprimands, and trainings**
- **Take corrective action whenever sexual behavior is displayed**
- **Hold employees accountable for their actions**
- **If an employee raises an issue of sexual harassment, take IMMEDIATE action to investigate**

Supervisors

- ✓ **Check your own behavior**
- ✓ **Stress personal support for the company's policy on Sexual Harassment**
- ✓ **Emphasize policy meaning to employees**
- ✓ **Schedule employees for Sexual Harassment Training**
- ✓ **Monitor environmental warning signals and take actions before a situation becomes serious**
- ✓ **Give feedback to employees on their behavior**
- ✓ **Recognize and actively support employees' rights**

How SBA Handles It:

Even though sexual harassment is both a violation of Title VII of the Civil Rights Act of 1964 and the Civil Service Reform Act of 1978, it is also a violation of the Agency's Standards of Conduct.

Agency's Table of Recommended Actions per SOP 37 52 2		
Sexual Misconduct	1st Offense	Subsequent Offenses
In appropriate and/or unwelcome touching or other physical contact	5-day suspension to removal	30-day suspension to removal
Pressure for (or official action based on) sexual favors, including taking action favorable to an employee because of the granting of a sexual favor or denying an action favorable to an employee because of the withholding of a sexual favor	30 day suspension to removal	Removal
Inappropriate and/or unwelcome teasing, jokes, actions, gestures, display of visual material of a sexual nature or remarks of a sexual nature	Letter of reprimand to 30-day suspension	30-day suspension to Removal

Situation #7: You need to escalate a serious issue:

Eva is an engineer in Silicon Valley. While away at an industry event in New York, she returns to her hotel to find her manager in the hotel lobby. He tells her that he flew there to spend time with her because he has strong feelings for her. When Eva reports this to Abe from the HR department, he tells her that her manager is one of the top performers at the company, that he has been there for many years without incident, and that she probably misinterpreted what he said.

What you should say: **“Your response gives me cause to take this further.”**

Why it works: This serious statement, delivered in a calm and matter-of-fact tone, informs the offender and managers that you will not be complicit and compliant with misconduct, and that you will figure out a way to take further action, by:

- establishing that the issue isn't going away
- being transparent about your plan to escalate
- demonstrating that you expect action, and that you will not suffer consequences for reporting it
- empowering you in the moment, rather than demoralizing you in the aftermath

<https://hbr.org/2017/10/7-tricky-work-situations-and-how-to-respond-to-them?>



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Marketing Strategies – Developing your brand and using tools like social media to increase customer engagement / sales

Advanced Restaurant Management Strategies

Advanced Retail Management Strategies

How to adjust and prepare for the **new federal tax law changes**

Thank You!

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