

Session Objectives	Welcome to BLR training. This course is about sexual harassment in the workplace. It's an important subject because sexual harassment is illegal. This workplace also has a formal policy that prohibits sexual harassment in the workplace—a policy you are responsible for enforcing. But beyond laws and policies, sexual harassment is very damaging to the workplace and work environment. This course will cover what sexual harassment is, why it's so damaging to employees and the organization, and what you can do about it. The main objective of this course is to inform you about workplace sexual harassment and your role in preventing it. By the time the course is over, you should be able to: • Understand legal and policy requirements; • Recognize sexual harassment when it occurs; • Handle complaints effectively; • Participate in investigations; • Take appropriate corrective action; <i>and</i> • Maintain a positive, productive work environment.
Knowledge Check 1	Before we begin the session, let's take a few minutes to see how much you already know about sexual harassment. <i>When you're ready to begin, select NEXT.</i> <i>Select True or False, then SUBMIT.</i> 1. Workplace sexual harassment is a form of illegal employment discrimination. ○ True ○ False 2. Employers may be liable for sexual harassment of employees by coworkers. ○ True ○ False

	3. Sexual harassment always involves physical actions such as kissing or touching. ○ True ○ False 4. As a supervisor, there is not much you can do to identify, correct, and prevent workplace sexual harassment. ○ True ○ False
Why You Should be Concerned About Sexual Harassment	You should be concerned about sexual harassment for several reasons. • Sexual harassment is a form of illegal employment discrimination. To comply with federal and state employment laws, we must prevent sexual harassment whenever possible and correct it if it occurs. • Sexual harassment creates a negative work environment in which people are tense, fearful, uncomfortable, and often humiliated. • Sexual harassment often interferes with effective job performance. • Sexual harassment undermines trust and respect and makes good working relationships impossible. • Sexual harassment also exposes the organization to liability. Employees subjected to sexual harassment on the job can sue their employer for damages.
Sexual Harassment and the Law	Let's consider what the law says about sexual harassment. • Federal law under Title VII of the Civil Rights Act prohibits sexual harassment, including harassment based on a person's sexual orientation or gender identity, as a form of sex discrimination; • State laws that address civil rights and fair employment practices also prohibit sexual harassment in the workplace; <i>and</i> • The federal Equal Employment Opportunity Commission, or EEOC, and state fair employment agencies enforce the laws that prohibit sexual harassment.

Facts About Workplace Sexual Harassment	Let's review some important facts about workplace sexual harassment. <i>Select the forward and backward arrows to learn more.</i> How big a problem is workplace sexual harassment? There are about 15,000 cases of sexual harassment filed with the EEOC each year. Many more cases are filed with state EEO agencies. And even more incidents probably go unreported. Which employees are most often targeted? Most sexual harassment charges are filed by women. However, the number of complaints filed by men has increased in recent years, indicating this is not just a problem for working women. How is sexual harassment defined? Sexual harassment is unwelcome sexual conduct that affects a person's employment, unreasonably interferes with work performance, or creates a hostile work environment. What does 'sexual conduct' mean? Unwelcome sexual conduct can include sexual advances, requests for sexual favors, verbal or physical conduct of a sexual nature, and displays of sexually explicit or suggestive materials. Who is hurt by sexual harassment? Sexual harassment is conduct that can harm either the physical or the emotional health of the target of the harassment or of witnesses to the conduct. This can also negatively affect the atmosphere of the workplace in general. Sexual harassment harms everyone in the workplace, not just the targeted person. Sexual harassment has nothing but negative effects. What is your role in preventing sexual harassment? As a supervisor, you play a critical role in preventing, identifying, and correcting workplace sexual harassment.
Harassment and Social Media	Inappropriate comments, jokes, or images are examples of harassing behavior whether they're communicated face-to-face, by e-mail, through a text message, or by posting on a social networking site. • Technology has made it simple to create and communicate a message, photo, or video with just the click of a button. But inappropriate materials can constitute harassment whether they're communicated face-to-face or electronically. A message is out of your control once it's sent electronically. It can be forwarded to any number of individuals and made available for public viewing on the Internet.

	• Employees should be careful not to post offensive messages on social networking sites or to transmit sexually suggestive messages by e-mail, cell phone, or other electronic means. If it's inappropriate conduct in person, it's inappropriate in any form of electronic media and may constitute unlawful workplace harassment. • Examples of inappropriate conduct include: — A sexual comment about an employee's photo posted on a social networking site; — Repeated text messages asking for a date; — Offensive photos or videos sent via e-mail or cell phone; — Sexual innuendo in a tweet, text, or e-mail.
Sexual Harassment Policy	In order to create a respectful and dignified workplace, our organization maintains and enforces a sexual harassment policy that establishes a complaint procedure and outlines penalties for harassers. Our policy is our first line of defense against liability for sexual harassment. It is also one of the best ways to help prevent sexual harassment in our organization because it creates awareness of the problem and puts everyone on notice that such behavior will not be tolerated. Our policy: • Communicates our position against sexual harassment so that everyone understands what is and is not acceptable workplace behavior; • Promotes compliance and prevention by defining the responsibilities of management, supervisors, and employees in preventing sexual harassment and in responding quickly and effectively to any complaints; <i>and</i> • Protects employee rights by fostering and maintaining a respectful and dignified work environment by preserving confidentiality whenever possible and by communicating and enforcing a policy of "no retaliation" against anyone who reports sexual harassment or inappropriate behavior.
Supervisor Responsibilities	• Make sure you are familiar with the workplace sexual harassment policy, including the complaint procedure. If you have any questions, ask your supervisor or an HR representative. • Explain the policy and complaint procedure to all your employees. Each new hire should be given a copy of the policy, and an explanation of how to file a complaint. Also, post a copy of the policy on your department bulletin board to ensure that this information is available at all times.

	• Make sure employees know to whom they can report inappropriate behavior if not their supervisor. • Make it clear that this policy will be enforced. Let employees know that the consequences for harassing a coworker include discipline and may even result in discharge. Never ignore inappropriate behavior in the workplace—whether you see it yourself or it's reported to you. • Finally, review the terms of the harassment policy from time to time with your employees. Make certain that they understand their rights and responsibilities under the policy, including the right to bypass the normal chain of command when making harassment complaints if the alleged harasser is a supervisor.
Who Might Be Involved?	It is important to know who might be involved in and affected by sexual harassment. <i>Select each tab to learn more.</i> Employees, Supervisors, or Managers: Those who commit sexual harassment can be anyone in the organization at any level—managers, supervisors, or employees. In other words, unlawful harassment can travel up, down, and sideways within the organization. Any Gender: In the majority of cases, harassers are male and targets are female. However, according to some statistics, as many as 20 percent of male workers have experienced sexual harassment on the job. Both a harasser and a target of harassment can be anyone of any gender. Customers or Clients: Employers may also be liable when employees are sexually harassed by third parties like customers, clients, or vendors.
How Does Sexual Harassment Affect People?	Aside from the legal and policy aspects, there's also a personal side to sexual harassment. It is offensive conduct that makes people feel: • Uncomfortable; • Embarrassed; • Humiliated; • Insulted; • Disrespected; • Degraded; • Intimidated; <i>and</i> • Unsafe.

	Remind employees to always be mindful of what they do and say. Behavior that's acceptable outside the workplace isn't always appropriate at work. So urge employees to be respectful of everyone in the workplace.
Knowledge Check 2	Now it's time for a quiz to test your knowledge of the information presented so far. <i>When you're ready to begin, select NEXT.</i> <i>Select the correct option, then SUBMIT.</i> - Sexual harassment is _____ by law. ☐ Prohibited ☐ Allowed - Sexual harassment is _____ sexual conduct that affects a person's employment, unreasonably interferes with work performance, or creates a hostile work environment. ☐ Normal ☐ Unwelcome - Those who commit sexual harassment could be employees, managers, supervisors, or _____. ☐ Customers ☐ Computers - As a supervisor, it's your job to explain and enforce the sexual harassment _____. ☐ Act ☐ Policy - Sexual harassment undermines trust and respect and damages work _____ between employees. ☐ Relationships ☐ Hours
Review	Now it's time to ask yourself if you understand the information presented in the previous screens. For example, do you understand what we've said about: • What sexual harassment is and how it affects the workplace? • Why you should be concerned about sexual harassment?

	• Sexual harassment and the law? • Workplace policy requirements? and • Who might be involved in sexual harassment? It's important to understand all this information so that you can identify sexual harassment and help prevent it. If you need to go back and review, now is a good time to do that.
Quid Pro Quo	There are two main forms of sexual harassment. • The first form is called <i>quid pro quo</i>, which means "this for that." • Essentially, this means that someone in authority, such as a supervisor or manager, says to an employee, "I'll do this to you unless you agree to my sexual request" or "I'll give you something you want related to your job if you agree to my sexual request." • Common examples include being passed over for promotion or a raise or being given the least desirable assignments all the time for refusing the sexual overtures of a supervisor. • Inducements might include the promise of a raise or other job benefit in return for sexual favors.
Hostile Work Environment	Hostile work environment is the other main form of sexual harassment. <i>Select each tab to learn more.</i> Conduct: Unwelcome, offensive conduct that is either severe or pervasive, or both, constitutes a hostile work environment. Offensive conduct based on sex or gender might be aimed specifically at certain persons, or it might be more generalized throughout the workplace. Work Environment: Regular and repeated conduct of a sexual nature, which might be physical, verbal, or visual, can unreasonably interfere with job performance or create an intimidating, hostile, or offensive work environment. Examples: Examples of a hostile work environment include: • Posting sexually explicit pictures, calendars, graffiti, or objects around the work area; • Regularly using foul language, making sexual jokes, using obscene gestures, or making rude comments of a sexual nature; • Unwanted touching, holding, grabbing, hugging, patting, fondling, or kissing; <i>and</i> • Repeatedly making sexual advances after a person has made it clear that she or he is not interested.

	Participants: Conduct constituting a hostile work environment is usually committed by coworkers, although supervisors or managers could also be involved. Often, supervisory involvement takes the form of ignoring offensive behavior rather than actively participating in it. Socializing: Ordinary socializing in the workplace that may include flirtation between employees would generally not be considered harassment. Harassment must be unwelcome and offensive.
Liability	• An employer is automatically liable for a supervisor's harassment that results in a tangible employment action or creates a hostile work environment. A tangible employment action is a change that has an adverse effect on an employee's job or working conditions, such as a demotion, suspension, or firing. • An employer may be liable for a hostile work environment created by an employee's coworkers if the employer knew or should have known of the harassment and did not immediately address it. For example, if an employee complains to you about a coworker touching her and making sexually provocative remarks to her, you—and the organization—are effectively put "on notice" of the harassment. To prevent liability, an employer must take immediate and appropriate corrective action. • We could also be held liable for sexual harassment of our employees by customers, clients, and independent contractors if, again, we knew or should have known about the problem and did nothing to stop it. This is yet another reason to encourage employees to report sexual harassment or inappropriate behavior immediately and why it is critical for the organization to act on employee complaints promptly and effectively.
Handling Complaints	In most cases, you will be the first person in management to whom an employee comes to complain about sexual harassment. <i>Select the forward and backward arrows to review the steps in the complaint-handling process.</i> Don't Discourage Complaints: Encourage employees to report unwelcome conduct. Make sure complaint procedures are clear and easy to follow and that there are alternate avenues for reporting. Regardless of how a complaint is made, you must take it seriously. Respond: Respond to all complaints. Never ignore any complaint or discourage employees from making complaints. Report all incidents immediately to HR or the person designated to receive harassment complaints.

	Maintain Confidentiality: Handle complaints as confidentially as possible. Obviously, you can't guarantee complete confidentiality, as it's impossible to conduct an effective investigation without discussing the situation with the alleged harasser and potential witnesses. Protect Rights: Make an effort to protect everyone's rights, including the alleged harasser's. Until someone admits specific conduct or until an investigation determines that the conduct occurred, you need to keep an open mind.
Knowledge Check 3	Now it's time to review the information presented in this course. <i>When you're ready to begin, select NEXT.</i> <i>Select the correct option, then SUBMIT.</i> - How does sexual harassment often make targeted employees feel? ○ Humiliated ○ Powerful ○ Appreciated - How might sexual harassment affect a targeted employee's job performance? ○ Improve ○ Interfere with ○ No effect - Who may be targets of workplace sexual harassment? ○ Only females ○ Only males ○ Only employees who aren't supervisors ○ Anyone - What is it called when a supervisor uses authority to impose a significant change to employment status, like a demotion, an undesirable transfer, or a failure to promote? ○ <i>Quid pro quo</i> ○ Hostile work environment - Which is an example of sexual harassment? ○ Sexually explicit pictures ○ Asking for a date ○ Occasional foul language

	6. Which statement about sexual harassment complaints is true? ○ Encourage them ○ Discourage them 7. Can an employer be held liable for harassment by both supervisors and employees? ○ Yes ○ No
Retaliatory Actions	It is unlawful for supervisors or managers to retaliate against any individual or allow other employees to create a hostile atmosphere as an act of retaliation against a coworker. Retaliatory actions: • Are not limited to actions that are employment-related—that affect the terms and conditions of employment or that occur in the workplace. An unwarranted negative job reference can be retaliatory. • Can be any adverse action that could discourage a reasonable worker from making a complaint about harassment or discrimination.
Retaliation is Prohibited	Retaliation for engaging in protected activity is prohibited. Protected activity includes: • Making a charge; • Filing a complaint; • Initiating litigation; or • Testifying or assisting in any proceeding, hearing, or investigation.
Meet Jenny	In light of what you've just learned about retaliation, consider this case: • Gary, a manager, asks Jenny, his employee, out on a date. • Jenny says "No" and complains to the person designated by her company to receive complaints. • Gary hears about the complaint and fires Jenny. • Gary claims he is firing Jenny for "poor performance."

Jenny's Case	Is this a case of workplace retaliation? <i>Select the best option, then SUBMIT.</i> ○ It's not retaliation because Jenny did not engage in a protected activity. ○ It is retaliation. Gary fired Jenny because she complained. ○ It's not retaliation because Jenny and Gary never went on a date.
What is Not Retaliation?	So, Gary firing Jenny because she complained was retaliation. What is not considered retaliation? • The employee does not engage in a protected activity. For example, if Jenny had not complained to the person designated by her company to receive complaints. • The employer initiates an adverse employment action unrelated to the protected activity—for example, Gary fires Jenny and three other employees on the same day for time card fraud. • The employer takes an adverse employment action when it has no knowledge of the employee's protected activity. For example, Jenny's poor performance is well documented and Gary doesn't know that she has complained when he fires her for failing to meet the goals in her performance improvement plan.
Knowledge Check 4	What did you learn from Jenny and Gary's case? <i>When you're ready to begin, select NEXT.</i> <i>Select the correct option, then SUBMIT.</i> 1. Which of the following was the protected activity in the "Gary and Jenny" scenario? ○ Gary firing Jenny ○ Gary asking Jenny on a date ○ Jenny reporting Gary to the person designated by her company to receive complaints ○ Jenny's poor performance 2. Which of the following was the adverse employment action? ○ Gary firing Jenny ○ Gary asking Jenny on a date ○ Jenny reporting Gary to the person designated by her company to receive complaints ○ Jenny's poor performance

	3. This is only a case of retaliation if it is proven that Gary sexually harassed Jenny. ○ True ○ False 4. This is only a case of retaliation if it is proven that Jenny's protected activity was the reason Gary fired her. ○ True ○ False 5. Gary asking Jenny on a date one time automatically qualifies as sexual harassment. ○ True ○ False
Corrective action	When an investigation determines that harassment has occurred in violation of our policy OR the law, we must take immediate and effective corrective action. Always consult with HR or a designated representative before taking any action. Any action we decide to take must do three things: • One: Stop the harassment. • Two: Correct its effects on the targeted employee. • Three: Prevent the harassment from happening again. Remember that whatever action is taken, it should not adversely affect the targeted employee. Responses that penalize the targeted employee could constitute unlawful retaliation and are often not effective in correcting the harassment.
Corrective Action: Harassers	Corrective action should stop the harassment and ensure that it does not recur. <i>Select each tab to learn more about corrective action for harassers.</i> Training: Corrective action might include training or counseling for the harasser. This might involve: • Reviewing the sexual harassment policy; • Discussing the offensive behavior and explaining appropriate conduct in the workplace; <i>and</i> • Having the employee repeat your sexual harassment training program.

	Discipline: In many cases, discipline is appropriate. Remember that disciplinary action should be proportional to the seriousness of the incident and frequency of the conduct. Discipline might include: • Verbal or written warning; • Suspension; <i>or</i> • Termination, which is usually reserved for very serious incidents or repeated incidents after warnings. Senior management, HR, or legal counsel will decide what forms of corrective action are appropriate.
Corrective Action: Targeted Employees	Corrective action should help put targeted employees where they would have been had the harassment not occurred. <i>Select each tab to learn more.</i> Leave Time: Corrective action should restore to the targeted employee any sick or leave time taken because of the harassment. Evaluations: Corrective action should remove any negative evaluations in the employee's personnel file that arose from the harassment or retaliation. Reinstatement: If the targeted employee quit or lost a job because of harassment, the employee should be reinstated. Compensation: The targeted employee should be compensated for any monetary losses directly resulting from the harassment—for example, back pay or an earned raise or promotion denied by a supervisor in a tangible employment action. Apology: Often, corrective action includes an apology by the harasser to the targeted employee. Monitoring: Corrective action should always include monitoring of the treatment of the targeted employee to ensure that she or he is not subjected to retaliation by the harasser or others in the workplace because of the complaint.
Knowledge Check 5	Now it's time to review the information presented in this course. <i>When you're ready to begin, select NEXT.</i> <i>Select the correct option, then SUBMIT.</i> 1. In addition to stopping harassment and rectifying its effects, what should corrective action for sexual harassment achieve? ○ Termination of harasser

	○ Vacation for targeted employee ○ Preventing recurrence 2. Is discipline appropriate in cases of sexual harassment? ○ Yes ○ No
Key Points to Remember	Here are the main points to remember about this course on sexual harassment: • Sexual harassment is prohibited by law and workplace policy. • It involves more than physical conduct; it can also be verbal or visual. • Sexual harassment harms everyone in the workplace. • You have a responsibility to identify it, correct it, and help prevent it. This concludes the “Preventing Sexual Harassment: A Guide for Supervisors” training session. Please be sure to go back and review any information that is not completely clear. If you still have questions, ask your supervisor or trainer.
Final Quiz	You will now be tested on the material covered in this course. Follow the instructions to complete the final exam.