



Let's Talk . . . Harassment—It Happens! Leader's Guide

Overview:

Harassment, inappropriate disrespectful behavior covered in *Let's Talk . . . Harassment—It Happens!*, is problematic for both individuals and organizations. It negatively impacts the workplace in terms of productivity and effectiveness, and it negatively impacts our well-being at work in terms of job satisfaction, performance, and physical and emotional health.

The *Let's Talk . . . Harassment—It Happens!* training program is a stand-alone program, which works well in conjunction with the other programs in the Let's Talk series. It can also be used to fine-tune other, more general, Harassment and Respectful Workplace programs.

Prepare for the Session:

- Preview the *Let's Talk . . . Harassment—It Happens!* program, and consider the topic in the context of your organization.
- Read through the Leader's Guide.
- Make sure you have a Discussion Question handout for each participant.
- Remember to use a matter-of-fact, nonjudgmental tone of voice when discussing sensitive concepts.
- Greet participants in a friendly manner.

Open the Session:

- Introduce yourself and welcome the participants to the training session.
- Introduce the *Let's Talk . . . Harassment—It Happens!* program, explaining that its topic is applicable to individuals at all levels of the organization.
- Ask participants as they watch the program to think about the topic in terms of their personal experience and observation.
- Let participants know that there will be a short discussion portion of the program, with an opportunity to comment and/or ask questions.

Present the Material:

- Show the *Let's Talk . . . Harassment—It Happens!* program (running time:10 minutes).
- Review definitions and learning points for key concepts as follows:

What is Harassment and how does it manifest itself?

Definition: Harassment is inappropriate disrespectful, sometimes illegal, behavior that may occur between coworkers, between managers and the people they supervise, between customers or vendors and employees, or between patients and healthcare workers. It can take social, psychological, emotional, or physical forms.

Learning Points: The following are examples of workplace harassment:

❖ **Sexual harassment**

Sexual harassment is any ongoing unwelcome behavior of a sexual nature.

❖ **Telling hurtful jokes**

These may include gender, racial, or other stereotypes.

❖ **Spreading rumors and gossiping**

❖ **Engaging in unwelcome physical contact**

This may include hugging, back rubs, or intentionally brushing up against someone.

❖ **Sending inappropriate emails or texts, sexting, and cyber-bullying on social networking sites**

Inappropriate emails and texts may contain insulting humor or sexual content.

❖ **Displaying derogatory pictures or cartoons in the workplace**

❖ **Ridiculing others**

Physical appearance, religious or political beliefs, or abilities may be the subjects of ridicule.

❖ **Using crude or obscene gestures and/or language**

❖ **Put-downs, name-calling, or even the regular use of demeaning terms of endearment**

❖ **Bullying, abusive conduct, or physical intimidation**

How Does Harassment Affect Individuals and Organizations?

Learning Points: Harassment adversely affects:

❖ **Physical health**

The stress, fear, and shame of being targeted at work can lead to headaches, digestive problems, and insomnia.

❖ **Emotional health**

Harassment can cause depression, anxiety, and panic attacks.

❖ **Creativity**

Creativity requires positive energy, not stress and fear.

❖ **Self-esteem**

Targets of harassment often wonder whether they're somehow at fault.

❖ **Productivity**

Workplace harassment causes absenteeism and makes being effective at one's job a challenge.

❖ **Morale**

Low morale is common not just for the target of the harassment but for others in the environment as well.

Harassment and the Law

Legal Definition: Under Title VII of the Civil Rights Act, and several other acts that amend or extend it, such as the Age Discrimination and Pregnancy Discrimination acts, and the Americans with Disabilities Act, as well as the more recent Genetic Information Nondiscrimination Act, it's *illegal* to discriminate on the basis of the following categories: race, color, religion, sex (including gender-identity and pregnancy, childbirth, or pregnancy-related medical conditions), national origin, age (for those over 40), sexual orientation, parental status, disability, or genetic information. Harassment relating to any of these protected categories is considered discriminatory and is thus illegal.

Local laws and organization policy, however, may even go further, making other kinds of discrimination and harassment subject to legal or disciplinary action as well.

Learning Points—Legal:

The two legal categories of harassment are **Hostile Work Environment** and **Quid Pro Quo**, defined as follows:

- ❖ **Hostile Work Environment** harassment occurs when the atmosphere within the organization is *severely and pervasively* intimidating, hostile, or offensive—and—the harassing behavior involves one of the federally protected categories mentioned above.

(Note that the legal definition of a Hostile Work Environment is one with a *severely and pervasively* hostile atmosphere. It's an environment with a *pattern* of inappropriate and disrespectful behavior, rather than one in which there are occasional isolated instances of bad behavior.)

- ❖ **Quid Pro Quo** (“this for that”) harassment is harassment that involves an exchange, or a trade.

For example, a manager who implies that a promotion can be had in exchange for sex is guilty of illegal, quid pro quo harassment. Keep in mind that sexual harassment can occur between people of the opposite sex or the same sex. While sexual harassment may be the most common form of quid pro quo harassment in an organization, it's not the only form.

The “**Reasonable Person Standard**” is used to determine whether inappropriate behavior in the workplace is detrimental enough to be illegal. Would a “reasonable person” consider the behavior egregious enough to meet the legal definition of harassment?

Retaliation against someone reporting harassment is illegal.

How to Prevent and Deal with Harassment

- ❖ Make sure that we treat all of our colleagues with respect.
- ❖ *If you experience harassment, or see someone else being harassed, politely ask the harasser to stop, if you feel comfortable doing so.*
- ❖ A simple, straightforward approach is often surprisingly effective. Sometimes, a person may not even realize that his or her behavior is offensive or inappropriate, and when made aware of it will stop!

Start Discussion:

- Distribute the Discussion Questions handout.
- Read the 4 questions on the Discussion Questions handout to participants, and explain that they will have 5–8 minutes for discussion based on the questions.
- Ask participants to take the handout Quiz.
- Remind participants of the importance of using respectful language and tone of voice when discussing such sensitive issues.
- Have participants form small groups of 3–5 people for the discussion portion of the training.

Discussion Questions:

Have you witnessed or been the target of harassment in your workplace?

Sample answers:

- 1. When I'm at my desk, one of my coworkers keeps coming up behind me and rubbing my shoulders.*
- 2. Some people imitate my coworker's accent and e-mail racist jokes to him.*
- 3. My boss calls me stupid in front of everyone.*

What might be a practical consequence of this action for the target?

Sample answers:

- 1. It's creepy, and embarrassing to me. I don't want to come to work anymore.*
- 2. Their behavior may make him feel self-conscious and insecure.*
- 3. When she calls me derogatory names, especially in front of my coworkers, I feel angry, embarrassed, and powerless.*

What might be a practical consequence of this action for the organization?

Sample answers:

- 1. I'm stressed and unable to focus on my job.*
- 2. My coworker might quit.*
- 3. I don't want to be at work, and when I am there, I don't do my best for my boss.*

What might be an appropriate response to the behavior?

Sample answers:

- 1. Tell your coworker that the behavior is unwelcome and inappropriate. Firmly but politely ask him to stop..*
- 2. Calmly let the perpetrators know that their actions are inappropriate and hurtful and ask them to stop.*

3. *Matter-of-factly let your supervisor know that you want to be treated in a professional and courteous manner and that name-calling is unacceptable.*

PREVIEW ONLY

Quiz Answer Key

1. Harassment can take many forms.
TRUE/FALSE
2. It can sometimes be helpful to talk to a harasser directly about his or her behavior.
TRUE/FALSE
3. The courts use a commonsense guide known as the “Reasonable Person Standard” to help determine whether illegal harassment has occurred.
TRUE/FALSE
4. A non-employee, such as a customer or salesperson, cannot be guilty of harassment.
TRUE/FALSE
5. It is illegal for an organization to retaliate against someone who reports harassment.
TRUE/FALSE
6. Harassment can do physical and psychological harm.
TRUE/FALSE
7. Sexual harassment is the only form of Quid Pro Quo harassment.
TRUE/FALSE
8. A hostile work environment is one in which there are occasional isolated instances of bad behavior.
TRUE/FALSE
9. Under federal law, a “supervisor” is someone with the authority to take so-called TANGIBLE EMPLOYMENT ACTION
TRUE/FALSE
10. Harassment has no effect on productivity in the workplace.
TRUE/FALSE

Conclude the Session:

1. Reassemble the group.
2. Recap the following key concepts from *Let's Talk . . . Harassment—It Happens!*:
 - **Harassment** is inappropriate disrespectful, sometimes illegal, behavior that may occur between coworkers, between managers and the people they supervise, between customers or vendors and employees, or between patients and healthcare workers. It can take social, psychological, emotional, or physical forms, and is never acceptable.
 - **Harassment** negatively impacts the workplace in terms of productivity and effectiveness, and it negatively impacts our well-being at work in terms of job satisfaction, performance, and physical and emotional health.
 - **Harassment** can occur in any organization.
 - **Harassment** can be remedied with civility, respect, and professionalism.
3. Take questions.
4. Thank everyone for participating, and express your hope that participants will take what they've learned at the session and work to improve their organization.

Let's Talk . . . Harassment—It Happens!
Handout

Discussion Questions

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10. Harassment has no effect on productivity in the workplace.
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Let's Talk . . . Harassment—It Happens! Transcript

It may be hard to admit, but even in the best, most well-intentioned organizations, harassment happens.

Sometimes inappropriate, disrespectful, even *illegal*, behavior occurs—between coworkers, between managers and the people they supervise, between customers or vendors and employees, between patients and healthcare workers.

We need to recognize it when it happens, and put a stop to it. Because no one should have to put up with harassment!

Have you, or someone you know, observed—or even experienced—harassment in *your* organization? In order to answer that question, we have to know just what harassment *is*.

The Legal Definition of Harassment

Harassment has a legal definition—because *it's against the law*. So, what is the legal definition of harassment?

Under Title VII of the Civil Rights Act, and several other acts that amend or extend it, such as the Age Discrimination and Pregnancy Discrimination acts, and the Americans with Disabilities Act, as well as the more recent Genetic Information Nondiscrimination Act, it's *illegal* to discriminate on the basis of the following categories: race, color, religion, sex (including gender-identity and pregnancy, childbirth, or pregnancy-related medical conditions), national origin, age (for those over 40), sexual orientation, parental status, disability, or genetic information.

Local laws and organization policy may even go further, making other kinds of discriminatory or abusive conduct illegal as well.

Abusive conduct—offensive, inappropriate, discriminatory behavior against an individual or group in violation of the law—is considered harassment, and legally it comes in two basic forms:

1. Quid Pro Quo

The first type of harassment has a fancy name—“quid pro quo,” which is Latin for “this for that” —but it’s a simple idea. It’s harassment that involves an exchange, or a trade.

For example, a manager who implies that a promotion can be had in exchange for sex is guilty of illegal, quid pro quo harassment.

Keep in mind that sexual harassment can occur between people of the opposite sex or the same sex. While sexual harassment may be the most common form of quid pro quo harassment in an organization, it’s not the only form.

Another example of quid pro quo harassment would be if an employer insisted that all his employees attend church as a condition of their employment.

In other words, an out-of-bounds demand of “I’ll give you this if you’ll give me that” equals quid pro quo harassment.

2. Hostile Work Environment

The second type of illegal harassment is known as Hostile Work Environment harassment. When the atmosphere at work is *severely and pervasively* intimidating, hostile, or offensive—*and*—the harassing behavior involves a federally protected category (that is, age, disability, gender, sexual orientation, race or color, religion, national origin, pregnancy or parental status, or genetic information), that’s Hostile Work Environment harassment.

Some examples of harassing behavior that can lead to an illegal Hostile Work Environment are:

- Sexual harassment, which is any ongoing unwelcome behavior of a sexual nature;

- Telling hurtful jokes that include gender or racial stereotypes, spreading rumors, or gossiping;
- Engaging in unwelcome physical contact such as hugging, back rubs, or intentionally brushing up against someone;
- Sending inappropriate e-mails or texts, such as those containing insulting humor or sexual content, sexting, or cyber-bullying on social networking sites;
- Displaying derogatory pictures or cartoons in the workplace;
- Ridiculing others for their physical appearance, beliefs, or abilities;
- Bullying, abusive conduct, or physical intimidation;
- Using crude or obscene gestures and/or language
- Put-downs, name-calling, or even the regular use of demeaning terms of endearment.

Note that the legal definition of a Hostile Work Environment is one with a *severely and pervasively* hostile atmosphere. It's an environment with a *pattern* of inappropriate and disrespectful behavior, rather than one in which there are occasional isolated instances of bad behavior.

But how do we know when bad behavior crosses the line from being inappropriate and annoying in an ordinary way to being actually illegal?

The courts use a commonsense guide known as the "Reasonable Person Standard" to help determine whether illegal harassment has occurred. What would "a reasonable person" think? Would "a reasonable person" find the behavior offensive and unacceptable?

And, yes, *anyone*—even a supervisor or manager—*can harass or be harassed by another person*, as can people who aren't even employees, such as customers, contractors, vendors, or patients.

And harassment can take place anywhere that an organization is being represented—at a fundraising event, an off-site meeting, a sales call, a company picnic.

Tangible Employment Action and Vicarious Employment Action Liability

Under federal law, a “supervisor” is someone with the authority to take so-called TANGIBLE EMPLOYMENT ACTION—in other words, someone with the authority to hire, fire, demote, promote, or reassign another employee.

And, in fact, most organizations are subject to legal liability, known as VICARIOUS EMPLOYMENT ACTION LIABILITY, when one of their supervisors engages in harassing behavior.

The abuse of power by a supervisor is a serious matter.

Effects of Harassment in the Workplace

Workplace harassment can adversely affect:

- *Physical health.* The stress, fear, and shame of being targeted at work can lead to headaches, digestive problems, and insomnia.
- *Emotional health.* Harassment can cause depression, anxiety, and panic attacks.
- *Creativity.* Creativity requires positive energy, not stress and fear.
- *Self-esteem.* Targets of harassment often wonder whether they're somehow at fault.
- *Productivity.* Workplace harassment causes absenteeism and makes being effective at one's job a challenge.
- *Morale.* Low morale is common not just for the target of the harassment, but for others in the environment as well.

Any organization is only as effective as its people. And to be effective, an individual must feel valued and supported, not undermined and threatened.

Remedies and Prevention

So what can we *do* about harassment? How can we prevent inappropriate behavior from escalating to illegal behavior?

Well, first and foremost, let's make sure that we treat all of our colleagues with respect.

If you experience harassment, or see someone else being harassed, politely ask the harasser to stop, if you feel comfortable doing so.

A simple, straightforward approach is often surprisingly effective. Sometimes, a person may not even realize that his or her behavior is offensive or inappropriate, and when made aware of it will stop!

If you don't feel comfortable confronting the harasser directly, if the harassment continues after you do try to discuss it, or if you feel intimidated, talk to a supervisor, or to Human Resources.

Retaliation

It is illegal for an organization to retaliate against someone complaining of harassment. Retaliation for filing a discrimination charge, participating in the investigation or prosecution of such a charge, or speaking out against harassment and discrimination is *illegal*. Never be afraid to report retaliation immediately!

Harassment happens—and it can happen anywhere!

Legally characterized as either “quid pro quo” or “Hostile Work Environment,” harassment, when it is severe and based on one of the legal categories of discrimination, or expanded by other local legislation, is subject to the “Reasonable Person Standard.”

Harassment can do real physical and emotional harm, but it's a problem that we *can* effectively address, without fear of retaliation.

Let's strive to make our organization free from *all* forms of harassment. Together, we can ensure a safe, productive, and respectful environment for all.

PREVIEW ONLY