

SEXUAL HARASSMENT

THE “TAKEAWAY” FOR MANAGERS™

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The Legal Definition of Sexual Harassment

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Legally, sexual harassment is a form of discrimination. If an employee covered by a legally protected category

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such as sex, sexual orientation, or gender identity is subjected to an ongoing, pervasive pattern of unwelcome behavior that's sexual in nature, he or she is being sexually harassed.

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Quid Pro Quo harassment literally means “this for that,” and involves an exchange. An example would be if a boss used a job reward (like a raise or promotion) or punishment (like the threat of being fired) to force an employee into a sexual relationship.

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Hostile Work Environment harassment occurs when the atmosphere at work is severely and pervasively intimidating, hostile, or offensive and the victim is covered under a federally protected category.

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The Legal Definition of Sexual Harassment

THE TAKEAWAY

There are two categories of harassment according to federal law: Quid Pro Quo and Hostile Work Environment.

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A Proactive Response

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Managers should be proactive, keeping their eyes and ears open, and staying on the lookout for any signs of sexual harassment.

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A manager should be careful to never personally engage in harassing behavior. When a harasser is in a supervisory role, the organization (and the manager) is almost always legally liable.

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Managers are liable for sexual harassment between coworkers if they knew or should have known about it and took no steps to stop it.

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A Proactive Response

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Proactive managers avoid lawsuits.

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The Importance of Documentation

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If you receive a complaint about sexual harassment, or just suspect that it's occurring, document everything pertinent.

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Your notes should be specific as to times, dates, and details, as well as objective, unbiased, and work-related. (Keep in mind that your record of the situation may eventually be used in court.)

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**Ask the target of the harassment to keep a
record of it as well.**

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The Importance of Documentation

THE TAKEAWAY
**Protect yourself and your
organization with good
documentation.**

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The Fear of Retaliation

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Sexual harassment often goes unreported because the target fears retaliation, either from the harasser or from their organization.

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Managers should let employees know that sexual harassment will not be tolerated and that there will be no negative repercussions for reporting it.

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**Make clear to all employees that retaliation
against a harassment complaint is illegal.**

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The Fear of Retaliation

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Retaliation against a harassment complaint is strictly illegal.

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