



## **Harassment Hurts: It's Personal II**

### **Facilitator's Guide**

## Table of Contents

Introduction.....	3
Suggested Training Schedule.....	5
Facilitator's Notes.....	7
<i>Harassment Hurts: It's Personal II</i> Discussion Points.....	8
<i>Harassment Hurts: It's Personal II—About the Stories</i> .....	10
1. Physical Appearance.....	11
2. Political Affiliation.....	12
3. Sexual Orientation.....	13
4. Millennials.....	14
5. Sexual Comments and Leering.....	15
6. Offensive Email and Website Use.....	16
7. Quid Pro Quo Victim.....	17
8. Quid Pro Quo Perpetrator.....	18
9. Racial Harassment.....	19
10. Mature Age/Generations.....	20
11. Third-Party Sexual Harassment/Religion.....	21
12. Third-Party Harassment.....	22
Pre-Assessment Test Key.....	23
Post-Assessment Test Key.....	25
Multiple-Choice Discussion Test Key.....	27

## Introduction

***Welcome to Harassment Hurts: It's Personal II*** training program. This program has been designed to be used in a full, legal training session, or as a stand-alone refresher course. All the legal definitions and aspects of harassment and sexual harassment are covered.

Accompanying this guide are **Reproducible Materials**, which include questions based on ideas and definitions put forth in the video portion of the program. The **Reproducible Materials** also include one "retention test" in the form of multiple choice, plus a **Pre-Assessment Test** and a **Post-Assessment Test**. At the end, **Role-Playing Scenarios** are available to act out situations in which the participant must put what he or she learned to the test in real-life situations.

This simple yet effective program is comprehensive, easy to use and enjoyable!

PREVIEW ONLY

**© 2017 ATS Media**

All Rights Reserved. No part of this document may be reproduced, redistributed, sold or transmitted without the express written consent of ATS Media, except those that have express permission at the bottom of the page for duplication.

This program is not a substitute for legal advice, nor does it act as a vehicle for legal action. If you need legal advice, please contact the appropriate persons,

either within your organization or through legal channels.

## **Suggested Training Schedule**

Harassment Hurts: It's Personal II was designed as a straightforward way to introduce the legal concepts of harassment and sexual harassment in a way that makes it personal. After the video is played, the facilitator may choose to train as he or she likes, or may follow our simple guide:

1. Introduce yourself and the topic of the training session: All Forms of Harassment, Including Sexual Harassment.
2. Administer **Pre-Assessment Test**.
3. Play the video. Pause the program if need be to further explore important topics, such as **Quid Pro Quo** or **Hostile Work Environment** so that participants fully understand them, or if participants have any questions.
4. After the program, refer to your **Facilitator's Guide** and begin with the first section: **It's Personal Discussion Points**. Discuss each, encouraging input from the participants.
5. There are multiple "**personal stories**" in the program. Allow discussion for each "story." Refer to the short discussion points in this guide.
6. Next, administer the **Multiple-Choice Discussion Test**. This test should not take more than 15 minutes. Once time is called after 15 minutes, read the answers aloud and find out which participants did not get the correct answers. Explain the question, and the correct answer(s), until you feel that everyone understands the answers. There may be more than one answer, which helps show the subtlety of harassment in the workplace.
7. After that, administer the **Post-Assessment Test**. Allow at least 20 minutes for participants to answer the questions. Allow more time if needed. Gather these tests for later perusal; you may need to talk individually with those who do not perform well on the **Post-Assessment Test** to further

make sure they understand the importance of no harassment in your organization.

8. Redistribute the **Pre-Assessment Test** and discuss what and why some questions were not correct.
9. Break the group down into two or three individuals and begin **Role-Playing Scenarios**. Monitor the groups to make sure their responses are correct, and if they are not, correct them as they go along!
10. After the **Role-Playing**, ask if anyone has questions. If not, end the training session! Congratulations on making individuals and organizations aware of harassment of all types, and on playing a role in preventing it.

## Facilitator's Notes

PREVIEW ONLY

## ***Harassment Hurts: It's Personal II*** Discussion Points

The following questions/discussion points cover the main aspects of harassment as they pertain to both the law and organizational policy issues. They should be discussed immediately following the program:

### **1. What groups are protected by the federal law Title VII?**

*Federal law prohibits harassment based on race, color, sex (including gender-identity, sexual orientation, pregnancy, childbirth, and parental status), religion, national origin (including citizenship and immigration status), age (for those over 40), disability, political affiliation, and genetic information.*

### **2. State laws and company policies also shape what type of behavior is prohibited, although behavior of a type not specified in a law or policy can still be harassment. Name some ways in which harassment can occur other than those specified in Title VII.**

*There are many ways. Almost any difference between people can be used to harass. Some examples that state laws and company policies list are: physical appearance, marital status, political affiliation, regionalism, illnesses such as cancer or HIV/AIDS—the list goes on.*

### **3. What type of situation occurs if a harassed person continues to be harassed after expressing his or her desire for the harassment to stop?**

*This would be called “Hostile Work Environment.” A Hostile Work Environment is created when actions or behaviors towards a colleague negatively affect that person’s performance or create an intimidating, hostile or offensive environment. It can also affect morale, productivity and the mental well-being of another person or persons.*



#### **4. What standard do we use to judge whether behavior is, indeed, harassment?**

*Federal law defines this as the “Reasonable Person Standard”: Would a reasonable person find the behavior offensive? This is pretty open because almost any behavior can be found offensive. One point to make is that if someone asks you to stop your behavior, he or she is obviously offended. If you continue, you run the risk of consequences of harassment, be it lawsuits or loss of employment.*

#### **5. What is Quid Pro Quo harassment?**

*Quid pro quo, or “this for that,” harassment occurs when a person in power tries to inappropriately exchange something like sex, religious observance, or political affiliation for something else, like a promotion, good grades, a raise, etc. Quid pro quo behavior is illegal the first time it happens, and should be reported immediately. Retaliation for refusing or reporting sexual advances or other forms of harassment is strictly illegal.*

#### **6. What is Tangible Employment Action?**

*Tangible Employment Action is the ability of a supervisor or manager to hire, fire, demote, promote, or reassign another employee.*

#### **7. What constitutes third-party harassment?**

*There are two types of third-party harassment. One includes people we deal with outside our organization, but still while at work, such as vendors, clients or customers. For example, if one is repeatedly harassed at work by a delivery person, that is third-party harassment. The second type of third-party harassment involves coworkers who are not the target of harassment but may be inadvertently subjected to offensive behavior. An example of this would include a worker who is forced to overhear offensive language from nearby coworkers who are talking to each other.*

## ***Harassment Hurts: It's Personal II—About the Stories***

The stories presented in ***Harassment Hurts: It's Personal II*** not only reflect common issues facing employees and organizations alike, but also help navigate other, more subtle issues that are comparable to the stories told in the program. While most people know that racial or sexual harassment in a work environment is negative behavior and will cause stress, those same people may not know that isolating or bullying someone over his or her marital status or political affiliation can also be harassment.

The purpose of opening discussion on these specific topics is to create associations with other types of harassment that may not have occurred to someone. For example, talking about harassing a person because of his or her weight may lead to discussion of other physical characteristics that people may use to harass others, such as dress or hygiene.

In this **Facilitator's Guide**, there are discussion pages for each "personal story." You may begin discussion immediately after you watch those sections in the program (pause the program and refer to the **Guide's** discussion page for each "story"),

***HARASSMENT HURTS: “The guy made fun of my weight every day...”***

***1. Physical Appearance:***

Appearance is one of the most common ways in which we judge each other. The saying “first impressions always last” is often true in today’s fast-paced world.

Judging people badly based on appearance can lead to feelings of isolation, depression and many other things that can lower productivity and decrease workplace harmony.

It’s important to discuss the many ways in which responses to physical appearance (and the possibility of creating a hostile workplace from them) occur in a work environment. Some things that may trigger harassment include:

***Weight***

***Clothing***

***Body odor***

***Hairstyle***

***Any physical trait (such as a large nose, etc.)***

## ***HARASSMENT HURTS: “Work is safe territory...”***

### ***2. Political Affiliation:***

A common saying is that the two things to avoid in conversation are politics and religion. Many people feel very strongly about their beliefs and values, and feel that they are being attacked or judged because of those beliefs. One's political identity or ideology does not represent the whole of the person, but instead focuses on one aspect.

Again, judging people based on their political beliefs can provoke strong reactions and cause workplace tension. Isn't it better to either leave those disputes and judgments at home, or to try to find what you do have in common before dismissing another person based on one aspect of them?

It's important to discuss the many ways in which such things as political affiliations as identity can lead to problems in the workplace. Other types of identity prejudice may include:

***Clubs or groups to which one belongs***

***Charities/volunteerism***

***Religious beliefs***

***Atheism***

***Spiritual beliefs outside the norm***

## ***HARASSMENT HURTS: “Everything was ‘that’s so gay’...”***

### **3. Sexual Orientation:**

Harassment based on sexual orientation has a long history. Men and women are to this day often targets of attacks, be it smears, blackmail, verbal or physical violence and other forms of abuse because of their sexual orientation. This should make clear that talk that likens “gay” to something negative, as in “that shirt is so gay,” is not appropriate or welcome in the work environment. Such behavior can quickly turn into Hostile Work Environment harassment.

Judging people based on sexual orientation can lead to feelings of isolation, depression and even violence and loss of employment. Companies lose gay people to homophobia often.

It’s important to discuss the many ways in which responses to sexual orientation (and the possibility of creating a hostile workplace from them) occur in a work environment. Other issues related to sexual orientation may include:

***Bisexual  
Transgender  
Transexual  
Effeminate behavior and/or masculine behavior  
AIDS/HIV***

It is also necessary to discuss the fact that gay employees can be perpetrators of harassment as well as heterosexual employees. Also, sexual harassment can occur between people of the same sex or the opposite sex.

***HARASSMENT HURTS: “He thought young people were inexperienced, stupid and lazy...”***

#### ***4. Millennials:***

Harassment against generations has been around for a long time, but lately has increasingly become a greater issue. For example, those who are just entering the job market from school are often seen as having no experience, being lazy or disrespectful. We must again look to the individual. Young people are often trained in new technologies, new ways of thinking and are exuberant and eager to learn.

Judging someone just because he or she is young immediately constructs an age barrier between people. Instead of harassment, try to get to know people of all ages. You would be surprised by what you have in common.

It's important to discuss the many ways in which age affects the way we instantly judge “groups” of people. Some other related prejudices might include:

***Experience***  
***Job performance***  
***Work ethics***  
***Lack of maturity***

## ***HARASSMENT HURTS: “It gets uncomfortable...”***

### ***5. Sexual Comments and Leering:***

First, it's important to understand that in a work environment employees are paid to work, not to flirt with other employees. Some organizations have rules against intrapersonal dating because of the many problems it causes.

One of the quickest routes to a sexual harassment case is through constant and insistent sexual remarks, observations, staring, leering and persistently asking for a date when a person has asked the harasser to stop. If someone is being harassed, he or she needs to tell the harasser to stop. If the behavior continues the person being harassed needs to go to a manager or Human Resources and report the behavior.

Again, it's important to discuss the many ways in which sexual behavior (and the possibility of creating a hostile workplace from it) occurs in a work environment. These may include:

***Whistling***

***Sending or emailing inappropriate images***

***Touching***

***Repeated staring at someone or at parts of someone's body***

***Making any type of sound that could be interpreted to be sexual, sarcastic or demeaning***

***HARASSMENT HURTS: “She never said anything because she was afraid she’d be let go...”***

## ***6. Offensive Email, Website, and Social Media Use:***

Technology today allows so much instant interaction that it needs to be regulated in the workplace. Some use Internet filters, some don't allow it at all. But the use of email is universal. And sending people to offensive sites or attaching potentially offensive images or video or audio can quickly lead to Hostile Work Environment harassment. Company policy should spell out what can and cannot be used with email.

Watching potentially offensive video, listening to music or viewing pictures can also lead to third-party harassment. If someone is watching a video that demeans women or gay people, for example, those within seeing or hearing range may be offended if such behavior continues. Remember, you must tell the harasser to stop, and if he or she continues, you should report the behavior to a manager or supervisor.

There are many ways that technology or workplace images could be offensive. Some other topics to discuss might include:

***Types of music that others may find offensive***

***Pornography***

***Religious or anti-religious pamphlets or emails***

***Erotic calendars***



***HARASSMENT HURTS: “My manager wanted more out of me: she wanted a sexual relationship...”***

***7. Quid Pro Quo Victim:***

It only takes one instance of quid pro quo behavior for it to be a punishable form of harassment. Encourage victims to report this behavior immediately to any supervisor other than the perpetrator. It is unlawful and unethical to demand sexual favors, or other forms of harassment, in exchange for promotions. Sometimes, power over others can lead to this kind of workplace ethical and legal corruption.

Quid pro quo behavior can often lead to retaliation if the victim refuses the sexual advances. Retaliation may be loss of wages, bad reviews, relocation, being fired or more. Retaliation should be reported at once.

Being the victim of quid pro quo harassment can be very difficult, as he or she will or may continue to work with the offender. Other topics that may be discussed are:

***Job security***  
***Employee retention***  
***Work productivity***  
***Morale in general***

***HARASSMENT HURTS: “Try finding a job when there’s a four-year gap in your résumé...”***

***8. Quid Pro Quo Perpetrator:***

Employees expect managers and supervisors to protect them from this type of behavior, so when those in power are perpetrators, the consequences can be very harsh. Most organizations will not put up with quid pro quo behavior and will execute the harshest penalties to the offending party. It’s important to let employees know that any type of flirtatious behavior or contact that may encourage this behavior should be avoided. One of the best ways to stop potential quid pro quo harassment is to talk to the person in power if one senses that this kind of sexual harassment may be imminent.

Again it must be noted that retribution of any kind against a person who refuses quid pro quo sexual advances is illegal. Someone in power that fires, relocates, gives low grades to, or does anything that could be construed as retaliation is guilty of Tangible Employment Action and he or she should be reported immediately as well.

Quid pro quo behavior can lead to many serious consequences. Here are some examples:

***Gaps in résumés***  
***Poor or no recommendations***  
***Fired with no compensation***  
***Lawsuits and retribution***

## ***HARASSMENT HURTS: “I’d come home crying every night...”***

### **9. *Racial Harassment:***

People should never be judged by the color of their skin and the stereotypes with which they are associated. It is unfair to the individual, and it is at the very least unkind. Racial attacks, verbal or physical, are harassment. Again, if you experience or even overhear offensive racial harassment, report it to a manager or supervisor. If no action is taken to stop the behavior, contact someone in a higher position. There are always options to stop this behavior.

It is a good practice to take the time to get to know others of different ethnicities. Learn about them as individuals and let them learn about you. Breaking down stereotypes is key to stopping racial harassment. Ask how many people have been judged by the color of his or her skin. Discuss some stereotypes and why they are wrong, even if they may seem like a compliment.

It’s important to discuss the many ways in which race affects the way we instantly judge “groups” of people. You might want to discuss racial biases attached to such groups as:

***Asian-Americans  
African-Americans  
Mexican-Americans  
Caucasians  
(and many others)***

## ***HARASSMENT HURTS: “This woman called me Gramps...”***

### **10. Mature Age/Generations:**

Harassment based on age can and often does go both ways. Some view younger people as inexperienced and arrogant, while some young people view older people as slow to learn, outdated and useless. These are all stereotypes, and cannot be applied to any group. An individual should be judged by his or her abilities and attitude. Older people are often just as capable as younger people and can do the same jobs just as well.

The “generation gap” grows wider every year, as more mature people stay healthy, live longer and stay in the workforce. Respect between generations is extremely important, and employees should be encouraged to treat each other with respect in the work environment.

Many times, concerns about mature workers are based on certain stereotypes that may not apply to the individual, such as these:

***Slow performance***

***Not moving out of the workplace so others can move up***

***Physical ability to do certain jobs***

***Technologically challenged***

## ***HARASSMENT HURTS: “You got a bomb under that dress...?”***

### **11. *Third-Party Sexual Harassment/Religion***

Harassment of someone who is pregnant is considered sexual harassment and is prohibited by federal law. Harassing someone based on preconceived ideas about his or her religion is wrong and can lead to charges of harassment.

It's important to remember that a harasser who does not work for the same company, such as an outside vendor, client or customer, is still liable for harassment. And sexually harassing someone, be it because of pregnancy or for any other reason, is illegal and can lead to severe consequences.

Other third-party people who may be liable for harassment of others include:

***Tradespeople such as roofers or plumbers***  
***Nurses or doctors***  
***Customer service and sales representatives***  
***Instructors***  
***Housekeepers***

## ***HARASSMENT HURTS: “He called me his little illegal immigrant...”***

### **12. Third-Party Harassment:**

Employees can also be responsible for harassing third parties outside of their organization, such as delivery persons or customers. As previously discussed, third-party harassment can have severe consequences both to the employee and the organization.

Many people believe that they can treat others outside of their organization but with whom they have a business relationship however they want; for example, leer and say things of a sexual nature, call people names, be rude and insulting because they often think “they are paying for service” so they have the right to harass. They do not.

There are many people who can be victims of third-party harassment. For example:

***Public workers, such as employees at the Department of Motor Vehicles***

***Delivery people, such as mail workers***

***Housekeeping Staff, Waiters, waitresses and bartenders***

***Service workers, such as painters, installers or those in customer service***

**Pre-Assessment Test Key**—Facilitator, allow the test takers to fill in as much as they can. You can revisit this test and have employees check their answers against their Post-Assessment Test to stimulate discussion.

**1. Can you name any of the classes that are protected by federal law?**

*Race, color, religion, sex, religion, national origin, age, disability, political affiliation, and genetic information*

**2. Can you describe what harassment in a work organization may involve?**

*Hostile or inappropriate remarks, gestures or sounds such as suggestive whistling or noises. Leering or staring in a sexual or threatening way. Telling offensive jokes, sending offensive emails, displaying inappropriate images, or touching others in inappropriate ways such as hugging, pinching or intentionally brushing up against someone*

**3. What different types of harassment are there?**

Hostile Work Environment harassment, third-party harassment, and quid pro quo harassment

**4. Is behavior harassment, if it is consensual (like trading jokes that someone else could find offensive)?**

Not necessarily, unless a third-party overhears jokes or sees behavior that he or she may find offensive

- 5. If another person observes offensive behavior (like overhearing potentially offensive jokes between two other people), could that be considered harassment? Why?**

Yes, that is third-party harassment

- 6. Describe any circumstance in which you may have either harassed others or been harassed yourself.**

*Individual answers*

- 7. Is it all right for a manager or supervisor to use sex as a way to grant privileges to individuals? Why not?**

No, it is considered quid pro quo sexual harassment and is illegal

- 8. Can behavior be harassment if you are only joking and not serious (like forwarding joke emails or using off-color language)? Why?**

If anyone finds the behavior or images offensive, yes

- 9. Can harassment occur if the behavior is from someone *not* employed in your organization, such as a vendor, delivery person, customer, teacher or nurse? Why?**

Yes, because third-party harassment is against the law

- 10. How can harassment of any kind affect you and your organization? Please detail as much as you can.**

*Individual answers*



## ***Post-Assessment Test Key***

### **1. What classes are protected by federal law?**

*Race, color, religion, sex, religion, national origin, age, disability, political affiliation, and genetic information*

### **2. If your company has additional protected classes in its policy, what are they?**

*Please list additional protected classes, if any, in your organization*

### **3. What is harassment in the work environment?**

*Harassment includes unwanted physical or verbal conduct*

### **4. Name some types of behavior that could become harassment?**

*Hostile or inappropriate remarks, gestures or sounds such as suggestive whistling or noises. Leering or staring in a sexual or threatening way. Telling offensive jokes, sending offensive emails, displaying inappropriate images, or touching others in inappropriate ways such as hugging, pinching or intentionally brushing up against someone*

### **5. If a person continues to offend someone, what kind of environment is created?**

*Hostile Work Environment*

## **6. How do we judge whether behavior is harassment?**

*The “Reasonable Person Standard”*

## **7. What is quid pro quo harassment?**

*“This for that” behavior, in which someone with power tries to inappropriately exchange something like sex, religious observance, or political affiliation for something else, like a promotion, good grades, a raise, etc.*

## **8. How many occurrences of quid pro quo sexual harassment must occur before it’s considered illegal?**

*One time is considered illegal*

## **9. What is third-party harassment?**

*Third-party harassment occurs between parties who do not work at the same company, such as vendors, customers or clients. Third-party also includes coworkers who may not be the target of harassment, but may be inadvertently subjected to offensive behavior, like overhearing offensive jokes or music*

## **10. Is retaliation from denied sexual favors illegal?**

*Yes*

## Multiple-Choice Discussion Test Key

*Remember, some of the questions may have more than one answer. This assessment was written in such a way as to lead participants to further discuss the fine points of harassment in the workplace. The optimal answer(s) will be in bold, and any answer that might generate conversation will appear in italics.*

1. If someone is being offensive around you, what should you do?

A: Just ignore it and try to fit in

**B: Ask the person to stop the behavior**

**C: Report the behavior to a manager or supervisor**

D: Be offensive back to show her how it feels

2. If you are only joking with someone, and they repeatedly take offense, are you harassing that person?

A: No, I'm just joking

**B: Yes, and I should stop immediately**

C: No, they should get a sense of humor

D: Yes, but I won't stop if I don't think it's offensive

3. Can compliments be considered harassment?

A: No, that's just being polite

B: No, because I am being positive

**C: Yes, if I'm asked to stop**

**D: It depends on the person's response to it**

4. At what point should you stop a certain behavior, such as joking or touching another person (even if it's just a pat on the back), in your work environment?

**A: *I should probably never touch my coworkers***

**B: *If and when they express any discomfort and/or say to stop***

**C: *Never, it makes the work day fun and shows I care***

**D: *I should ask myself if what I consider funny could in any way be offensive to others***

5. A coworker keeps turning down my offer to take him out. Should I keep trying?

**A: *Yes, he's not interested now but he will be***

**B: *Yes, because I am not a quitter***

**C: *No, if I'm asked to stop***

**D: *No, the person is obviously not interested***

PREVIEW ONLY