

HARASSMENT - PREVENTION ESSENTIALS

Harassment-Prevention Essentials Leader's Guide

©2017 ATS Media

This page may be reproduced for training purposes.

Overview:

The *Harassment-Prevention Essentials* program addresses a problem that takes a significant toll on employees' mental and physical health and on the health of organizations. Harassment is unfortunately a common occurrence. That's why it's important for all employees to understand what harassment is and to know how to deal with it.

Harassment causes stress, depression, absenteeism, and employee turnover. It adversely affects people who witness it, as well as its targets. Harassment is a source of embarrassment and frustration to too many people. 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 *Harassment-Prevention Essentials* training program provides the essential information that all employees need to have in order to understand the issues surrounding the problem of workplace harassment.

Prepare for the Session:

- Preview the *Harassment-Prevention Essentials* program, and consider the topic in the context of your organization.
- Read through the Leader's Guide.
- Make sure you have Organization Policy, Discussion Questions, and Quiz handouts 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 *Harassment-Prevention Essentials* 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.
- Assure them that you aren't here to point fingers, but rather to affirm that we are all equally deserving of respect, to acknowledge that none of us is perfect, and to communicate that harassment prevention is not complicated but largely a matter of common sense and common courtesy.
- 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 *Harassment-Prevention Essentials* program (running time: 5 minutes).
- Review definitions and learning points for key concepts as follows:

What Is Harassment?

Definition: Harassment is abusive conduct and bullying that often stems from discomfort about differences between people. This disrespectful behavior can cause serious and varied problems including low morale, headaches, digestive problems, mental health issues, poor productivity, and job loss. Harassment can be illegal, and each year organizations pay millions of dollars in fines and penalties due to harassment lawsuits.

Harassment may occur between coworkers, between managers and the people they supervise, between customers or vendors and employees, between patients and healthcare workers, or anyone else we deal with in order to do our jobs. It can take social, psychological, emotional, or physical forms.

How Does Harassment Affect Individuals and Organizations?

Learning Points—Impact

Harassment adversely affects:

❖ **Physical health**

The stress, fear, and shame of being targeted at work can lead to headaches, digestive problems, and insomnia. The impact of workplace bullying has been likened to post-traumatic stress disorder.

❖ **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 and so can experience low self-esteem.

❖ 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

Learning Points—Protected Classes

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, transgender status, pregnancy, childbirth, or pregnancy-related medical conditions),

- ❖ sexual orientation,
- ❖ national origin (including citizenship status and accent),
- ❖ age (for employees who are 40 or older),
- ❖ disability (physical or mental),
- ❖ genetic information,
- ❖ family status (including marital and parental status), and
- ❖ political affiliation.

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

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.)

Examples of conduct that may constitute Hostile Work Environment harassment include:

- Insults or name-calling.
- Violence or threats of violence.
- Physically intimidating someone by standing in the way or blocking access to equipment, work space, or common areas.
- Posting harassing content and cyberbullying on social media sites.
- Sending offensive texts, emails, or images.
- Excluding someone from work-related activities or otherwise isolating them.
- Rumor-mongering, gossiping, or otherwise harming a coworker's reputation.
- Making threatening, rude, or dismissive gestures.
- Jokes or put-downs because of someone's gender, ethnicity, age, disability, or other personal characteristic.
- Inappropriate touching such as unwelcome hugs or back rubs.

These behaviors are contrary to organization policy and are never acceptable, whether or not they actually violate the law in a particular situation.

Coworkers, managers and supervisors, or so-called third parties such as customers, vendors, salespeople, or patients can be harassers, or they can be targets of harassment. Harassment can occur at work or at a work-related activity like a client lunch, sales convention, company picnic, or online.

The Reasonable Person Standard

In order to determine whether inappropriate behavior is in fact illegal, the Reasonable Person Standard is applied. It asks whether a reasonable person would find the offensive behavior severe and pervasive enough to cause a Hostile Environment.

- ❖ **Quid Pro Quo** (Latin: “this for that”) harassment is harassment that involves an exchange, or a trade. Sexual harassment, a pattern of unwanted sexual advances, comments, or images, often falls under the heading of Quid Pro Quo harassment.

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. Examples of non-sexual Quid Pro Quo harassment include:

- ❖ A promotion that is contingent upon volunteering to work for the employer's preferred political candidate.
- ❖ Employment contingent upon attending the employer's church.

Retaliation against someone reporting harassment or participating as a witness in a harassment complaint is strictly illegal.

How to Prevent and Deal with Harassment

The key to harassment prevention is to make sure that we treat all of our colleagues with respect and professionalism.

Workplaces that are consciously polite and inclusive discourage harassment and have a lower occurrence of abusive conduct.

Learning Points—Prevention

Keep these tips in mind to prevent harassment and create a positive environment:

- ❖ Follow the Golden Rule and treat others as you would like to be treated.
- ❖ See people as individuals, not stereotypes.
- ❖ Be polite: say “please,” thank you,” and “hello.”
- ❖ Make eye contact and listen attentively.

If harassment is encountered, advise participants to explain to a harasser privately and in a respectful tone that his or her behavior is inappropriate and to ask the person to stop. Many people don't realize their behavior is problematic and will stop once it's pointed out.

While this straightforward approach is surprisingly effective and usually solves the problem, use common sense as a guide. *It is never a good idea to confront anyone who is threatening, violent, or physically aggressive.* If the direct approach is not appropriate or doesn't take care of the problem, employees should report the behavior to a manager or to HR.

Consequences of Harassment

Learning Points—Consequences

Stress to participants that their organization takes harassment claims seriously and has procedures in place to address such claims.

Harassment can result in

- ❖ Formal investigation of a complaint
- ❖ Verbal or written warnings
- ❖ Suspension
- ❖ Demotion
- ❖ Termination

❖ Lawsuits

Harassment by a manager or supervisor is a serious misuse of authority, puts organizations and individuals at especially high risk for liability, and is never tolerated.

Organization Policy:

Open Communication and Zero Tolerance

Strongly state that organization policy prohibits any form of harassment, illegal or not, against any employee. Everyone deserves to work in a respectful, professional environment.

Anti-discrimination laws and policies are not meant to intimidate, but to ensure inclusiveness and civility.

Everyone makes mistakes in judgment. We have all probably, at one time or another, thoughtlessly said or done something insensitive. When an isolated incident that does not necessarily meet the criteria of illegal harassment occurs, the questionable remark or behavior will be addressed with open communication and the organization's progressive-discipline policy. There is zero tolerance for continued disrespectful behavior.

Take this opportunity to distribute relevant organization policy, and require all participants to verify they've read and understood it with a signature and date.

If your organization does not have a written anti-harassment policy, you may choose to use the sample policy below for educational purposes:

PREVIEW

SAMPLE ANTI-DISCRIMINATION AND -HARASSMENT POLICY

(Disclaimer: This sample is not legal advice and may not fully comply with local legislation. It is not a substitute for qualified legal consul.)

_____ does not discriminate and will take measures to ensure against discrimination and harassment in regard to hiring, compensation, termination, benefits, and other conditions of employment against any employee or job applicant on the basis of race, color, religion, sex (including gender identity, transgender status, pregnancy, childbirth, or pregnancy-related medical conditions), sexual orientation, national origin (including citizenship status and accent), age (for employees who are 40 or older), disability (physical or mental), genetic information, family status (including marital and parental status), or political affiliation.

Discriminatory, abusive, disrespectful, or harassing behavior of any kind (including sexual harassment, defined as any unwelcome offensive behavior of a sexual nature) will not be tolerated and will be subject to disciplinary action, including the possible termination of employment.

Examples of harassing behavior may include but are not limited to bullying and intimidation, inappropriate physical contact, sexual propositions, sexual, racial, ethnic, or gender-based jokes or remarks, obscene gestures, and displays of sexually explicit or pornographic images.

Any conduct that creates an intimidating, hostile, or offensive work environment or substantially interferes with an employee's work

performance is considered to be harassment. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature are not tolerated and are considered to be sexual harassment.

All discrimination and harassment complaints will be promptly investigated and any necessary corrective action will be taken where appropriate. All complaints of unlawful harassment will be handled in as discreet and confidential a manner as possible. No person will suffer retaliation of any kind as a result of bringing complaints of unlawful harassment or supporting another person's complaint.

Start Discussion:

- Distribute the Discussion Questions handout.
- Read the questions on the Discussion Questions handout to participants, and explain how much time they will be allotted 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.

Harassment-Prevention Essentials
Discussion Questions with Sample Answers

Discussion Questions:

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

What are some examples?

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 email racist jokes to him.*
- 3. My boss calls me stupid in front of everyone.*

What might be a practical consequence of this behavior 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 behavior 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.*

What's one small thing you might say or do to communicate respect and goodwill toward a coworker? What is something best to avoid doing?

Sample answers:

1. *It's important to thank people for their hard work and effort.*
2. *It's not a good idea to tease someone about his or her accent.*
3. *It feels good when someone smiles at me.*

What simple approach usually puts an end to inappropriate behavior? Why does it work?

Sample answers:

1. *Ask the person to stop.*
2. *Explain why the behavior is a problem.*
3. *Sometimes people aren't aware that they're offending someone.*

Harassment-Prevention Essentials Quiz Answer Key

1. Harassment can take many forms.

TRUE/FALSE

Harassment can take social, psychological, emotional, or physical forms. It can present as verbal abuse, insensitive humor, threats, or any number of other expressions of disrespect.

2. Harassment is never illegal.

TRUE/FALSE

When harassment is directed against a member of a protected category or class, or takes the form of a quid pro quo proposition, it is illegal.

3. It can sometimes be helpful to talk to a harasser directly about his or her behavior.

TRUE/FALSE

People don't always realize that their behavior is problematic and often will stop it voluntarily when told.

4. It is illegal for an organization to retaliate against someone who reports harassment.

TRUE/FALSE

It is also illegal to retaliate against a witness in a harassment complaint.

5. Harassment can occur in any organization.

TRUE/FALSE

Harassment can occur in organizations of every type, large and small.

6. Harassment can do physical and psychological harm.

TRUE/FALSE

The stress of harassment can literally make the target of it sick, as well as adversely affect his or her career. It can also do great harm to the career of the harasser, for obvious reasons.

7. A non-employee, such as a customer or salesperson, cannot be guilty of harassment.

TRUE/FALSE

Anyone an employee deals with in a work context, including a customer, patient, or delivery person, can be a harasser, or the target of a harasser.

8. Harassment has no effect on productivity in the workplace.

TRUE/FALSE

Harassment and the stress it causes take a measurable toll on workplace productivity.

9. Humor to one person may be harassment to another.

TRUE/FALSE

Humor is subjective. What is good-natured teasing to one person may be humiliating for the person on the receiving end. Avoid humor aimed at someone else's personal characteristics.

10. A respectful workplace discourages harassment.

TRUE/FALSE

More respect equals less harassment.

11. Quid pro quo means "this is wrong."

TRUE/FALSE

Quid pro quo is Latin for "this for that."

12. You can't be fired for harassment if you didn't mean any harm.
TRUE/FALSE

No matter your intentions, if you've caused harm to a coworker by creating a hostile environment or through the coercion of Quid Pro Quo harassment, you may lose your job.

13. It's best not to confront someone who's physically aggressive.
TRUE/FALSE

Always err on the side of caution.

14. Your employer can require you to raise money for her charity.
TRUE/FALSE

Such a requirement would constitute Quid Pro Quo harassment.

15. Illegal harassment is a form of discrimination.
TRUE/FALSE

According to federal law, harassment of members of a protected category or class is a form of discrimination.

Discussion Questions Handout

Have you witnessed or been the target of harassment in your workplace?
What are some examples?

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

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

Discussion Questions Handout (continued)

What might be an appropriate response to the behavior?

What is one small thing you might say or do to communicate respect and goodwill toward a coworker? What is something best to avoid doing?

What simple approach usually puts an end to inappropriate behavior? Why does it work?

Harassment-Prevention Essentials Quiz Handout

1. Harassment can take many forms.

TRUE/FALSE

2. Harassment is never illegal.

TRUE/FALSE

3. It can sometimes be helpful to talk to a harasser directly about his or her behavior.

TRUE/FALSE

4. It is illegal for an organization to retaliate against someone who reports harassment.

TRUE/FALSE

5. Harassment can occur in any organization.

TRUE/FALSE

6. Harassment can do physical and psychological harm.

TRUE/FALSE

7. A non-employee, such as a customer or salesperson, cannot be guilty of harassment.

TRUE/FALSE

8. Harassment has no effect on productivity in the workplace.

TRUE/FALSE

Harassment-Prevention Essentials Quiz (continued)

9. Humor to one person may be harassment to another.
TRUE/FALSE
10. A respectful workplace discourages harassment.
TRUE/FALSE
11. Quid pro quo means "this is wrong."
TRUE/FALSE
12. You can't be fired for harassment if you didn't mean any harm.
TRUE/FALSE
13. It's best not to confront someone who's physically aggressive.
TRUE/FALSE
14. Your employer can require you to raise money for her charity.
TRUE/FALSE
15. Illegal harassment is a form of discrimination.
TRUE/FALSE

Conclude the Session:

1. Reassemble the group.
2. Recap the following key concepts from *Harassment-Prevention Essentials*:
 - **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** is legally defined as either Hostile Work Environment or Quid Pro Quo harassment.
 - **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.

PREVIEW

HARASSMENT-PREVENTION ESSENTIALS Transcript

Harassment is behavior that bullies, intimidates, embarrasses, coerces, or insults others.

Harassment in the workplace is *a/ways* unacceptable,
and it's also illegal.

It leads to poor productivity, low morale, job loss, or worse.

Anyone in an organization—or even someone from outside it, like a vendor, patient, or customer—could be the victim of harassment . . .

. . . or could engage in harassing behavior themselves.

Harassment can happen at work or at a work-related event like a trade show, conference, or company picnic. It could take place at a business lunch, at someone's desk, or online.

But whether abusive conduct comes from a coworker or a supervisor,
whether it's blatant or subtle,

whether it occurs in an elevator or through offensive text messages . . .

. . . if the behavior is so pervasive and severe that a "Reasonable Person" would say it's creating a "Hostile Environment," it may be grounds for disciplinary action or termination—

even a lawsuit.

Because harassment in the workplace tends to be based on perceived differences, the federal government has enacted nondiscrimination laws to protect specific groups of people.

That means it's illegal to harass people based on their

- race
- color
- religion
- sex (including pregnancy, sexual orientation, and gender identity, which includes transgender status)
- national origin (including citizenship status and accent)
- age (for employees who are 40 or older)
- disability (physical or mental)
- genetic information
- family status (including marital and parental status)
- or political affiliation.

Local laws and organization policy often go even further.

So—adversely affecting a coworker's job performance or well-being by regularly ridiculing her because she's transgender . . . or by imitating his accent . . . or by making snide remarks about her religious attire . . . is not just rude and counterproductive, it's also against the law.

It is never acceptable—and often illegal—to engage in:

Insults or name-calling.

Violence or threats of violence.

Making threatening, rude, or dismissive gestures.

Physically intimidating someone by standing in the way or blocking access to equipment, work space, or common areas.

Posting harassing content and cyberbullying on social media sites.

Sending offensive texts, emails, or images.

Rumor-mongering, gossiping, or otherwise harming a coworker's reputation.

Excluding someone from work-related activities or otherwise isolating them.

Jokes or put-downs because of someone's gender, ethnicity, disability, age, or other personal characteristic.

Inappropriate touching such as unwelcome hugs or back rubs.

Sexual harassment is a pattern of unwanted sexual advances, comments, or images.

Sometimes it's presented in the form of a trade, called "Quid Pro Quo" harassment. For instance, a supervisor might offer a raise or promotion in exchange for sex.

But Quid Pro Quo, or "this for that," harassment doesn't have to be sexual in nature.

If, for example, attendance at an employer's church is a condition of employment,

or contributing to a supervisor's charity is required in order to get preferred work assignments,

that's illegal too.

If you experience or witness harassment, speak out.

People often stop their inappropriate behavior when the problem is brought to their attention *in a respectful manner*.

Sometimes people don't even realize that what they're doing is a problem. For instance, what one person sees as good-natured teasing may be humiliating for the person on the receiving end.

If you're not comfortable approaching someone about his or her behavior directly—

or if you get a negative response—

talk to a manager. Sometimes it's necessary to go straight to HR.

It's common to worry that speaking out against harassment might have negative consequences. But . . .

It is strictly illegal for a supervisor or an organization to retaliate against someone who brings a harassment complaint.

Harassment hurts.

It can impact the careers—and the physical and emotional well-being—of those targeted.

It can lead to disciplinary action like verbal and written warnings, suspension, termination, even lawsuits for individuals and organizations.

When we put our best foot forward and always act with professionalism, we create a positive, respectful workplace for us all.

PREVIEW