An Employee Guide To Preventing & Addressing Sexual Harassment

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TABLE OF CONTENTS

Sexual Harassment Facts 2

Sex Role Stereotyping 3

Sex Discrimination 4

Sexual Harassment Defined 4

Unacceptable Behaviors 6

Who's Responsible for Stopping Sexual Harassment 7

If You are a Victim of Sexual Harassment 8

Personal Behavior Checklist 9

What to Do if You are a Victim 10

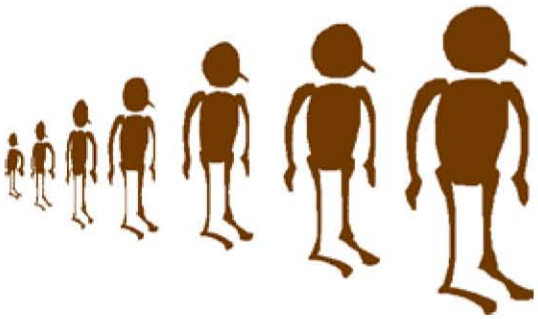
SEXUAL HARASSMENT FACTS

There are both obvious and hidden costs in dealing with sexual harassment. There are complaints, investigations and lawsuits, plus high turnover, absenteeism, public image, safety, and efficiency concerns.

Please take a look at your work environment. What may appear on the surface to be "just good humor" or "harmless fun" can hide a troublesome, unpleasant, degrading and expensive case of sexual harassment in the making. This guide will alert you to the warning signs, point out potential problem areas, and show you ways to stop sexual harassment before it begins…..and how to handle it effectively if and when it ever occurs.

According to the Merit Systems Protection Board (MSPB), a Washington-based Federal agency set up to handle Federal employees' appeals, the overall cost to the government for sexual harassment totals $267 million over a two-year period. This includes $37 million for job turnover, $26 million for sick leave, and $204 million in lost productivity.

Not included is the personal cost and anguish endured by the victims.



SEX ROLE STEREOTYPING

DEFINITION: A stereotype is a fixed, unchanging idea about someone or something which may have little relationship to actual fact.

DEFINITION: A sex role stereotype is a fixed idea about how men and/or women behave.

Stereotypes are learned as a result of experience, or most often, are learned in childhood from parents, teachers, and the surrounding social environment.

Stereotypes arise from human anxiety or fear, about the unknown, untried new experiences or situations. People become anxious when they do not know what is expected of them or what to expect from other people. To reduce personal anxiety, a person will take any experience they have had before, or take someone else's experience, and project that knowledge into a new situation, then react in a way they think is appropriate. Being armed with this so-called knowledge (stereotype), they are not afraid of a new situation with new people.

THE DANGER IN STEREOTYPING IS THAT INSTEAD OF REACTING OR BEHAVING NATURALLY IN A SITUATION, THE INDIVIDUAL WILL REACT OR BEHAVE ACCORDING TO THE STEREOTYPE. STEREOTYPED VIEWS CAN LEAD TO DISCRIMINATION.

Stereotyping can impact upon our performance of duties. Male and female supervisors, and male and female employees or military personnel who act according to sex role stereotypes can interfere with the proper assignment and accomplishment of work.

Example: A woman was not selected for a job because the boss felt women are not aggressive enough.

SEX DISCRIMINATION

SEX DISCRIMINATION IS ANY PRACTICE OR POLICY WHICH RESULTS IN DIFFERENTIAL TREATMENT OF AN INDIVIDUAL BECAUSE OF HIS/HER SEX.

In an employment situation, showing favoritism toward or bias against any worker because of gender is sex discrimination. An exception to the requirement of equal treatment without regard to sex is permissible only if sex is a bona fide occupational qualification (BFOQ), which means sex (gender) is necessary for authenticity, genuineness, or the normal operation of the job (e.g., wet nurse).

Except in specific examples, one may assume that sex is not a BFOQ. An employer cannot claim that only a man can be hired as a department head because the employer believes employees take direction better from a man, or that only a woman can be hired as a flight attendant because the employer thinks the public expects a woman in that job.

SEXUAL HARASSMENT DEFINED

The Department of the Army defines sexual harassment as:

1. Influencing, offering to influence, or threatening the career, pay, or job of another person - man or woman - in exchange for sexual favors.

2. Deliberate and repeated offensive comments, gestures or physical contact of a sexual nature in a work or work-related environment.

This policy applies to all civilian and military personnel, and is based on the Equal Employment Opportunity Commission's guidelines on sexual harassment. These guidelines clearly state that actions constitute sexual harassment when:

1. Submission to such conduct becomes explicitly or implicitly a term or condition of employment.

2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual.

3. Such conduct has the purpose or the effect of interfering with work performance or creates an intimidating, hostile or offensive work environment.

TWO TYPES OF HARASSMENT

"Quid Pro Quo" and "Environmental or Hostile Work Environment"

"Quid Pro Quo" harassment occurs when "submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual."

An example of "quid pro quo" harassment is a supervisor requesting sex from an employee in exchange for a promotion.

Sexual jokes, teasing, comments, sexual innuendoes, or even the presence of suggestive posters or other objects may create a hostile or intimidating work environment. A hostile work environment may even be created by the sexual involvement of a supervisor and an employee he/she supervises.

REMEMBER: one of following three conditions must exist:

CONDITION #l (Quid Pro Quo)
Submission to conduct is made exclusively, or implicitly, a term or condition of an individual's employment.

CONDITION #2 (Quid Pro Quo)
Submission to or rejection of unwelcome sexual advances, request for sexual favors, is used as the basis for employment decisions affecting such individuals at work.

CONDITION #3 (Hostile Work Environment)
Unwelcome sexual advances, request for sexual favors, and other verbal, non-verbal, or physical conduct of a sexual nature has the purpose or effect of interfering with an individual's work performance creating an intimidating, hostile work environment.

KEY QUESTIONS

- ☑ Does the situation involve a behavior?
- ☑ Is the behavior sexual or gender based?
- ☑ Is the behavior unwelcome?

UNACCEPTABLE BEHAVIORS

Behaviors that are always unacceptable include –

→ Physical contact that includes touching, pinching, patting, kissing, rubbing up against, fondling, groping, grabbing or assault

→ Interfering with or blocking movement

→ Verbal sexual advances or propositions

→ Suggestive or obscene letters, notes, invitations or email received at work or at home

→ Repeated face-to-face, telephone or email invitations after being refused

→ Making or using derogatory comments, epithets, slurs and jokes

→ Leering, making sexual gestures, displaying sexually suggestive objects or pictures, cartoons or posters

→ Verbal abuse of a sexual nature, including graphic comments about an individual's body, sexually degrading words to describe an individual

→ Unwanted sexual advances or attention

→ Obscene or suggestive sounds

→ Passing over qualified employees for promotion in favor of an employee who is sexually involved with the boss

→ Obscene or suggestive gifts

→ Frequent discussion of sexual acts and exploits

WHO'S RESPONSIBLE FOR STOPPING SEXUAL HARASSMENT

When sexual harassment is directed at you . . .

- By communicating with the harasser, that telling dirty jokes, showing sexually explicit magazines, or touching you and asking you out is inappropriate behavior, you place the responsibility upon the harasser to stop the behavior(s).

- Once you place the responsibility upon the harasser, that person is required to stop. If he/she does not stop, or if other people tell you that you are too sensitive, then you are being targeted because the individuals are indicating that your rights and feelings do not count.

- When targeting occurs, the organization has the absolute responsibility to intervene, if your efforts are not successful or you are in a situation where it is difficult for you to speak up, utilize your chain of command or contact the EEO Office.

- Circumstances, which may constitute sexual harassment, cover a broad range of behaviors, which can become abusive and even criminal in nature. When abusive behavior includes elements of extortion, assault and battery, or sex crimes, civil authorities may have the overriding responsibility for ensuring that the harasser is prosecuted.

- The organization has the responsibility for preventing and dealing with sexual harassment. Supervisors who know or should have known are responsible. The chain of command can take corrective action in situations of sexual harassment through appropriate disciplinary actions. These corrective actions range from counseling to termination from employment. The Presidio of Monterey has terminated individuals who behaved in an abusive manner.

IF YOU ARE A VICTIM OF SEXUAL HARASSMENT

1. BE ASSERTIVE. Confront the harasser at the first sign of trouble. Do not hint. Without smiles, evasion or apologies let the harasser know the behavior is unwelcome and offensive. If you can't do it alone, ask a friend to witness your discussion with the harasser.

2. SEND THE HARASSER A CERTIFIED LETTER. Tell the harasser that you will notify his/her supervisor or other appropriate authorities if the unwelcome behavior continues. Keep a copy of the letter.

3. KEEP A JOURNAL. Document all incidences of sexual harassment. Keep a record of the harasser's behavior with dates, times and places. Detail all the circumstances to include the names of witnesses. Get witnesses to document what they heard or saw.

4. TALK TO COWORKERS. ASK IF THIS HAS HAPPENED BEFORE. Assume that there is no such thing as a first time harasser. If you are being harassed, more often than not he/she has sexually harassed someone else.

5. GET AND KEEP PERFORMANCE DOCUMENTS. This includes any memorandums or letters of praise. Evidence of satisfactory work is important protection against a harassing supervisor's possible later charges of incompetence or instability. If your harasser retaliates by badmouthing your work, these records will disprove such allegations.

6. GET A STRONG SUPPORT SYSTEM. Any victim of sexual harassment will more than likely experience stress. Talk to your friends, relatives, spouse or religious leader.

7. FILE A COMPLAINT. Military personnel should contact the Equal Opportunity (EO) Advisor or the Inspector General's Office. Civilians should contact the POM's Equal Employment Opportunity (EEO) Office to file a complaint of discrimination.

PERSONAL BEHAVIOR CHECKLIST

Maintaining a work environment free from sexual harassment is important for maximum productivity, teamwork and high morale.

Examine personal behavior using the following checklist:

1. Does this behavior contribute to work output and/or mission accomplishment?

2. Could this behavior offend or hurt other members of the work group?

3. Could this behavior be misinterpreted as intentionally harmful or harassing?

4. Could this behavior be sending out signals that invite harassing behavior on the part of others?

ASK YOURSELF THE FOLLOWING QUESTIONS:

1. Is there equal participation between me and the person I'm interacting with?

2. Is there equal power between me and the person I'm interacting with?

3. Would I want any of these behaviors to appear on the six o'clock news?

4. Would I behave this way if my family, spouse, girlfriend, boyfriend or religious leader were present?

5. Would I want someone else to behave this way toward my husband, wife, girlfriend or boyfriend?

IF YOU ANSWERED NO TO THESE QUESTIONS, THE BEHAVIOR(S) ARE UNWANTED AND ARE PROBABLY HARASSING.

IF YOU ARE SEXUALLY HARASSED . . .

Tell the harasser to STOP

If the harassment continues

- Talk to your friends
- Write down everything that happened
- Avoid being alone with the harasser
- Report it to proper officials and get help

IF YOU OBSERVE SEXUAL HARASSMENT

- Document all incidents
- Keep detailed accurate notes specifying dates, times, places, etc.
- Share observations with the victims and appropriate officials
- Let the victim know if you are aware of other individuals whom the perpetrator has harassed
- Do not openly discuss what you witnessed with uninvolved individuals
- Report it to proper officials