SEXUAL HARASSMENT

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Sexual Harassment
Are we missing something?
What is Sexual Harassment?

- Unwelcome verbal or physical conduct of a sexual nature
- A form of sex-based discrimination under Title VII of the Civil Rights Act
- Alters conditions of employment

Is the Behavior “Unwelcome”?  
(regarded as undesirable, unwanted)

- Is there equal initiation and participation between me and the person I’m interacting with?
- Would I want my actions to appear in the company newsletter or on the evening news?
- Would I want someone else to act this way toward a person that I’m in a relationship with?
## Types of Harassment

### Hostile Work Environment

Creates an intimidating, hostile, or offensive work environment

Can be committed by a manager/supervisor, co-worker, or non-employee

- **Standard:** severe or pervasive

### Types of Harassment

#### Tangible Employment Action

- **action taken to alter condition of employment**
- Examples include:
  - Hiring
  - Firing
  - Demoting
  - Reducing pay
  - Denying promotion
  - Retaliating
- **Committed by a supervisor or manager**
### Employer Liability

**Where Harasser is a Manager or Supervisor**

- If tangible employment action (i.e., termination, demotion, etc.) is involved, agency is strictly liable for the harassment.

- If tangible employment action is **not** involved, the agency can avoid liability only if:
  - (a) the agency exercised reasonable care to prevent and correct promptly any harassing behavior; **AND**
  - (b) the employee unreasonably failed to take advantage of any preventive or corrective opportunities provided by the agency or to avoid harm otherwise.

### Employer Liability

**Where Harasser is Co-worker**

- Employer is liable for prohibited harassment by a co-worker where the agency knew or should have known of the harassment and failed to take prompt and effective corrective action.
Examples of Sexual Harassment

Inappropriate touching, groping, cornering, grabbing & pinching.

Sexual advances or pressure for dates.

Comments, jokes or innuendos of a sexual nature.

Comments about a person’s clothing, anatomy, or looks.

Requests for sexual favors.

E-mails, texts, pictures, letters, calls, gestures or any other materials of a sexual nature.

Picture this...
Stigma = Silence

Most sexual harassment goes unreported.

Why the Under-Reporting?

Humiliation  Disbelief

Ostracism  Blame
Damage to Reputation  Inaction
Damage to Career  Retaliation
Common Responses to Harassment

- Endure the behavior
- Avoid the harasser
- Downplay the gravity of the situation
- Seek support from family & friends
- Leave the job, if one can

Job Turnover

Job turnover is potentially the largest single component of the overall cost of harassment.
Preventing & Addressing Harassment

- Committed and engaged leadership;
- Consistent and demonstrated accountability;
- Strong and comprehensive harassment policies;
- Trusted and accessible internal complaint procedures; and
- Training.

The EEOC offers Harassment Prevention and Respectful Workplaces Training.

For more information contact terrie.dandy@eeoc.gov or www.eeotraining.eeoc.gov
Accountability?

Proactive Measures

- Adopt an Anti-Harassment Policy
- Communicate policy to all employees
- Provide training
- Establish internal complaint procedure
- Monitor enforcement of policy
## Anti-Harassment Policy

- Be written and well disseminated
- Defines workplace harassment
- Establishes a complaint procedure
- Creates multiple paths in the complaint procedure
- Provides corrective action
- Ensures confidentiality
- Protects against retaliation

### Responding to a Harassment Complaint

- Take Complaints Seriously
- Stop Harassment Immediately
- Conduct an Investigation
  - Be prompt,
  - fair, and
  - effective in your response
- Protect Against Retaliation
- Provide Appropriate Relief
### Best Practices

- Adopt, communicate, and enforce EEO policies
- Train managers and supervisors
- Establish neutral and objective policies
- Avoid subjective decisions based on stereotypes, assumptions, and biases

### Best Practices

- Avoid inconsistent application of policies or practices
- Review employment practices and policies
- Don’t ignore problems/harassment
- Take complaints seriously and respond in a timely fashion
Best Practices

- Take performance evaluations seriously
- Engage in an interactive process for accommodations.
- Document, Document, and Document
- Protect against retaliation
- Consult HR or legal counsel

EEOC Resources

- www.eeoc.gov
- Annual Seminar – Aug 23 & 24 in Atlanta
- Small Business Resource Center
- Publications and Guidance Materials
- On-site Training for Employers
- Free Outreach
- Mediation Program
- Contact EEOC 1-800-669-4000
  1-800-669-6820 (TTY)
SAVE THE DATE

EEOC Two-Day Seminar
August 23 and 24
in Atlanta, GA.

For more information and on-line registration,

QUESTIONS
THANK YOU!

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