

Harassment



Objectives

- Understand the types of harassment
- Understand why harassment is a problem
- Understand why supervisors often ignore harassment
- Understand how to discourage a hostile work environment
- Understand how to talk to an employee who has filed a complaint
- Understand how to talk to the employee who was accused of harassment

EEOC Complaints - 2005

- 12,679 charges of sexual harassment
 - 14.3% of the charges were made by men
 - 71.3% were unwarranted
 - \$43.9 million obtained in settlements



Potential Victims of Harassment

- Gender
- Race
- Religion
- Age
- National Origin
 - Alien status
 - Citizenship status
- Disability
- Sexual Preference



Types of Harassment

- Quid Pro Quo
- Hostile Environment
- Annoying Behavior



Quid Pro Quo Harassment Claims

- Granting of sexual favors is tied to employment decisions
- Single incident is enough
- Organization is always liable



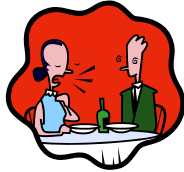
Hostile Environment Harassment Claims

- Pattern of conduct
- Related to gender
- Is unwanted
- Is negative to the “reasonable person”
- Affects a term, condition, or privilege of employment



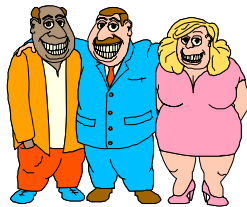
Behaviors That Could Be Sexual Harassment

- Sexual comments
- Undue attention
- Verbal sexual abuse
- Verbal sexual displays
- Body language
- Invitations
- Physical advances
- Explicit sexual invitations



Types of Harassing Behavior

- Comments
- Jokes
- Posters
- Cartoons
- E-mail
- Drawings



Behaviors are offensive if they:

- Perpetuate stereotypes
- Degrade another group
- Build-up own group
- Make others feel uncomfortable



What Causes Offensive Behavior?

- Hatred toward a group
- To express an emotion
 - Anger
 - Frustration
- Ignorance
- Attempts to gain power
- To “fit in” with another group



Is it a Hostile Environment?

- ___ Pattern of behavior rather than an isolated incident
- ___ The behavior is unwanted
- ___ The behavior would be considered negative to the reasonable person
- ___ The behavior is based on the sex (male, female) of the target

Exercise 3.5
Sexual Harassment

In Chapter 3, you learned that there are two types of sexual harassment, quid pro quo and hostile environment. In the situations below, indicate if the situation represents a case of quid pro quo, hostile environment, or no sexual harassment.

A. A supervisor tells his secretary that if she won't sleep with him, she will never get a raise or a promotion.

Quid pro quo Hostile environment No sexual harassment

B. Every few days at work, Bill tells Jennifer that she looks nice. Jennifer is a bit of a flirt and seems to like the attention Bill gives her.

Quid pro quo Hostile environment No sexual harassment

C. Judy asks Brian out on a date. He is not really interested in her and he declines. For the next two months, Judy asks Brian out every week and each time he says no. He is so tired of the situation that he brings the matter to his supervisor.

Quid pro quo Hostile environment No sexual harassment

D. John usually addresses his female coworkers as "honey."

Quid pro quo Hostile environment No sexual harassment

Why is Harassment a Problem?

- Hurts workplace relationships
- Causes emotional distress
- Causes physical distress
- Decreases productivity
- Increases turnover and absenteeism
- Increases legal liability



Discouraging Harassment

- Don't laugh at offensive behavior
- Speak your mind
- Let employees know when they are crossing the line



What to do if you think you are being harassed

- Talk to the individual
 - yellow light
 - red light
- Talk to your supervisor or to the HR Director
 - all complaints are taken seriously
 - an investigation will occur
 - think about what you want the outcome to be
 - don't publicize your complaint



Responding to a Complaint



Liability of the Organization

- Victims must be encouraged to come forward
- Every complaint or suspicion must be investigated
- Appropriate action must follow the investigation



Investigating Complaints

- Investigation must be prompt
- Complaints must be kept confidential to protect the accused
- Actions must be taken to protect the accuser during the investigation
- Due process
- Appropriate action must be taken



Why Harassment Complaints Fall on Deaf Ears

Peirce, Smolinski, & Rosen (1998)

- Inadequate policies and procedures
- Managerial reactions and rationalizations
- Characteristics of the organization



Inadequate Policies and Procedures

- Poorly written policies
- Vague definitions of sexual harassment
- Cumbersome reporting procedures
- No training



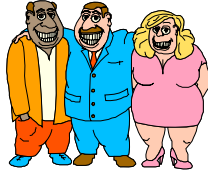
Managerial Reactions and Rationalizations

- Denying the harassment claims
- Blaming the victim
- Minimizing the seriousness of the offense
- Protecting valued employees
- Ignoring habitual harassers
- Retaliation against the victim



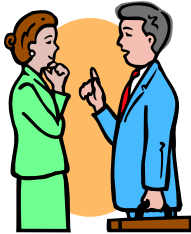
Features of Organizations Prone to Inaction

- Family-owned businesses
- Small firms with minimal HR functions
- Rural locations
- Male bastions
- Decentralized branches or franchises



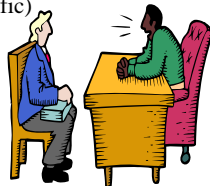
Possible Scenarios

- You, the supervisor, observe the inappropriate behavior
- Employees observe and report the inappropriate behavior to you
- The harassed reports the behavior to you



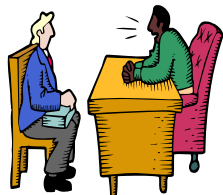
All Scenarios

- Respond quickly by meeting with violator:
- Ensure privacy in meeting
- Focus on behavior, not personality
- Identify the behavior (be specific)
- Explain impact on others



All Scenarios

- Explain how it violates expectations or policy
- Focus on “inappropriate behavior” rather than “illegal” or “sexual harassment”
- Discuss remedies
 - Behavior will stop
 - Mediation



Identify the Behavior

- If you observed behavior:
 - “Sometimes (**not all the time**), you ...”
 - “Today, I noticed you doing it”
- If others observed and reported behavior:
 - “It’s been brought to my attention that **sometimes** . . .”
 - Or (better)
 - “I have observed you **sometimes** doing”
- If harasser reports behavior:
 - “What exactly did he/she do?”

When Others Observe/ Report Behavior

- If possible, attempt to observe the behavior yourself
- If personally observed, in initial meeting, don’t imply that “everyone” is talking about the violator’s behavior

Explain Impact of Behavior

Makes some (**not all**) people feel:

- Uncomfortable
- Embarrassed
- Angry
- Disrespected/belittled

If behavior continues . . .

- Low morale
- Possible lawsuit



Providing Feedback on Inappropriate Behavior

Understand Feelings of Accused

- Clueless
- Fear
- Anger (unjustly accused)
- Frustrated
- Depressed



Providing Feedback on Inappropriate Behavior

- Acknowledge *alleged* violators' feelings
- Help him/her save face
- Prepare for, but don't try to control their response/reaction
- Use effective communication skills

Dealing with the Harassed Employee
Understand Their Feelings

- Fear
- Embarrassment
- Anger
- Guilt
- Betrayal
- Depression
- Powerlessness

Dealing with the Harassed Employee

- Meet in private area
- Show empathy **FIRST**
 - *"You must be feeling sad (angry, upset, frightened..."*
 - *"Very courageous for you to come forward."*
- Acknowledge and validate their feelings
 - *"This isn't your fault"*
- **Then**, ask for specific details about behavior

Dealing with the Harassed Employee

- Discuss remedies
 - *"What would you like done?"*
- Offer alternatives
 - E.g. mediation

Dealing with the Harassed Employee

Inappropriate questions/statements:

- “What did you do to make him/her do that?”
- “What were you wearing?”
- “Why would he/she do that?”
- “That’s just him/her. Don’t pay any attention.”
- “Sounds like you are making a big deal out of nothing!”

Effective Communication Techniques

- Active listening
 - eye contact
 - nodding
- Reflecting
 - paraphrasing for clarification
 - open vs. closed statements
- Creating trust
- Empathy