

Hello and welcome to preventing harassment and bullying in the workplace. This is session A.

This class is part of your organization's mandatory harassment prevention training class. Thank you for your participation. Plan on spending the next hour watching this video and taking the test.

And we're ready to get started with the training.

This course is brought to you by i2iworkplace.com dedicated to a professional respectful workplace. There are five objectives to this course. The first, build skills to resolve employee issues.

Employees invariably have issues that come up and we want to make sure that you know about your resources and tools available to you.

Objective number two, increase employee morale and productivity.

Employee morale affects everything that we do. Not just productivity but also commitment, quality, customer service. Those are all very important aspects of your employment at this organization. We want to make sure that your workplace is inclusive and respectful.

Objective number three, learn about your policies.

We want you to know about our policies and ensure that we are consistent in the application of those policies because the minute we're inconsistent someone could say that we are unlawful or discriminatory, and we certainly don't want that to occur. Having a policy manual ensures that we are consistent across the board.

Objective number four, increased professionalism as an organization.

If we're professional and respectful we shouldn't have any issues, so that will be our goal.

Objective number five, comply with the law.

There are many laws you should know about both on the federal level and the state level that give you rights and responsibilities and we'll go into that in great detail. While this mandatory training is required by law. There's certainly a lot of other good reasons to make sure everyone is on the same page.

With those five objectives, the end result will be to help create a healthy and respectful workplace.

Let's go over what to expect in the training class.

The process for this course includes a video and a certification test. For the video, we'll watch this video and take notes.

For the certification, take the test which will include multiple choice questions and pass the test at 80 percent rate. Also, we'll provide you with ongoing support so you can always access through the website. Managers, supervisors and team leaders will follow the same process for session B. You'll

watch another video and take a separate certification test. At any time, please email us with any questions that you might have.

There's been a heightened awareness of discrimination in society

And as we all well know, harassment is in the news.

MeToo, TimesUP, Black Lives Matter, and recent USSC decisions prohibiting discrimination based on sexual orientation and gender identity have all heightened awareness. Employers need to take these issues seriously and establish programs to promote diversity, equity, and inclusion. Individuals need to adapt their behavior because being involved in an accusation of harassment can impact your reputation and even their career, so we need be aware of our conduct and behave professionally and respectfully.

Harassment is not new to employees.

Day one, employees receive a brochure put out by the Department of Fair Employment and Housing having to do with harassment in the workplace. Employers are required to post posters in a central location. We also have a policy manual which details all of our policies and practices. We've done trainings in the past, but by following our policies, we demonstrate that this topic is very important. Well, most of this training is regarding sexual harassment, we'll also talk about other forms of harassment. We'll touch on the topic of discrimination and the need to keep everything fair and consistent. Also the topic of retaliation and abusive conduct or bullying in the workplace will be covered in this short training.

So let's get into the training. The first topic is going to be legal issues, which will talk about the rights and responsibilities that you have. Secondly, we'll talk about behavioral issues, how you should communicate and interact with your coworkers. And thirdly, we'll talk about some practical issues. What you should do or say if you've observed or have been victimized by harassment in the workplace. Our goal with this training is to educate you about the rights and responsibilities you have in the workplace, but also to give you some ground rules for a professional and respectful interactions at all times and certainly to give you resources in case there is an issue that comes up.

Thank you for listening and taking this topic seriously. Now, let's get into the first section, which is Legal Issues.

In this section, we'll talk about legal issues and the many laws that provide you with rights and responsibilities. We'll discuss the legal issues having to do with discrimination, harassment, retaliation and abusive conduct or otherwise known as bullying in the workplace.

There are both federal and state laws. Federal their US Supreme Court cases and US EEOC guidance. Let's talk about the recommendations from the US Supreme Court and the EEOC, to do this training.

In 1998, US Supreme Court had two landmark decisions that strongly encourage employers to conduct harassment prevention training.

Those cases were *Burlington Industries vs. Ellerth* and *Faragher vs. the City of Boca Raton*. And in both of those cases, the employer was able to demonstrate what's called the affirmative defense, because they

took reasonable care to prevent and respond to the harassment that occurred. In both of those cases, the employees unreasonably failed to take advantage of any preventive or corrective opportunities available to them. Those cases demonstrate that employers should take proactive steps to avoid liability. In 1998, the EEOC provided a three-pronged approach as guidance for employers for preventing harassment. First, employers should adapt specific policies about sexual harassment including a definition of harassment with real life examples. Language about non-retaliation for those who come forward with complaints, and also a statement that sexual harassment will lead to disciplinary action up to and including termination.

For complete handling, complaints of sexual harassment must be promptly, vigorously and honestly investigated and valid complaints must be remedied. Employees must be offered multiple avenues of complaint.

And number three, the EEOC suggests that employers should consider training all employees from the CEO to frontline employees to ensure that they are sensitive to the issues of sexual harassment. The EEOC has strongly encouraged employers to do the training.

Here's a list of the federal protections that are afforded to employees. So basically, you cannot be discriminated against or harassed on the basis of race, sex, color, religion, national origin, ethnicity or ancestry. Additional laws provide additional protections such as age 40 and above, pregnancy and related medical conditions, military status, disability, immigration status and genetic information. We'll go through each of these laws in successive slides.

The major law dealing with discrimination and harassment on the federal level is title seven of the Civil Rights Act of 1964. This law prohibits discrimination and harassment based on characteristics such as race, sex, color, religion, national origin, ethnicity and ancestry. Title seven prohibits discrimination in hiring and promotional opportunities within the organization. It also proactively requires religious accommodation which might mean days off or time off to pray, those sorts of things.

Another law pertaining to discrimination in harassment is the Age Discrimination in Employment Act. It protects employees over the age of 40. It was the ages 40 to 70, but then the upper limit was removed. So like title seven, it applies in hiring and promotional opportunities within the organization. So in terms of hiring, no questions can be asked about high school graduation dates or age, but it's okay to ask about college graduation dates. But also like Title VII, it applies to harassment as well. So no jokes or comments or teasing about age.

Another law is the Pregnancy Discrimination Act which protects people who are pregnant or have related medical conditions such as miscarriages, infertility, or an inability to become pregnant. The only exception to that would be whether the qualification was a bona fide occupational qualification, which is a very limited exception.

Another protected category is military status. Under the Uniformed Services Employment and Reemployment Rights Act, an employer cannot discriminate based on military status. Employers must hold the job open while the employee is out on active duty and reinstate them to the same or a similar position upon their return from leave.

Another law which protects Americans is the Americans with Disabilities Act. Employees that are covered have a physical or mental impairment that affects a major life function such as seeing, walking, hearing, breathing. Employers are required to provide reasonable accommodation. But this accommodation can only be determined through an interactive process, which is handled by an individual such as HR or in your Benefits Department. This law also restricts medical inquiries to designated personnel. So make sure if you have access to any information that you keep it confidential, and be respectful of employees' rights to confidentiality regarding their medical condition.

And the Immigration Reform and Control Act has a anti-discrimination provision. It's not an EEO law per se but it does have a provision which prohibits discrimination based on citizenship status. So yes, we need to verify an employee's eligibility and authorization to work with an I-9 form upon higher. But while they're an employee, we cannot treat them differently because of their citizenship status.

And in 2008, the Genetic Information Non-discrimination Act was passed making it unlawful to discriminate against an employee on the basis of genetic information. So those are the federal protections afforded to employees.

Illinois State-Specific Information

Sexual Harassment Is Prohibited in Illinois

- The Illinois Human Rights Act makes it a civil rights violation “[f]or any employer, employee, agent of any employer, employment agency or labor organization to engage in sexual harassment.” 775 ILCS 5/2-102(D).
- The Illinois General Assembly finds that tolerance of sexual harassment has a detrimental influence in workplaces by creating a hostile environment for employees, reducing productivity, and increasing legal liability.
- The State of Illinois encourages employers to adopt and actively implement policies to ensure their workplaces are safe for employees to report concerns about sexual harassment without fear of retaliation, loss of status, or loss of promotional opportunities.

Employers Required to Provide Sexual Harassment Prevention Training for All Employees

- Every employer in the State of Illinois is required to provide employees with sexual harassment prevention training that complies with section 2-109 of the Illinois Human Rights Act (“IHRA”).
- All employees regardless of their status (i.e. short-term, part-time, or intern) must be trained.
- If an employer has an independent contractor working on-site with the employer’s staff, the independent contractor should receive sexual harassment prevention training.

What Information Will Be Covered

- I. An **explanation of sexual harassment** consistent with the Illinois Human Rights Act;
- II. **Examples of conduct** that may constitute unlawful sexual harassment;

- III. A **summary of Federal and State statutory laws** concerning sexual harassment including remedies available to victims; and
- IV. A **summary of employer responsibilities** in the prevention, investigation, and corrective measures of sexual harassment.

I. What is Sexual Harassment?

Under the Illinois Human Rights Act, “Sexual harassment” means any unwelcome sexual advances, requests for sexual favors, or any conduct of a sexual nature when:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment,
- submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
- such conduct has the purpose or effect of substantially interfering with an individual’s work performance or creating an intimidating, hostile or offensive working environment.

I. Types of Unlawful Sexual Harassment

1. **Quid Pro Quo Sexual Harassment.** *“You do something for me, and I’ll do something for you.”* This means that a manager or supervisor may not tell an employee that in order to receive a promotion, raise, preferred assignment, or other type of job benefit – or to avoid something negative like discipline or an unpleasant assignment – the employee must do something sexual in return.
2. **Hostile Work Environment Sexual Harassment.** *“The air at work is full of sexual references and it is impacting me.”* A hostile work environment may occur when unwelcome sexual advances, requests for sexual favors, or any conduct of a sexual nature has the purpose or effect of substantially interfering with an individual’s work performance or creating an intimidating, hostile or offensive working environment.

I. Unwelcome Behavior

- Sexual conduct becomes sexual harassment when the behavior is unwelcome. Behavior may be unwelcome in the sense that the victim did not solicit or invite it, or in the sense that the victim regarded the conduct as undesirable or offensive.
- Welcome behavior can quickly become unwelcome behavior. What starts off as welcome behavior (consensual joking) can cross a line and become unwelcome behavior.
- Also, consent can be revoked at any time. When someone experiencing sexual harassment behavior says, “stop talking to me like this” **it must stop**. The perpetrator cannot use as a defense “Well you started it.” or “You were ok with it at first.”

I. Working Environment & Nonemployees

- An employee’s “working environment” is not limited to the physical location where the employee is assigned. The “working environment” extends to other work sites including off-site, mobile or moving work sites/locations.
- The prohibition that supervisors and co-workers not engage in sexual harassment now applies to nonemployees such as patrons, vendors, and service providers. Nonemployees can be victims of sexual harassment and/or perpetrators of sexual harassment.
- I. Gender Identity, Sexual Orientation, and Third Parties (Bystanders)
- All persons can be victims of sexual harassment regardless of the victim’s **gender identity** or the perpetrator’s gender identity.
- All persons can be victims of sexual harassment regardless of the victim’s **sexual orientation** or the perpetrator’s sexual orientation.
- Victims of sexual harassment can include not only the target of the sexual harassment, but also **third parties or bystanders**.

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II. What are Examples of Inappropriate Conduct?

Sexual harassment includes unwelcome conduct of a sexual nature (sexual advances and requests for sexual favors). Examples include:

- Pressure for sexual favors or to go out on a date
- Deliberate touching, leaning over, or cornering another person
- Sexual looks or gestures or whistling at someone
- Sending letters, telephone calls, e-mails, texts, or other materials of a sexual nature
- Sexual teasing, jokes, remarks, or questions
- Referring to another as a “girl,” “hunk,” “doll,” “babe,” “honey,” “tootsie”, etc.
- Actual or attempted rape or sexual assault

II. continued - Examples of Inappropriate Conduct

More examples of conduct that may constitute sexual harassment include:

- Turning work discussions to sexual topics
- Asking about sexual fantasies, preferences, or history
- Sexual comments, sexual innuendos, or sexual stories
- Sexual comments about a person’s clothing, body, or looks
- Kissing sounds, howling and smacking lips
- Telling lies or spreading rumors about a person’s sex life
- Massaging neck, shoulders, etc.
- Touching another employee such as their clothing, hair, or body

II. Sexual Harassment in Online Environments

- Our conduct online and through social media can constitute sexual harassment even when it occurs “off the clock”, “off-site”, or even “out of state”.
- Online sexual harassment includes using e-mail, cell phone texts, internet posting, online comments, blog posts, and social media (such as Facebook, Twitter, LinkedIn, Instagram, YouTube, and Snapchat) to send communications of a sexual nature. Examples include:
 - Flirting and requests or demands to go on a date or have sex
 - Sending inappropriate pictures or videos including sexually graphic material
 - Using sexual language or comments including sexually offensive language
 - Cyber stalking

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III. What can I do if I experience, witness, or become aware of unwelcome sexual conduct?

If you experience, witness or become aware of unwelcome sexual conduct, know that:

1. You have the **right to tell the person to stop**. The initiating and participating persons must stop the unwelcome behavior upon request. If they continue the behavior or retaliate against you because you asked them to stop, they can be found to have violated the law by engaging in sexual harassment or retaliation.
2. You have the **right to report the sexual harassment**. Several reporting options are available. The option you choose may depend on the nature and severity of the unwelcome conduct of a sexual nature. Persons who report sexual harassment or participate in investigations are protected from retaliation.

III. Reporting Sexual Harassment – Several Options

The choice of how to report an allegation of sexual harassment is a personal one, and these options are not mutually exclusive. You may pursue one or more of the following reporting options:

1. **Call the State of Illinois Sexual Harassment & Discrimination Helpline**
2. Report the Incident to Your Employer
3. File a Charge with the Illinois Department of Human Rights (IDHR)
4. File a Charge with the U.S. Equal Employment Opportunity Commission (EEOC)

III. Call the State of Illinois Sexual Harassment and Discrimination Helpline

If you or someone you know has experienced or witnessed unwelcome conduct of a sexual nature in the workplace, please call the *State of Illinois Sexual Harassment and Discrimination Helpline* for assistance. Calls are confidential and can be made anonymously.

Call: 1-877-236-7703

Visit www.Illinois.gov/SexualHarassment

Helpline representatives can help callers navigate their numerous reporting options and share additional information related to counseling, legal assistance, and frequently asked questions.

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III. Reporting Sexual Harassment to an Employer

Report the incident to one or more of the following employer representatives:

1. **Your Supervisor** or any member of management you trust. Supervisors and members of management are responsible for knowing the employer’s internal complaint investigation and resolution process. Supervisors can help effect immediate positive change.
2. **Human Resources Officers** can work with management to investigate and resolve sexual harassment complaints. This option may be preferred, if the perpetrator of the sexual harassment is a supervisor or manager.
3. **Designated Sexual Harassment Reporting Officers** are often established by employers to specifically receive and investigate sexual harassment complaints. Consult your employer’s sexual harassment policy for specific reporting contact information.

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III. Reporting Sexual Harassment to the Illinois Department of Human Rights (IDHR)

The Illinois Department of Human Rights (IDHR) is a state agency responsible for enforcing the Illinois Human Rights Act, the state law which makes it illegal to engage in sexual harassment or retaliation.

- Complainants (victims of sexual harassment) may file a charge at any time within 300 days of the incident(s).
- IDHR has jurisdiction (authority) to investigate employers who have 1 or more employees.
- To start the process, submit a Complainant Information Sheet to IDHR.

III. Remedies Available Under The Illinois Human Rights Act

- **After IDHR completes its investigation, the Complainant (the employee):**
 1. May file a lawsuit in civil court, or
 2. May file a complaint with the Illinois Human Rights Commission (HRC) if IDHR found “substantial evidence” of a violation.
- Complainants who prevail in the HRC or Court may receive an **order awarding remedies** allowed by the Illinois Human Rights Act to make the Complainant “whole.”

- **Remedies** may include: back pay, lost benefits, clearing of a personnel file, damages, hiring, promotion, reinstatement, front pay where reinstatement is not possible, and attorney’s fees and costs.

III. Reporting Sexual Harassment to the IDHR (Contact Information)

To file a charge, call IDHR or visit them online:

1-800-662-3942 | www.ILLINOIS.GOV/DHR

IDHR Offices Locations:

- **Chicago.** Office: 312-814-6200 | 866-740-3953 (TTY), 100 W Randolph St, Suite 10-100, Chicago, IL 60601
- **Springfield.** Office: 217-785- 5100 | 866-740-3953 (TTY), 535 W. Jefferson, 1st Floor, Intake Unit, Springfield, IL 62702
- **Marion.** Office: 618-993-7463 | 217-740-3953 (TTY), 2309 W Main St, Marion, IL 62959
- III. Reporting Sexual Harassment – Several Options

The choice of how to report an allegation of sexual harassment is a personal one, and these options are not mutually exclusive. You may pursue one or more of the following reporting options:

1. Call the State of Illinois Sexual Harassment & Discrimination Helpline
2. Report the Incident to Your Employer
3. File a Charge with the Illinois Department of Human Rights (IDHR)
4. **File a Charge with the U.S. Equal Employment Opportunity Commission (EEOC)**

III. Reporting Sexual Harassment to the U.S. EEOC

The United States Equal Employment Opportunity Commission (EEOC) is responsible for enforcing Title VII of the Civil Rights Act of 1964, the federal law that make it illegal to engage in sexual harassment or retaliation.

- Complainants (victims of sexual harassment) may file a charge at any time within 300 days of the incident(s).
- The EEOC has jurisdiction (authority) to investigate employers who have 15 or more employees.
- To start the process, call the EEOC or visit their website.

III. Remedies Available Under Title VII of the Civil Rights Act of 1964

• **After EEOC completes its investigation:**

1. The Complainant (the employee) may file a lawsuit in federal court.

2. The EEOC may help parties reach a settlement through an informal process called “conciliation” if the EEOC finds “reasonable cause” to believe discrimination occurred.
 - Complainants who prevail in federal court may receive an **order awarding remedies** allowed by Title VII to make the employee “whole.”
 - **Remedies** may include: back pay, lost benefits, clearing of a personnel file, damages, hiring, promotion, reinstatement, front pay where reinstatement is not possible, punitive damages, and attorney’s fees and costs.

Reporting Sexual Harassment to the U.S. EEOC (Contact Information)

To file a charge, call or visit online:

1-800-669-4000 | www.EEOC.GOV

1-800-669-6820 (TTY for Deaf/Hard of Hearing callers only)

1-844-234-5122 (ASL Video Phone for Deaf/Hard of Hearing callers only)

U.S. EEOC Offices Serving Illinois

- **Chicago District Office.** JCK Federal Building, 230 S. Dearborn St., Chicago, IL 60604
- **St. Louis District Office.** Robert A. Young Federal Building, 1222 Spruce St., Rm. 8.100, St. Louis, MO 63103

What Information Will Be Covered

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IV. Is my Employer Responsible for Sexual Harassment?

Yes, employers are responsible for sexual harassment in two ways:

- **Manager/Supervisor Harassment.** Employers are *strictly liable* for sexual harassment perpetrated by its members of management *regardless* of whether the employer knew of the harassment.
- **Co-Worker & Nonemployee Harassment.** Employers are *liable* for sexual harassment perpetrated by an employee (co-worker) or nonemployees (vendors) *only if* the employer knew or reasonably should have known of the harassment and failed to take prompt corrective action.

IV. Employer Responsibilities

We will now discuss employer responsibilities and liabilities concerning incidents of sexual harassment in workplaces including their responsibilities to:

- **Prevent** the incidence of sexual harassment in their workplaces;
- **Investigate** incidents of sexual harassment in their workplaces; and
- **Correct** the incidence of sexual harassment in their workplaces.

IV. Employer Responsibility - Prevention

1. Develop, implement and regularly communicate the employer’s sexual harassment policy.
2. Provide training for managers and employees on sexual harassment prevention.
3. Ensure clear communication on how to report incidents of sexual harassment or conduct of a sexual nature.
4. Managers and supervisors should monitor their work environment to ensure the workplace is free of sexual harassment – supervisors should be aware of the conduct within their supervision.
5. Managers and supervisors must lead by example and model appropriate conduct – refrain from engaging in conduct of a sexual nature.
6. Managers and supervisors should conduct a sexual harassment climate check throughout the year -discuss the topic at a team or staff meeting, in-service day or as part of structured communication such as division/unit newsletters.

V. Employer Responsibility - Investigation

1. Immediately respond to a complaint of sexual harassment and initiate an inquiry or investigation.
2. Interview the complainant (victim) and take reasonable action to protect the victim from retaliation or experiencing further sexual harassment during the investigation.
3. Interview all relevant witnesses.
4. Interview the alleged perpetrator of the sexual harassment.
5. Document the investigation results and maintain the file as an employment record.
6. Take corrective action as appropriate.

IV. Employer Responsibility – Corrective Measures

1. Take appropriate corrective disciplinary action up to and including termination of employment where organizational policy has been violated.

2. In situations where the conduct in question did not rise to the level of sexual harassment or a violation of policy, but is concerning or may be considered grooming behavior, consider counseling, training and closer supervision of the employee.
3. Take reasonable action within the organization to reduce the likelihood of future sexual harassment incidents by updating policies and communicating them to the workforce; providing supplemental or tailored sexual harassment training; or restructuring the working environment or reporting relationships.
4. Follow up with the complainant (victim) at regular intervals to ensure they and the workplace remains free from sexual harassment.

To summarize the information in this section, recognize that there are many laws both federal and state that provide you with rights in the workplace. But you also have responsibilities. Your responsibilities are obviously to do your job, but also to behave in a way that is conducive to the standards of conduct that are listed in your employee handbook or Personnel Policy Manual and be sure that you're not infringing on the rights of others in the workplace.

That summarizes the legal issues section. Now, let's move into the second section which is behavioral issues.

Section two, behavioral issues. Follow the standards of conduct and be respectful and professional.

From a behavioral standpoint, there are several issues that can get employees into trouble. This usually happens between interactions and communications with your coworkers. The first issue is profanity, obviously profanity entails anger and emotion and there's no place for it in the workplace. Also jokes, jokes are fun. However, sometimes people are the butt of jokes or jokes are made at people's expense. And so those are jokes that are going to cause you issue. Yelling or raising your voice indicates a lack of control over your emotions. So when there's the intensity and frequency of raising your voice, that could be problematic. Also name-calling, you should not engage in names that are going to be offensive to other people and this would include calling people names like honey, dear, sweetie, babe those sorts of things. Be careful about your electronic communications via email, Facebook, Instagram, Snapchat, social media and even online games.

Recognize that behavior that may be socially acceptable such as flirting and joking is probably not appropriate in a professional setting. So be aware of your behavior and act accordingly. Sometimes some of our communications and behavior has a bit of bias in it. There's prejudice or preconceptions or assumptions that we make about people, and there's also the element of unconscious bias microaggressions, that are comments that are made that don't intend to offend or humiliate or embarrass people, but that's the end result. So we need to be cautious of those sorts of comments and behaviors.

So let's start with the impact on--of harassment. First, with the impact on individuals. Physical and emotional stress and health issues are one element of harassment. Second, impact to self-confidence and pride in work, and the third but not final is job career reputation.

Another impact is on the team. There's poor team cohesion, lower productivity, loss of morale, stress and interpersonal conflict. The third is impact on the organization. Cost of investigations and settlements liability, high turnover and loss of valuable employees, negative publicity and loss of contracts, grants, public trust and confidence.

For all those reasons we want to ensure that people's behavior is appropriate respectful and professional.

We're now going to talk specifically about sexual harassment, but first just a couple of general comments. Remember that harassment can be based on other elements not just sex. It could be based on race, color, religion or any of the other protected categories that we talked about. It is subject to interpretation because we are different people with different backgrounds, different genders, different ages. We all have different senses of humor and different tolerance levels. So what offends or humiliates one person might not offend another person. However, it is subject to the standard of the reasonable person, would a reasonable person be offended given the circumstances. And certainly if anyone tells you that they're offended you need to stop that behavior at once.

There are four types of sexual harassment. The first is sexual favors or quid pro quo. That would be a manager or supervisor abusing their power by saying something like, "If you do this for me, I'll do this for you." or "If you don't do this for me, I won't do this for you." The other forms are physical, verbal or visual.

Here are some scenarios that are commonplace examples of harassment in the workplace.

Scenario number one. "Joking at work." Two employees are observed talking in the break room. Both are laughing and are engaged in the conversation.

This is probably fine as long as the employees are not joking about another person or making comments or jokes at the person's expense that demean or embarrass or offend another employee.

Scenario number two. "Complaints." An employee has complained about unfair treatment. So the supervisor is unsure how to treat them and ends up avoiding the employee.

An employee has the right to complain and shouldn't be treated any differently as a result of that complaint. So, if an employee makes a complaint and they're being ignored or avoided or ostracized that's changing the terms or conditions of their employment and that could be considered as retaliatory.

Scenario number three. "Electronic Communications." Your friends on Facebook with several other employees and you notice inappropriate postings about a co-worker.

Your electronic communications could be subject to your employer's electronic communications or social media policy. In most cases disclosing confidential information or communications that are disparaging or disloyal to the employer are restricted. Yes. There is the element of free speech. However, many-- in many cases, employees' behavior online has been subjected to disciplinary action or termination.

Scenario number four. “Hugging.” An employee just got back from a long vacation is happy to see his or her coworkers.

Your policy outlines behavior that could be physical harassment and usually that is pinching, padding, kissing, hugging or putting your arm around someone. With regard to hugging, it can create a hostile workplace when it is unwelcome and pervasive. The rule of thumb is that you can probably hug your close friends, but not all the time and you can probably hug someone if you ask and they say it's okay, but you shouldn't hug someone who you supervise and you shouldn't hug a co-worker with whom you're romantically involved.

Scenario number five. “Body language.” An employer stares, gives mean looks or wags fingers and becomes visually angry with coworkers.

Here's an example of visual harassment. Could be gestures, facial expressions, pointing your finger and those types of displays which are aggressive and it could create a hostile work environment. Even if nothing was stated, the type of behavior that we see in these photos could be problematic.

Scenario number six. “Friendships.” Your co-workers or friends ends up spending weekends and evenings socializing, several romantic relationships have resulted on the team.

The answer is that although we cannot control your off-duty conduct, employees should refrain from public displays of affection and realize that their conduct could be questioned should the behavior come into the workplace.

Scenario number seven. “Dating.” An employee asked another employee out and she said, “No.” He repeatedly asked her out for a date.

The answer is, it makes sense that you may want to date someone that you meet on the job. However, if you ask an employee out for a date and they say, “No.” Do not repeatedly ask them out. That could be an example of harassment. Also, employees that do not report to each other can date, but not if there's a reporting relationship that could cause issues with conflict and preferential treatment in the workplace. Also, employees in relationships should in general be cautious because the romance might end and what will result is conflict and bad feelings.

Scenario number eight. “Compliments.” A co-worker tends to give you compliments on a regular basis saying things like, “Hey, you look great!” or “Have you been working out?”

The answer is it's often not what you say, but how you say it. And compliments may be misinterpreted due to the tone, content, frequency or intensity of the attention among other factors. If the person has said they're uncomfortable being complimented, certainly do not continue this sort of attention and remember that all workplace communication should be professional and respectful at all times.

Most of those examples were commonplace. We just wanted to give you a sense of the ground rules for engaging in communications and other interactions with your co-workers. The key is to ensure that we're always being respectful and professional. Remember, it isn't necessary that inappropriate comments be directed at an individual for them to make a viable complaint. If someone witnesses or otherwise becomes aware of an incident of inappropriate behavior, they can raise concerns. Everyone

should be on their best behavior at work. This includes vendors, suppliers, customers and certainly employees themselves.

Now, let's move on to section three, the Practical Issues.

Section three. Practical issues, resources and next steps. So the employer responsibilities are: read the policy, review posters, uphold standards, remind others about policy or refer to appropriate persons.

We've talked about a lot of the rights that you have in the workplace, but you certainly do have responsibilities as well. Your employee handbook is a great place to look in case you have any questions about the behavioral standards. Also, the set of employment posters that are hanging in a common space are a very good resource for you as well. They include information of the agency that's responsible for that law as well as contact information. Your organization has a lot of policies that are important in your employment. There's an EEO policy and a policy regarding harassment and bullying in the workplace. There's also a complaint handling procedure and of course other policies such as standards of conduct, dress code, confidentiality and your social media or electronic communications policy. So read the policy manual and understand what's required of you.

When it comes to reporting harassment, speak up if you know or suspect a situation. Second, multiple avenues of complaint exists through human resources, your manager supervisor manager or executive or anyone really in a management position.

Remember, it's the employers responsibility to investigate any claim of harassment. Promptly, vigorously and honestly, but we need to know about it. So it's your responsibility to speak up if you know or suspect a situation that's going on. It's your choice who you want to go to with any complaint, concern or question. You could even submit the complaint anonymously. However, it's very difficult to investigate a claim if we don't know specifics.

Often times employees are hesitant to come forward with information regarding a complaint or situation, but you should know that your organizations policy includes a non-retaliation provision. Meaning, you can't be retaliated against for coming forward with that information. Employees do have the right to complain and we want to be respectful of that. But certainly you should not fear retaliation for complaining or even being involved as a witness in an investigation. If that occurred, that would be an example of retaliation. A synonym for retaliation is revenge or payback and it typically involves three different elements. First of all, a protected activity such as making a complaint. Secondly, adverse employment action, some result of the complaint and then thirdly, a connection between the protected activity and the adverse action. Let's go into each of those steps.

Examples of a protected activity are complaining about unlawful discrimination or complaining about unlawful harassment. It could be a complaint about a safety violation or just exercising any other protected rights that you might have under various laws. In other words, you have the right to complain and bring your complaints or issues or concerns forward and we certainly encourage you to do that. If you ever suffered some sort of adverse action because of that complaint, that could be an example of retaliation and the action could be tangible or more subtle. Examples of tangible adverse employment actions are demotion, suspension, termination or taking away another term or condition of employment. An example of a subtle action could be just sort of ignoring or avoiding you or ostracizing you or shunning you. If any of those actions happen because of the protected activity, that's an example

of retaliation. And basically the adverse action would be because of the protected activity. Timing is an issue if it's very closely connected with your initial complaint and if any retaliatory statements were made or other employees were treated more leniently. Those are all elements to support your claim of retaliation.

It's the employer's responsibility to listen to each and every complaint that comes up and we need to take those complaint seriously. We need to conduct an investigation by talking to all relevant witnesses and then we can make a determination from the evidence at hand. Employers then need to take remedial action that is appropriate given the circumstances.

Your organization has an investigation process in place, which requires employees to come forward as soon as possible with any issue about a possible legal issue. One thing to mention is that we cannot ensure a hundred percent confidentiality. However, we will only share information with people who have a demonstrated need to know. An employee should try to maintain the confidentiality of their information as well. These rules of engagement apply to employees but also to volunteers or unpaid interns, outside vendors or suppliers, and of course it applies to employees at work, but outside of work as well in some circumstances when you're interacting with your co-workers. And also remember that individuals can be held personally liable for sexual harassment.

In summary, we want to make sure that you're aware of your conduct and how it impacts other people.

Understand the legal issues, rights and responsibilities.

Make sure that you separate your professional behavior from your social behavior.

And last but not least, seek advice from HR or your manager if you have a question comment or concern.

Thank you for participating! Managers, supervisors, team leaders also must take Session B video and test.

[END]