



## Sexual Harassment

Although sexual harassment in the workplace has decreased over the last few decades, there are still many cases of harassment. Managers and supervisors need to know how to handle harassment claims, and employees need to know how to prevent and report harassment. You can learn how to prevent and handle sexual harassment claims by reading and implementing these tips from Express Personnel Services. Contact Express Personnel for more information on this and other human resource issues.

### HR Tip No. 1: Know What Constitutes Sexual Harassment

Sexual harassment is defined as any unwelcome sexual advance, request for sexual favor, or other verbal or physical conduct of a sexual nature. However, keep in mind that harassment is not always sexual in nature and can target race, color, religion or national origin. Behavior that may at first be a minor annoyance becomes sexual harassment when it is unwelcome and persistent. Harassment and discrimination can occur within a chain of command, between employees of equal rank, or between employees and clients or customers. Examples include telling crude jokes, making unwelcome sexual advances or looking a person up and down.

### HR Tip No. 2: Know the Behavior that Constitutes Sexual Harassment

Offensive behavior may be verbal, nonverbal or physical. Some examples of verbal behavior include telling sexual stories or jokes; using four letter obscenities; and using such terms as honey, dearie, doll baby and sweetie. Nonverbal behavior may consist of ogling suggestively at a person; showing sexually explicit pictures or cartoons; and making suggestive gestures or body movements. Physical behavior includes touching a person's clothing or hair; massaging a person's neck or shoulders; standing too close; and kissing, grabbing, caressing or pinching a person. Although many of these behaviors may seem obvious, it's important that you be aware of offensive conduct.

### HR Tip No. 3: Be Aware of Quid Pro Quo Harassment

Quid pro quo sexual harassment can only occur within a chain of command. It happens when someone in a position of authority uses his or her authority to make the submission to sex or sexual conduct a condition of employment, or the refusal to engage in sex or some other type of sexual conduct serves as the basis for an employment decision. It doesn't matter if the request for sexual conduct was clear or implied. In order for this sexual harassment to occur, the person in authority must take — or threaten to take — a "tangible employment action" against the employee. Examples of tangible employment actions include hiring, promotion, failing to promote, demotion, significant change in duties or benefits, cut in pay or unwanted reassignment.



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### HR Tip No. 4: Know the Meaning of Hostile Work Environment

A hostile work environment occurs when one employee subjects another employee to unwelcome conduct that's so severe or so frequent that it makes the employee's work environment intimidating, hostile or offensive. If the harassment involves offensive comments rather than a physical assault, the offensive behavior normally must occur on a regular basis in order to be considered a hostile environment. The more offensive the incident (an employee ripping open another employee's blouse vs. an employee making a sexual statement to another employee) the fewer number of incidents required to support a claim of sexual harassment. There's no set formula for determining when offensive actions will give rise to a hostile work environment claim; however, isolated incidents are normally insufficient to support a claim of harassment. Depending on the severity, a pattern of ongoing harassment is usually required. Regardless of the situation, it is important that you take immediate action to limit your liability.

### HR Tip No. 5: You May be Liable for Harassment Even if Your Employee or Associate Never Complained

As an employer covered under Title VII of the Civil Rights Act of 1964, you are liable for sexual harassment committed by your employees if you knew or should have known that it was occurring. There are two primary questions used to define sexual harassment. Did the behavior occur that was sexual in nature? Was the behavior unwelcome? The key to protecting yourself is investigating the situation upon becoming aware of it. You should never ignore the situation just because the employee being harassed has not advised you of the problem.