

**WVBA**   
**presents:** 

# Preventing Unlawful Harassment In the Workplace



**SUPERVISOR EDITION**

HR Consulting  
Company, LLC 2005

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# Our Company Beliefs:

We believe that each and every individual associated with us deserves to be treated with dignity and respect. We are committed to having a workplace free of unlawful harassment and expect every individual to abide by that policy.

As a member of our team, you are expected to comply in both spirit and action.

# Please Understand

It is the policy of this organization that we will not tolerate unlawful harassment in any form.

# Your Commitment

You are being asked to read this material and to comprehend it. It is intended to ensure that you understand unlawful harassment, and therefore will commit to not being a part of any activity which would reflect or condone it.

# Goals

- Understand our company's zero tolerance policy regarding unlawful harassment
- Know the laws that affect harassment in the workplace so you can recognize it
- Understand what circumstances may constitute harassment

# What is Harassment?

- To bother, disturb, torment or pester on a frequent basis.
- Can occur in forms such as touching, talking, jokes, publications, posters, etc.

# Unlawful Harassment Is:

- Inappropriate treatment due to a person's being a member of a protected class. The protected classes include individuals who are of a certain race, color, religion, sex, ancestry, age 40 and older, disability, qualified Vietnam era veterans and qualified special disabled veterans, or national origin, and
- In other words, **everyone falls into one or more protected classes.**

# Who Can Commit Unlawful Harassment?

- Supervisors
- Subordinates
- Co-workers
- Clients/customers



# Types of Harassment

- **Verbal** Spoken and written words, sounds.
- **Derogatory includes** put downs.  
“You stupid blankety, blanks are all the same”.
- **Physical** includes inappropriate touching
- **Visual** includes signs, posters, email messages, etc.

# Sexual Harassment

- Sexual harassment is a form of unlawful harassment of a sexual nature in the workplace.
- This includes welcome advances or requests for sexual favors, or verbal or physical conduct of a sexual nature.
- Any employee and customers and clients can commit sexual harassment.
- Both men and women can be victims of sexual harassment.

# What Is Sexual Harassment? (cont.)

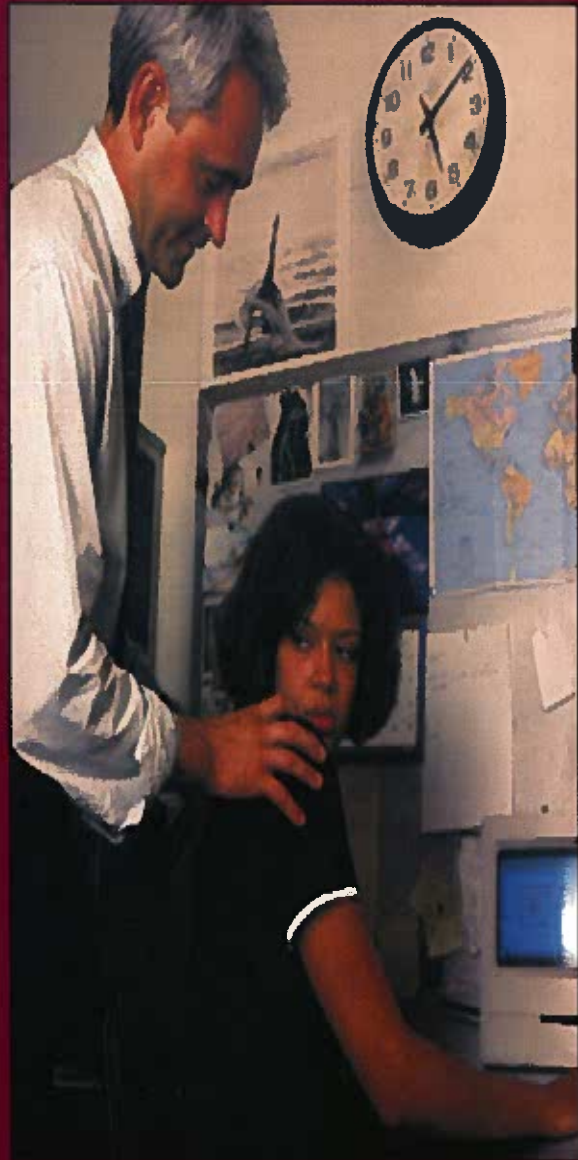
- **Unwelcome** sexual advances or requests for sexual favors, or verbal or physical conduct of a sexual nature.
- Conduct of a sexual nature in the workplace that creates a **hostile environment**

# A Hostile Work Environment May Exist If the Conduct:

- Is frequent
- Severe?
- Physically threatening or humiliating?
- Unreasonably interferes with an individual's work performance?

# An Example

- If you take a brief look at this employee's face, you can immediately tell this behavior is unwelcome.
- While an isolated incident of this type doesn't constitute harassment, it could be just that if combined with other unwelcome gestures.



# Take a moment to answer:

## Are the following incidents unlawful harassment? harassment?

1. Telling really funny Polish jokes if none of your co-workers are Polish. **Yes or No**
2. Sending a dirty email joke to a friend who is a member of the same sex. **Yes or No**
3. Brushing against people too closely in a doorway  
**Yes or No**

# Unlawful Harassment Answers:

All questions should have been answered yes.

If you answered no to any questions, please review the booklet again.

Note that each question involved a protected class and form of harassment if it is a frequent behavior.

# Frequently Asked Questions:

- Is it legal to call employees stupid or dumb?

While it could possibly be legal in some circumstances, we want each individual to be treated with respect. Therefore, no name calling. Whatsoever.

- Is it OK to touch another employee's shoulder?

Depends on how it is done and frequency. To play it completely safe, don't touch.



# What Should I Do?

- What if I think I am being unlawfully harassed?

Go to your supervisor without delay and explain your situation. If for some reason you don't feel comfortable going to your supervisor, please talk to another member of management.

What if I'm uncertain whether I'm harassing someone?

Stop the behavior immediately. You are probably receiving signals that your behavior is unwelcome.

# Summary

- Our company does not tolerate unlawful harassment in any form
- You and every other employee are entitled to be treated with dignity and respect.
- Every employee is a member of one or more protected classes and harassing someone based on that status is unlawful.
- If you believe you are being harassed, tell you supervisor immediately.

# Your Commitment

- I have read and understood the company's position on unlawful harassment including sexual harassment.
- I agree not to engage in unlawful harassment
- I further understand that if I feel I am the victim of harassment I should go to my supervisor immediately. If I am not comfortable going to my supervisor, I should go to another member of management.
- \_\_\_\_\_(name)  
\_\_\_\_\_ (date)



# Supervisor Responsibilities

HR Consulting  
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# Our Unlawful Harassment Policy

Our company is committed to providing a work environment that is free from all forms of discrimination and conduct that can be considered unlawful harassing, coercive, or disruptive including sexual harassment.

Actions, words, jokes, or comments based on an individual's sex, ancestry, race, color, national origin age, religion, disability, veteran status or any other legally protected characteristic will not be tolerated.

# Policy on Sexual Harassment (part one)

It is the responsibility of each supervisor to make certain that the workplace is not one of creating a hostile environment.

Therefore, you should never engage in or allow others to engage in behaviors of the following sort:

- Unwanted sexual advances
- Offering employment benefits for sexual favors
- Making or threatening reprisals after a negative response to sexual advances
- Visual conduct that includes leering, making sexual gestures, or displaying of sexually suggestive objects or pictures, cartoons or posters.

# Policy on Sexual Harassment

(part two)

- Verbal conduct that includes making or using derogatory comments, slurs, or jokes.
- Verbal abuse of a sexual nature, graphic verbal commentary about an individual's body, sexually degrading words used to describe and individual, or suggestive or obscene letters, notes, or invitations.
- Physical conduct that includes touching, assaulting, or impeding or block movement.

# Supervisory Responsibilities

Supervisors are the front line to ensure that the workplace is one in which unlawful harassment is prevented.

Some methods for doing this are:

- Be in the work area at least once every day to remain aware of the environment.
- Emphasize from time-to-time the company's and your own position that unlawful harassment will not be tolerated.
- Make certain employees know they can come to you with a problem and that they have other alternatives if they prefer to discuss it with someone else.

# If an Employee Comes to You with a Problem

- Listen carefully and non-judgmentally.
- Make no promises
- Assure the employee that it will get proper attention and that you will get back to them
- Immediately take the problem to your manager or Human Resources representative.