

KANTOLA
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Harassment Prevention:

A Commonsense Approach For Employees



EMPLOYEE
VERSION
Study Guide

Harassment Prevention A Commonsense Approach

Study Guide Employee Version

Produced by
Kantola Training Solutions

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Introduction

The opening scene in the course, *Harassment Prevention: A Commonsense Approach for Employees*, shows an example of inappropriate conduct that involves two colleagues playing a game that is not suitable for the workplace. They continue until they are interrupted by their boss and realize they've crossed a line.



"Name three people..."

While our example might seem relatively harmless, this kind of behavior tends to lower workplace standards and lead to even worse behavior over time. It could also be considered harassment if others learn after the fact that they were targeted by the game, or are otherwise exposed to it and find it to be unwelcome.

This study guide covers laws that protect our rights as individuals in the workplace. But we'll also talk about civility and respect. We'll show how you can become more sensitive to these issues, help safeguard your coworkers from exposure to unwelcome behavior, and contribute to maintaining a respectful workplace.

It is your responsibility to follow employer policies

In fact, it is your responsibility to follow your employer's policies and do your part in keeping your workplace free from unlawful conduct like discrimination and harassment.

Remember: If coworkers get along and treat each other with respect, your workplace will be more pleasant for everyone, and your job will be easier and more successful.

Quid Pro Quo

There are two types of unlawful workplace harassment. The first type is “quid pro quo” sexual harassment.

This occurs when someone in a position of power or influence in the workplace takes a tangible employment action for or against an employee who either agrees, or refuses, to go along with a request for sex or romantic activity.

Quid pro quo is a legal phrase taken from Latin. It translates as “this for that” or “this in exchange for that.” In many areas of business and law, quid pro quo can be used as a fairly neutral term describing an even exchange.

Quid pro quo = this for that

In the context of harassment, it’s not an even exchange. When sexual favors are demanded in return for workplace benefits, or to avoid negative consequences, there is an increased likelihood of a claim of quid pro quo harassment.



In this scene from the course, it is quite clear that the supervisor has crossed the line. Quid pro quo harassment is considered to be so serious that even one occurrence is unlawful, and the consequences can be quite costly for both harassers and their employers.

But what about behavior that is not this obvious?



In this scene, a manager pressured her subordinate to socialize, mentioning that they could discuss his upcoming review while having a meal together after hours. Was this request appropriate? Did it cross the line?

“Just one beer...”

This manager’s motivations may have been innocent. But then again, maybe not. In her position as the manager, she is the one with the responsibility to keep things professional and notice her subordinate’s discomfort. She should have backed off immediately when he first declined her invitation.

Remember: You have a right to express your personal boundaries. Just like the subordinate in this scene, you do NOT have to go along with suggestions or requests that make you feel uncomfortable. We’ll talk more about how to speak up and where to go for help as we continue through the course.

Hostile Work Environment

The second type of unlawful sexual harassment is called “hostile work environment” harassment. Hostile work environment harassment is defined as unwelcome behavior, related to a legally protected characteristic, that is ongoing, pervasive or severe, or unreasonably interferes with an individual’s ability to do their job.

Hostile work environment harassment includes unwelcome behavior tied to a protected characteristic



“In your dreams...”

The “harasser” could be a supervisor, a coworker, or someone who is not an employee, such as a client or customer. In our example, a couple of coworkers offended another with their “joking around” that included sexual innuendos.

Harassment does not depend on the gender of the parties involved, nor must it be motivated by sexual desire. Harassers can be of the same or different gender of the recipients of the unwanted behavior.

Harassment can take the form of conduct that is visual, such as offensive images or cartoons; verbal, such as offensive jokes, epithets or slurs; or physical, such as unwelcome touching or blocking someone’s path.

Remember: Behavior that offends even one coworker, especially if it would offend a “reasonable person” in that coworker’s situation, should stop.

Welcome vs Unwelcome

What is “unwelcome conduct”? Unwelcome conduct is behavior that is not wanted, not requested, and/or not willingly reciprocated.

Unwelcome conduct is behavior that is:

- **Not wanted**
- **Not requested and/or**
- **Not willingly reciprocated**

This means that a person doesn’t like it, didn’t ask for it, and is not freely participating in it.

Notice that the focus is on the recipient or observer of the behavior, not on the person who is doing it. It is the recipient or observer who determines whether conduct is welcome or unwelcome.

It may be obvious to recognize who is the recipient or target of unwelcome behavior. But observers can also be subject to harassment if they witness behavior they find to be unwelcome, whether or not the behavior is directed at them. This is true even when others are willingly joining in on the offensive behavior, and the instigator genuinely did not intend any harm.



In this example from the course, the IT Technician was exposed to pornography downloaded by a coworker. He found it highly unwelcome and offensive.

“I don’t want to look at this garbage...”

Unlike accidental exposure to an offensive message that sneaks past a spam filter, having to deal with pornography accessed or downloaded by another employee is clearly not an expected part of his workday.

The following types of unwelcome behavior may qualify as unlawful sexual harassment:

- *Physical assaults of a sexual nature, such as:*
 - *Rape, sexual battery, molestation, or attempts to commit these assaults.*
 - *Intentional or unintentional physical conduct which is sexual in nature, such as touching, pinching, patting, grabbing, brushing against another employee's body, or poking another employee's body.*
- *Unwanted sexual advances, propositions or other sexual comments, such as:*
 - *Requests for sexual favors accompanied by implied or overt threats concerning the victim's job performance evaluation, a promotion, or other job benefits or detriments;*
 - *Subtle or obvious pressure for unwelcome sexual activities;*
 - *Sexually oriented gestures, noises, remarks, jokes, or comments about a person's sexuality or sexual experience which ... create a hostile work environment.*
- *Sexual or discriminatory displays or publications anywhere in the workplace, such as:*
 - *Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials, or other materials that are sexually demeaning, pornographic.*

Remember: If the recipient or observer of a certain behavior finds it unwelcome, and if a "reasonable person" in their same situation would agree, then the behavior needs to stop.

Unwanted Romantic Attention

Most of us spend a large part of our waking hours at work. And workplaces often provide opportunities for meeting others. We can even make lasting friendships there.

But asking for dates or otherwise trying to create personal or romantic relationships at work can be problematic. These activities may even be discouraged or against policy in some workplaces.

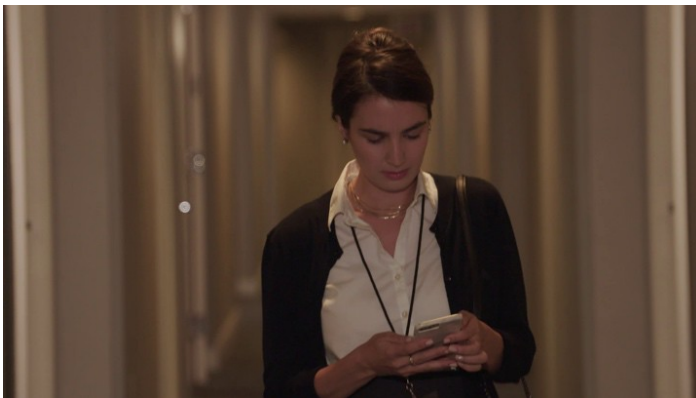
Workplace relationships are complicated by the fact that we all have jobs to do, and the need to work together to get things done adds an extra pressure that doesn't apply to non-work relationships.

Besides, things can go wrong, and misunderstandings can occur that cross the line into harassment.

Just because someone is being sociable and responding conversationally, that should not be interpreted as a green light to persist with romantic attentions.

“No” means no. “Maybe” means no.

Persisting after being turned down is not OK. If a coworker tells another that they aren't interested in a personal relationship—or otherwise indicates disinterest through body language or other non-verbal signals—that refusal must be honored.



“Then he sent me a text...”

Unwanted romantic interest can be a form of harassment if it persists when someone is clearly not interested or has asked for it to stop.

Whether it happens on the job or off-site, the same protections and standards for proper conduct apply if the setting can be considered “related to the workplace.”

Remember: You have a right to ask for your employer's support if you experience unwanted romantic attention in the workplace or any work-related setting.

Other Protections

Harassment is a form of discrimination because it can lead to a work environment that makes getting a job and keeping it more difficult, unpleasant, or downright unhealthy for certain individuals.

The federal law that underlies the workplace protection against discrimination is Title VII of the Civil Rights Act of 1964. In this legislation, the government prohibited discrimination based on race, color, sex, religion, and national origin.

Enacting the Civil Rights Act of 1964 did not change workplaces overnight. But there has been gradual change. And, as society's awareness has continued to evolve, additional laws have been passed, protecting additional characteristics.

Today, the list of federally protected characteristics includes:

Race

Color

Religion

National Origin

Disability

Sex (including pregnancy)

Age (40 and over)

Veteran Status

Citizenship Status

And More



Harassment of an individual may fall under any of these "protected characteristics," or more than one characteristic.

"I came here when I was little..."

You might wonder how you can keep track of these characteristics, especially because they can change over time. Here are a few simple guidelines:

- Understand that both discrimination and harassment based on protected characteristics are illegal.
- Understand your personal biases and work to overcome them, dealing with each coworker as an individual rather than as a member of a group.

Remember: If you treat every coworker with a consistent level of courtesy and respect, it is very unlikely that you will find yourself in a situation of causing offense or being accused of workplace harassment.

Bystander Intervention

One of the best ways to stop harassment is for fellow employees to stick up for each other and intervene if they see a coworker being harassed. This is called "bystander intervention."

**Bystander Intervention happens
when coworkers stick up for each other**



"Does that stuff bother you?"

When you stand up to defend a coworker, your coworker is no longer facing the harassment alone. And the harasser is no longer able to pick on an isolated person.

Sure, it can be difficult to speak up. And it's understandable if you hesitate to get involved. You may not like the idea of confrontation. You might worry that you will be seen negatively by others on the team. You might feel like you are too busy.

However, helping your coworkers can have an important effect, especially if you act early. And it doesn't have to involve directly confronting the harasser—there are other options.

A useful framework for remembering some different ways of intervening would be to think about the Four D's:

1. **Distract:** If a conversation is heading in the wrong direction, try striking up an unrelated conversation to change topics.
2. **Delayed support:** Consider waiting for the offending party to leave and then check in with your coworker, ask how they feel, and offer support.
3. **Delegate:** Get help from others with authority, like your boss, or your boss's boss, or HR or other designated resources in your organization.
4. **Direct intervention:** Ask the individual directly to refrain from their unwanted behavior, if you feel comfortable and safe doing so.

Whatever method you decide to use, bystander intervention is not just about one event. It's about "having someone's back." It's about letting them know they're not alone and you are there to help them. Listen to your coworker if they want to talk. Accompany them to HR if they want the support. Be the friend that you would want to have if you were in their situation.

Remember: If you are not comfortable taking action on your own, you have an alternative: Delegate. That is, get help. Your employer will want to know what is going on so they can step in and fix the situation before it gets worse.

If You've Been Targeted

While it is always the responsibility of the harasser not to harass, it can be helpful to think about strategies to use if you become the recipient of harassing behavior. What can you do to stop harassment if you feel that you are a victim of it?

Often, the most efficient first step is to speak up if you feel comfortable doing so. Ask for the behavior to stop.

As you learned earlier, it doesn't matter what the harasser thinks. What matters is how a reasonable person might think. It matters what YOU think.

Here are some things you could say

- *"I find this topic to be inappropriate. Let's change the subject."*
- *"I don't like it when you use that kind of language."*
- *"Why do you think it's OK to say that to me?"*
- *"I'm sure that you don't mean to make me uncomfortable, but you do. Can you please not refer to how I look or dress?"*
(after unwelcome compliments)

Sometimes, you need to be even more clear.

- *You're out of line — let's keep this professional*
- *I am not OK with this*
- *I do not consent to this*
- *Do not touch me!*



"I'm going on my break..."

You do not have to tolerate unwelcome behavior. If you are caught by surprise or don't know what to say, especially if help is not close at hand, consider getting away from the situation until you have time to think about your response and get help.

Even though speaking up is always advised, you are not obligated to warn someone that their behavior is making you uncomfortable. Your employer has resources in place, ready to help.

>Get help if you want help

>Get help if you feel that your wishes are being disregarded

If you have concerns or need help, don't wait. Speak up or reach out. Go to your boss or your boss's boss or anyone else in your chain of command who can help. Go to HR or others designated by your organization to receive complaints and resolve problems. You can find more information in your organization's policies about the internal complaint process for you to follow.

Remember: Reporting something doesn't suddenly make it a bigger issue; it just means that management or HR can help you rectify a situation that is making you feel uncomfortable.

Complaints / Remedies / Retaliation

Your employer will appreciate your bringing any concerns to their attention. They will want to fix anything bad that may have happened and do their best to make sure it doesn't happen again.

What happens if you file a complaint?

- Supervisors and managers are required to report any harassment reported to them or which they observe.
- Those receiving and investigating your complaint may not be able to promise confidentiality, but will attempt to be as discreet as possible.
- After an investigation establishes the facts, a determination will be made.

Depending location and situation, remedies may include economic damages, compensatory damages, punitive damages, equitable relief, and attorneys' fees.



In addition to internal complaint processes offered by your employer, you also have the right to file a complaint with government agencies that can take steps on your behalf. You can also pursue a civil claim in the courts.

"Thank you for bringing this to my attention..."

In any case, your employer will want to protect you from retaliation for objecting to unwelcome behavior.

Retaliation is against the law

Retaliation is unlawful because it can discourage people from exercising their rights to object to harassing behavior in their workplace. So be sure to let your employer know about any retaliation you believe you are experiencing.

Those protected generally include individuals who have filed a complaint, participated in an investigation, or reported or opposed harassing behavior.

Don't participate in any form of retaliation yourself, even if someone complains about you. That includes obvious forms of retaliation as well as subtle forms, such as shunning coworkers who have complained, or refusing to speak to them. You don't have to be "best friends" after a complaint, but you do have to treat each other with common courtesy. Focus on your work and cooperate with any investigation so that your employer can take care of the problem and make things right again.

Remember: Retaliation is unlawful and brings consequences of its own, even if the initial complaint is not found to have met the threshold of unlawful harassment.

Conclusion

We've covered a lot of material, all focused on supporting a workplace environment where unwelcome and harassing behavior is not acceptable. And where everyone can thrive and contribute to the success of your organization.



While it's important to know the legal definitions of the various forms of discrimination and harassment, it's even more important to think about the practical examples you've seen... How harassment can creep into a workplace... And what you need to do to prevent or stop it.

Be the person who makes a positive impact..."

**Workplaces that tolerate harassment have more of it.
Workplaces that do not tolerate harassment have less of it.**

Remember: Your manager, HR department and other company resources are there to help.

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