A Safety Module:

UNDERSTANDING SEXUAL HARASSMENT
IT AFFECTS THE WHOLE TEAM

Reports of sexual harassment in the healthcare industry are on the rise. Most reports involve claims of a "hostile environment," and most formal charges are brought against co-workers.

- A "hostile environment" occurs when sexual behavior causes the victims to feel uncomfortable, threatened or intimidated while at work.

Many people are surprised to learn that there is a fine line between friendly joking and creating a hostile working environment.

- Some experts estimate that as many as 75 percent of working women will experience sexual harassment on the job.

Men can become victims of sexual harassment, too, but in smaller numbers.

When sexual harassment occurs, it doesn’t just affect the victim, it affects the whole team.

If sexual harassment is happening in your workplace, you may notice:

- You or your co-workers seem unhappy with the job or the company.

- There may be a high turnover rate in staff as people quit to avoid harassment and others are fired because they are the harasser.

- There may be a problem with absenteeism. Each year, millions of dollars are lost when employees call out sick to avoid harassment.

- Client care and the company’s reputation may suffer when there is team conflict because of a hostile environment.

Keep reading to learn more. Even when you are not the victim, you can still feel the effects of sexual harassment.
THE HISTORY OF SEXUAL HARASSMENT

A SPECIAL NOTE: This inservice outlines basic information about sexual harassment and gives some general guidelines for dealing with the problem. It is not meant to take the place of legal advice regarding any sexual harassment that may occur in your workplace.

A BRIEF HISTORY

Sexual harassment is not a new problem. It has been going on for hundreds of years! Believe it or not, one researcher found a special notice published in a New York newspaper in 1734. Written by a group of female household servants, the notice read:

“We think it reasonable we should not be beat by our mistresses’ husbands, they being too strong and perhaps may do tender women mischief.”

Although sexual harassment is an old problem, it remained a silent issue in the workplace for many years.

In the 1970’s, sexual harassment between co-workers began to get more attention. In 1976, an American judge first ruled that sexual harassment is illegal.

- In 1991, a judge named Clarence Thomas (who was an employee at the Equal Employment Opportunity Commission), stood accused of sexual harassment by Anita Hill, also an EEOC employee.
- In 1998, President Bill Clinton was accused of sexual harassment by Monica Lewinsky, an intern at the White House. Both men ended up “defending” themselves on national television.

FEDERAL AND STATE LAWS

The first federal law to address sexual harassment is known as Title VII (or Title Seven). It is part of the 1964 Civil Rights Act.

- According to Title VII, men and women must be treated the same in the workplace. This means that all employees should be treated equally when it comes to hiring, firing, salary, job assignments, promotions, and benefits. If there is discrimination based on sex, it’s illegal.
- This federal law is enforced by a federal agency called the Equal Employment Opportunity Commission (EEOC).

The 1991 Civil Rights Act changed the 1964 Act to allow for additional remedies for the pain and suffering caused by illegal discrimination. It allows jury trials for sexual harassment cases and allows victims to receive money for damages.

Together, these two laws help protect people against sexual harassment in the workplace.

STATE LAWS: In addition to the federal law, each of the 50 states has its own laws on sexual harassment. So, be sure to find out what your state laws say about sexual harassment!

To find out more about your state’s laws, go to www.google.com and search: “(YOUR STATE NAME) Sexual Harassment Law”

Example: “Georgia’s Sexual Harassment Law”

WHAT’S NEW?

Grab your favorite highlighter! As you read through this inservice, highlight five things you learn that you didn’t know before. Share this new information with your supervisor and co-workers!
WHAT EXACTLY IS SEXUAL HARASSMENT

THE LEGAL DEFINITION OF SEXUAL HARASSMENT

U.S. laws and EEOC Guidelines define sexual harassment as “illegal discrimination” in the workplace. For someone’s behavior to be against the law, the behavior must be both unwelcome and considered offensive by the victim. Offensive behavior might include sexual gestures and expressions, suggestive jokes, comments about sexual orientation, offensive pictures or unwelcomed touching and/or fondling.

There are two legal categories of sexual harassment—1) quid pro quo and 2) hostile environment.

1) QUID PRO QUO (pronounced kwid-pro-kwo) is a Latin term meaning “something for something” or “this for that”.
   - Sexual harassment is considered quid pro quo when a supervisor or manager offers a job benefit to an employee—if that employee gives into sexual advances. In other words, that employee gets something when he or she gives something.
   - For example, Betty is a nursing assistant in a long term care facility. Frequently, her boss, Mr. Smith, tells her she’s pretty and stares at her while she works. It makes Betty a little uncomfortable but she just tries to ignore it. Then, one day, when Betty asks Mr. Smith for some vacation time, he tells her he’ll give it to her if she lets him watch while she takes off her blouse.
   - Remember...people who commit this type of sexual harassment might come right out and ask for sex, or they might just “hint” at it. It’s still quid pro quo.

2) HOSTILE ENVIRONMENT harassment is when the unwelcome sexual behavior causes the victim to have major problems at work—including poor job performance.
   - Often, the harassing behavior creates such a negative, offensive work environment that it affects not only the victim—but also the victim’s co-workers.
   - Usually, the goal of hostile environment harassment is to make the victim’s work life as miserable as possible. This type of harassment could be going on between any two people at work—not just between a boss and an employee. (And, remember, for home health aides, the client’s home becomes an extension of the workplace.)

THE BEHAVIORAL DEFINITION OF SEXUAL HARASSMENT

The behavioral definition is a commonsense, easy way to think about sexual harassment. This definition states that sexual harassment is:

1. “Sexual in nature or sex-based”: The harassment behavior has to have some sort of sexual basis—either related to sexual activity or to someone’s gender (male or female).
2. “Deliberate and/or repeated”: The behavior must be done on purpose—not by accident. And it must be repeated several times before “normal” or “reasonable” people find it offensive.
3. “Not welcome, not asked for, and not returned”: Sexual harassment isn’t pleasant for the victims. They have not asked for it and they don’t respond to the behavior by acting inappropriately in return.

REMEMBER: Behavior considered sexual harassment must be:
   - Sexual in nature or sex-based.
   - Unwelcome, unwanted, and not returned by the victim.
   - Done on purpose and/or repeated over and over again.
FOUR LEVELS OF SEXUAL HARASSMENT

1. COULD BE SEXUAL HARASSMENT
   - This level of behavior is mild enough so that some people might consider it socially acceptable.
   - Most people would consider the behavior to be out-of-line or inappropriate—but they probably wouldn’t call it sexual harassment.

2. MILD SEXUAL HARASSMENT
   - Mild sexual harassment behaviors still might be considered socially acceptable to a few people.
   - However, most people would consider the behavior offensive. The behavior is bothersome and definitely worth mentioning, but it usually doesn’t call for a formal complaint.

3. MODERATE SEXUAL HARASSMENT
   - This level of behavior is not socially acceptable and most people would consider it offensive and would want the behavior stopped.
   - The behavior is serious enough that some action should be taken against the person doing it. This action could be in the form of warning letters and/or reprimands. It calls for a formal complaint to be filed with your workplace and/or the EEOC.

4. SEVERE SEXUAL HARASSMENT
   - Severe sexual harassment behaviors are never socially acceptable.
   - This level of behavior is so graphic and so severe that even if it just happens once, it calls for major action against the offending person—such as probation, suspension or termination.
   - Behavior included in this category is attempted or actual rape and sexual assault. (Obviously, these offenses can involve criminal charges, too.)

Identifying sexual harassment in your workplace can be confusing and you may feel like you are all alone. But, the best way to get the behavior to stop is to talk about it!

If you are uncomfortable talking to the person who is doing the harassing... talk to a supervisor or trusted co-worker. You might ask:

- “What would you do if someone said this to you?”
- “How would you feel if someone touched you inappropriately?”
- “Have you ever felt uncomfortable around a co-worker because of things he said or did? How did you handle the situation?”

If you suspect or witness a co-worker being sexually harassed on the job, you might say:

- “How did that make you feel when he said those things to you?”
- “Has this happened before?”
- “Why don’t you keep a record of this behavior in case it happens again?”
- “You have my support whenever you are ready to go to the supervisor about this behavior.”
THREE TYPES OF SEXUAL HARASSMENT

1. **VERBAL SEXUAL HARASSMENT**
   - This is probably the most common form of sexual harassment.
   - It can include: Humor and jokes about sex, name calling, negative comments and/or remarks, whistling at someone, cat calls, telling lies or spreading rumors about a person’s sex life.
   - *Example:* A male supervisor says to one of his female employee’s, “You know, honey, with a great body like yours, you’ll get a promotion in no time!”

2. **NON-VERBAL SEXUAL HARASSMENT**
   - This is just as serious as verbal sexual harassment.
   - It can include: certain suggestive looks (looking a person up and down, staring at someone), gestures, ogling, making facial expressions like throwing kisses or licking lips, leering, sexual advances, showing “dirty” photographs, pictures or cartoons, blocking a person’s path, and giving personal gifts.
   - *Example:* Lisa is a nursing assistant at a skilled nursing facility. There is a doctor who visits several times a week to see his patients. Whenever they cross in the hall or are in the elevator alone, he looks her up and down, licks his lips and blows her kisses. This behavior worries Lisa.

3. **PHYSICAL SEXUAL HARASSMENT**
   - This behavior can be the most severe form of sexual harassment.
   - It includes: intentional touching, pinching, rubbing, brushing against someone’s breasts or buttocks, inappropriate display of a part of one’s body and forced sexual acts.
   - *Example:* An attractive male nursing assistant works in a hospital. One of his jobs is to help the nurses transfer patients from bed to chair, bed to bed, etc. Whenever he helps this one particular female nurse, she always rubs her hands along his arms and brushes her breasts against him. This makes him feel very uncomfortable.

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**CONNECT it now!**

**Apply what you know**

Read the following situations and take a guess on whether you think sexual harassment has taken place.

1. Sam and Annie have dinner one night after work. Now, Sam keeps calling and asking Annie to go out again. Annie isn’t interested in seeing Sam socially, and she has told him so. Is Sam harassing Annie?

2. Mike and Bill are in the lobby of their workplace telling each other crude sexual jokes. Mary walks by on her way to the elevator and overhears one of the jokes and she is offended. Did Mike and Bill sexually harass Mary?

3. Jane is very attracted to her supervisor, Bill. Since they are both single, she asked him out to dinner and a movie one Friday night. They had a great time and ended up spending the night together. Could this be considered sexual harassment?

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**THINK OUT**

1. This is a dirty joke.
2. The action happened appropriate.
3. However, the issues is the conversational context.
4. Merry was offended.
5. What is the context?
6. Is the wording appropriate?
7. Is it a deliberate and
deliberate act? Yes. It is a deliberate and
ACCIDENTAL SEXUAL HARASSMENT

Let’s face it. Accidents do happen. At one time or another, most people have said the wrong thing at the wrong time or acted inappropriately for a moment. These accidental “slip-ups” are called social blunders. Examples of inappropriate social blunders include:

- Susan and Chris are co-workers—and friends. At work one day, Susan stops Chris in the hallway to tell him some “juicy” secrets about what she and her boyfriend did over the weekend. Bob is walking down the hallway and can’t help overhearing their “sexy” conversation. Susan can tell he is offended and wishes she had waited until after work to tell Chris about her private life.

- Steve is helping his supervisor unpack some boxes of supplies. He accidentally brushes his hand against her breast. Steve is very embarrassed and doesn’t know what to say.

- John and Sally are both nursing assistants. Sally is new and John is helping her get oriented to the job. To get to know her a little better, John asks her if she has a boyfriend. Sally blushes and gets very quiet. John realizes that she thought he was “coming on” to her. Now, things are tense between them.

The best thing to do in these “accidental” situations is to apologize to the offended person and promise not to do it again! (Remember...a behavior that happens only once isn’t necessarily considered sexual harassment—especially if it was accidental.)

Keep in mind that certain illnesses may cause your clients to behave in an inappropriate sexual manner.

- For example, people with Alzheimer’s disease or dementia may do inappropriate things such as undressing or touching their “private parts” in public, touching or grabbing other people in a sexual way, making inappropriate comments and masturbating.

- These behaviors are not necessarily about sex. Many times the behavior is the client’s way of communicating some need. For example, a confused client may take off her blouse because she is too hot or because she wants to get ready for bed. A client with Alzheimer’s may take off his pants because they are too tight or because he has to urinate.

It’s important to remember that these situations are not considered sexual harassment.

Some experts estimate that as many as 75 percent of working women will experience sexual harassment on the job.

That means 3 out of every 4 women have already experienced or will experience some form of sexual harassment while at work.

The problem with statistics on this matter is that many incidents of sexual harassment go unreported.

- **Have you ever been a victim of sexual harassment? Did you report the behavior?**

If you have been the victim of sexual harassment that went unreported, take a few minutes to explore what happened and how it made you feel.

- **If you are still in a position of being harassed, consider taking steps to stop the behavior.**

- **If the incident was in the past, write a letter to the person who offended you. Describe the behavior, how it made you feel, why you didn’t report it and what you will do in the future if it happens again. Keep this letter tucked away. Re-read it to remind yourself that you will never be a victim again.**
MAKE IT STOP!

Think back to the definitions of sexual harassment—and to the types and levels of sexual harassment. If you think someone’s behavior is sexual harassment, then you need to do something to stop the behavior right away.

Here are the steps to take to make it stop . . .

1. **Speak up** to the person doing the harassment. Let him or her know right away that you are offended by the behavior or action. Be direct! Make sure the person understands you.

2. **Get help** if the behavior or action doesn’t stop. Let your boss, supervisor or manager know about the situation immediately. Don’t ignore the problem since it will probably get worse as time goes on. If you don’t get any help from your boss, go to your boss’s boss. Ask a friend or co-worker for support.

3. **Find out** about your workplace policy on sexual harassment and follow the procedures. You should have received a copy of this policy when you were hired. Many organizations post the policy on bulletin boards in cafeterias or break rooms. If you don’t have a copy of your company’s policy, check with your boss or your human resource department.

4. **File** a formal complaint if the behavior or action doesn’t stop—and you have tried steps 2 and 3. You can file a formal complaint with your human resource department, the EEOC, and/or your state’s Department of Labor. To find out how to contact your state’s Department of Labor, check out this website: www.law.cornell.edu/topics/Table_Labor.htm.

"Some people are very sensitive to sexual harassment, and some are a little more used to it. But when you feel that pricking feeling across the back of your neck, you know that some boundary has been crossed."

~Jan Johnson

THE NEXT step!

Apply what you've learned!

**File a Formal Complaint**

When the time comes to file a formal complaint, here is what you will need to include:

1. The date, time and nature of the incident(s).
2. Your name and job title.
3. The offender’s name, gender and contact information (if known).
4. A detailed description of the offending behavior.
5. A description of what effect this behavior has had on you.
6. The offender’s relationship to you (client, co-worker, stranger, spouse, etc.).
7. A detailed description of what you have done to try to fix the situation yourself.
8. Copies of any incident reports you have filed with your employer.
9. Name and contact information of any witnesses.

REMEmBER:
If it isn’t documented, IT DIDN’T HAPPEN!
PREVENTING SEXUAL HARASSMENT

Remember that sexual harassment is a form of discrimination. Keep this in mind while reviewing the following ways that may help prevent sexual harassment in the workplace.

Educate yourself: The more you know about sexual harassment, the better off you are! Attend any sexual harassment sessions that your workplace offers. And get to know your sexual harassment policy and procedures.

- Your employer has a legal obligation to take steps to prevent sexual harassment in the workplace. This includes having a written sexual harassment policy, conducting review sessions to be sure all employees understand the policy and following up on any complaints.
- But, remember: Your employer can’t protect you if you don’t let someone know what is going on.
- Don’t let anything slide. If someone or something is bothering you . . . speak up . . . even if you are not the victim.

Communicate: Talk to the person who is bothering you. Let him or her know that you are unhappy and offended by the behavior or action. A person won’t know that you are offended if you stay silent.

- Be direct. Tell it like it is...that the behavior is not welcome, not wanted, and will not be returned by you.
- Likewise, if you are told you are offending someone, be considerate. Change the offending behavior. And, remember that sexual harassment has consequences!
- If talking to the person bothering you does not make the behavior stop . . . tell your supervisor. If you don’t get the response you need (or if your supervisor is the one causing the problem) then, go to your supervisor’s supervisor.

Learn more: There may be cultural and social differences among your coworkers. Remember that everyone has different beliefs and values.

- Keep in mind that this does not excuse a behavior. Just because something is acceptable in one culture does not mean it should be excused in another.

Thinking outside the box!

Working with clients in the home often requires coming up with creative solutions to uncommon problems.

- THE PROBLEM: You are caring for a 72 year old man who is bedbound but still has a sharp mind. Every time you bathe him he makes sexual comments and asks you if would do special “sexual favors” for him.

- WHAT YOU KNOW: You report the behavior to your supervisor but are told that he is just a harmless old man who would never hurt you.

- You agree that he is harmless but you are still uncomfortable with the comments.

- GET CREATIVE: Think of 3 creative solutions you might try to get your client to stop making the comments. And, if the behavior continues, at what point would you consider refusing to care for this client? What would lead you to file a formal complaint?

- TALK ABOUT IT: Share your ideas with your co-workers and supervisor and find out how they would solve the problem.
YOUR SUPERVISOR’S RESPONSIBILITY

Your supervisor is responsible for making sure that every employee knows that harassment of any kind is not acceptable and won’t be tolerated.

If you go to your supervisor with a harassment complaint, he or she has a responsibility to take action to stop the problem and prevent it from happening again in the future. By law, the company and supervisor have to help you.

SUPERVISORS SHOULD:

• **Listen** to what you have to say about the problem and then follow up with the offender.

• **Follow** your company’s sexual harassment/discrimination policy and procedures.

• **Direct** you to the appropriate person who handles sexual harassment complaints (if it’s not their job). Many companies have a human resource department that handles these type of problems.

YOU SHOULD EXPECT:

• An **investigation** by the company in a timely manner.

• A commitment to **confidentiality**.

• A promise of appropriate **corrective action**, which could include termination of the offender.

• **No tolerance for revenge** taken by either party.

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**LEGALLY SPEAKING:** The EEOC says that the administrators of any workplace may be held responsible for sexual harassment of their employees by supervisors—**even if they didn’t know it was going on!**

Also, they can be held responsible for the behavior of co-workers (and even non-employees) when they know it’s a problem, but do nothing.

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**WHAT excites YOU?**

While sexual harassment can effect anyone, females still continue to be the largest group of victims.

One way to combat this problem is to empower ALL women with knowledge, confidence and strength to stand up and say:

“**This is NOT okay.”**

There are many groups around the world dedicated to empowering women with the tools to stand up for themselves.

One group called Girls Inc. has launched a worldwide campaign called “Dear World” in which they ask teen girls, “If you could send one message out to the whole world about what it’s like to be a girl... What would you say?”

See the answers on the website at: www.girlsinc.org/dearworld.

• **What would you have said when you were a teenager?**

• **What would you say today?**

• **Write it down—hang it on your fridge!** Remind yourself everyday to be a good example of a strong, empowered woman by being one yourself!
FINAL TIPS FOR HANDLING SEXUAL HARASSMENT

- When telling a person who is bothering you that you are offended, try to start your sentence with the word “I”—not the word “you”. For example, compare these two approaches: 1) “I don’t like it when you call me “Babe” instead of calling me by my name. I don’t consider it very professional. Please don’t do it anymore!” or 2) “You really need to shape up and start acting like a professional. You can start by calling me by my name!” You have a better chance of being heard if you use the first approach!

- Sometimes you may need to repeat your statement to the offender to be sure that he or she gets the point.

- If you are uncomfortable talking about the issue, write a letter to the offender explaining that his/her behavior is offensive to you. (Again, use sentences that start with “I.”) Keep a copy of the letter for your records. It may be useful later on.

- Remember that a person overhearing an off-color joke or comment can claim harassment—if it’s something that happens over and over.

- If a behavior and/or action isn’t appropriate in front of your daughter, wife, mother or grandmother, then it’s probably not appropriate in front of your co-workers, either.

- Keep in mind that the person being harassed is a victim—but so is anyone else in the workplace who is bothered by the offensive behavior and/or action!

- If you are being harassed, keep a record—like a diary—of each incident with a date, time, place, and description of what happened. It may be useful later on.

- When an offender is a non-employee, such as, a customer, a client or a client’s family member, the employer may be held responsible if they know about it, but do nothing. Keeping records is important here.

- Keep in mind that sexual harassment is a very serious charge to make against someone. Be careful! Don’t make a false complaint. You could be disciplined for it.

THE DO’S AND DON’Ts OF SEXUAL HARASSMENT

DO’S:

- DO: Admit there is a problem.

- DO: Tell the offender that the behavior is bothering you.

- DO: Tell the offender exactly what offends you.

- DO: State specifically what you want or don’t want to happen, such as “please call me by my name, not Honey,” or “please don’t tell that kind of joke in front of me.”

DON’Ts:

- DON’T: Blame yourself.

- DON’T: Ignore the behavior.

- DON’T: Try to handle any severe or recurring sexual harassment problem by yourself...get help!
RESOURCES: WHEN YOU NEED ADDITIONAL HELP

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC)

This is the federal agency that enforces workplace anti-discrimination laws.

Toll Free: (800) 669-4000
Website: www.eeoc.gov

To locate a EEOC Field Office near you, visit: www.eeoc.gov/field/index.cfm

EQUAL RIGHTS ADVOCATES

Toll Free: (800) 839-4372
Website: www.equalrights.org

GET FREE LEGAL ADVICE ON THIS SITE:

Website: www.justanswer.com/law

UNITED STATES DEPARTMENT OF LABOR-WOMEN'S BUREAU

Toll Free: (800) 827-5335
Website: www.dol.gov/wb

SEXUAL HARASSMENT SUPPORT GROUP

This is a site dedicated to providing emotional support to victims of sexual harassment.

Website: www.sexualharassmentsupport.org

WHAT I KNOW NOW!

Now that you've read this inservice on sexual harassment, take a moment to jot down a couple of things you learned that you didn't know before.

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