

Harassment Prevention
Made Simple
Facilitator's Guide



For Preview

Getting Started:

Harassment in the workplace is a serious topic. It causes a myriad of workplace issues including absenteeism, employee turnover, depression, illness, embarrassment and humiliation. In addition, an individual named in a harassment complaint could lose their job, their reputation and even their career.

Harassment is also a difficult topic to discuss. The subject is embarrassing for most people and therefore it makes them very uncomfortable. However, it is also a very important legal topic and it needs to be addressed in every organization. The most important first step to a Harassment prevention program is to put the participants at ease. They will feel uncomfortable and on edge. Let them know that you understand that the topic is an uncomfortable one, but that it is imperative that it gets discussed.

Before, during and after the training it is crucial that you take the topic seriously. There will be participants who want to tell jokes or belittle the process. Don't get angry but be firm about the policy and never laugh or smile at a joke. The participants will key off you and decide if the organization is serious about stopping Harassment.

- Put the participants at ease.
- Stress the seriousness of the topic.
- Be firm and don't laugh or smile at jokes. Participants will key off of you!



Hostile Environment Harassment:

Workplace harassment occurs when people are treated poorly or unfairly because of a perceived difference. The harassment can become illegal when it is continuous and unwanted, unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive working environment, and is directed toward a "Protected Group" of employees.

Question: Ask the participant's to list the major protected groups..

The protected groups:

- Race, Color and National Origin
- Religion – either because of a person's faith or beliefs or pressure to join or convert to a faith.
- Disability – either mental or physical
- Family status which includes marital status and pregnancy.
- Gender
- Age – (for employees 40 and over)
- Sexual Orientation

In addition, local laws and organizational policies prohibit the harassment of many other groups of employees. Some local laws prohibit harassment due to gender identity, political affiliation and physical appearance and most organizations prohibit harassment of any type towards any employee.

Stress to the participants that your organization has a zero tolerance policy towards harassment and that they should report any instances to a higher ranking manager or human resources as soon as it occurs.

The Reasonable Person Standard:

The courts have adopted the "Reasonable Person Standard" when addressing harassment. In other words, would a reasonable person find the behavior offensive?

The fact is that most behaviors (when they are continuous and unwanted) that treat a co-worker poorly or unfairly because of a difference meet this standard. The safe way to avoid harassment is to avoid these types of behaviors entirely.

Question: Ask the group to define the "Reasonable Person Standard"?



Facts about Hostile Environment Harassment:

Hostile Environment Harassment can occur between:

- Employees of the same or different genders
- A manager harassing an employee
- An employee harassing a manager
- Employees of the same rank

Question: Ask your group who can be the harasser and victim of Hostile Environment Harassment. Make sure that they understand that anyone can be a victim or harasser regardless of their sex or position.

Harassing jokes, comments or other behavior can create a hostile work environment even if they aren't directly targeted at the individual making the harassment complaint. This means that telling jokes and making comments that do not offend a co-worker can still be considered harassment if they offend "bystanders" – co-workers who are not involved in the conversation but are affected by being in the work environment where the behavior(s) occurred.

Harassment is not limited to just co-workers. Harassment can also occur with individuals not directly employed by an organization.

- Contractors
- Consultants
- Patients
- Delivery persons
- Vendors
- Sales persons

- Customers
- Sales persons

Question: Ask your group what non-employee groups could be involved in a harassment complaint in your workplace?

Harassment can occur anywhere that an employee represents their organization.

- Work parties
- Dinner with clients
- Conferences
- Trade shows
- Sales calls
- Charity events

Question: Ask the group to list some examples of places and events that Harassment could occur in your organization.

Behaviors that lead to Illegal Workplace Harassment:

Question: Have your group list as many behaviors as possible and fill in ones that they might have missed?



Unacceptable behaviors that could lead to Harassment

It's important to note that these behaviors all by themselves probably don't constitute harassment. The legal standard of harassment requires the behaviors to be continuous, unwanted and meet the "reasonable person standard" discussed on the previous page.

- Sending offensive or harassing emails
- Viewing offensive websites
- Using social networking sites for harassing or offensive behavior.
- Verbal, physical or cyber bullying including ridicule, mockery, insults, put-downs, threats or physically blocking a person's movement or ability to work.
- The use of demeaning or offensive names such as "towelhead", "homo" or "sweetheart" or the use of slurs or epithets like "You Jews are sure tight with money."
- Gossiping or spreading rumors about co-workers.
- Telling insensitive jokes that are demeaning or degrading to a particular race, culture, sex or any other protected group.
- Menacing looks or gestures intended to threaten, intimidate or humiliate a co-worker.
- Sexual Harassment which includes any continuous, unwanted behavior of a sexual nature whether physical, visual or verbal.
- Making disparaging comments about a person's job ability such as "He is too old to understand technology."
- Texting pictures, messages or videos that offend, denigrate or harass a co-worker.
- Excluding or isolating someone from work-related activities and assignments because of a non work-related reason such as their race, religion, gender or sexual orientation.
- Using crude or offensive language
- Making derogatory comments about a person's sexual orientation
- Making jokes or comments about a person's physical attributes
- Inappropriate remarks or jokes about a woman's pregnancy
- Offensive gender based comments or behaviors that denigrate people simply because of their gender, such as "A woman's place is in the kitchen, not the boardroom."

The Consequences of Harassment



Harassment can result in disciplinary actions.

- Written warnings
- Suspension
- Demotion
- Termination

Sexual Harassment can have very serious consequences. Make sure that your employees taking the training completely understand these repercussions.

Retaliation

It's also illegal to retaliate for a harassment complaint. This can also lead to disciplinary actions up to and including termination. Retaliation is an extremely important part of a harassment policy. Make sure that you stress that retaliation for a complaint is illegal and unacceptable. Retaliation for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or litigation is strictly prohibited by law.

Question: Ask your group to define and describe instances of retaliation?

Prevention of Harassment



What can you do to prevent Harassment? It's simple.

- Leave offensive behaviors at the door
- Treat everyone with respect
- Speak up when you see harassment.

Studies show that simply asking the harasser to stop will end the harassment 90% of the time. Many times the employee has no idea they are offending others. Once they understand how their behavior has affected someone else they will stop.

There are some situations where the harasser should not be confronted.

- The victim feels uncomfortable with confronting the harasser
- The harassment is threatening in nature
- The harassment is aggressively physical
- The harasser has been confronted but has continued the harassing behavior
- The harassment is Quid Pro Quo

In these instances the harassed employee should contact a manager, supervisor or the human resources department. Every organization should provide a complaint procedure for their employees so that they know exactly who to contact when they are harassed.

The best way to confront a co-worker who is engaging in behavior that is offensive is with respect. Without being accusatory or losing your temper, tell your co-worker that their behavior makes you feel uncomfortable or offends you.

For Example: “John, could I talk to you for a moment? I’m a person who is sensitive about my personal space and hugs make me feel uncomfortable.”

Question: Ask the group to describe a way to confront a co-worker? What would they say?

Conducting a harassment training session is never easy, but if you take it seriously and cover the material thoroughly it will make your workplace a safer, happier and more productive place. Make sure that you provide them with a copy of your organization’s Harassment policy and that you have them sign a copy for their records. In addition have them sign the acknowledgement of training included in this facilitator’s guide.



Post-Test Quiz

1. (True / False) In order for an offensive act to rise to the level of illegal harassment it needs to be continuous and unwanted.
2. (True / False) Hostile Environment Harassment can occur even if the victim is not directly harassed, but is only a bystander to offensive behavior.
3. (True / False) Making jokes or comments about a co-worker who is over 40 years old is ok because age harassment is not protected by law.
4. (True / False) A sales person for another organization cannot be a victim of harassment because they do not work for your organization.
5. (True / False) Because a work party is after hours, harassment cannot occur there.
6. (True / False) The first step to stopping harassment is telling the offender that their conduct is unwanted.
7. (True / False) Pregnancy and marital status are considered “Protected Groups” by the courts.
8. (True / False) Harassment is only illegal if it is threatening or violent.
9. (True / False) Retaliation for a harassment complaint is not illegal.
10. (True / False) Harassment via email or texting is just as illegal as harassment in person.
11. (True / False) The “Reasonable Person Standard” asks if a reasonable person would find the behavior offensive and is a term used by the courts when addressing Harassment.
12. (True/False) Repeatedly asking a co-worker to attend your church is OK if you ask respectfully.
13. (True/False) Demotion is a possible result of a Harassment claim.
14. (True/False) Customers are exempt from harassment and cannot contribute to a hostile work environment.
15. (True/False) Calling a co-worker a “homo” is ok if the person is actually heterosexual.

Answer Key:

1. (**True** / False) In order for an offensive act to rise to the level of illegal harassment it needs to be continuous and unwanted.
2. (**True** / False) Hostile Environment Harassment can occur even if the victim is not directly harassed, but is only a bystander to offensive behavior.
3. (True / **False**) Making jokes or comments about a co-worker who is over 40 years old is ok because age harassment is not protected by law.
4. (True / **False**) A sales person for another organization cannot be a victim of harassment because they do not work for your organization.
5. (True / **False**) Because a work party is after hours, harassment cannot occur there.
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12. (True/**False**) Repeatedly asking a co-worker to attend your church is OK if you ask respectfully.
13. (**True**/False) Demotion is a possible result of a Harassment claim.
14. (True/**False**) Customers are exempt from harassment and cannot contribute to a hostile work environment.
15. (True/**False**) Calling a co-worker a “homo” is ok if the person is actually heterosexual.

Sample Harassment Policy

Note: This is only a sample policy and has not been reviewed by an attorney. Although, it closely resembles policies in place at many organizations, it is not a substitute for legal advice and should be reviewed by legal council before distribution.

It is our organization's policy to maintain a workplace free from discriminatory harassment. Any form of unlawful discrimination, including harassment based on race, color, national origin, religion, age, gender, disability, sexual orientation or any other characteristic protected by federal or local law, is stringently prohibited. Any employee who engages in any form of discriminatory harassment will be subject to disciplinary action, up to and including termination. In addition, this organization strictly prohibits harassment towards or by customers, contractors and any other individual not directly employed by our organization.

A. Sexual Harassment

Sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, as well as other conduct of a sexual nature when: 1. The submission to or rejection of such conduct is made a condition of the employee's continued employment, or used as the basis for any employment decisions affecting the employee; or 2. The conduct, if unwelcome and severe or pervasive, creates an intimidating, hostile or offensive working environment, or unreasonably interferes with an employee's work environment.

Examples of behavior that could, if unwelcome and continuous or severe, constitute sexual harassment, besides sexual advances and requests for sexual favors include, but are not limited to:

- Unwanted flirting
- Suggestive whistling
- Leering
- Catcalls
- Long stares and sexually suggestive looks
- Using crude or offensive language
- Making derogatory comments about a person's sexual orientation
- Making jokes or comments about a person's physical attributes
- Inappropriate remarks or jokes about a woman's pregnancy
- Shoulder massages
- Hugging
- Back scratching.
- Gossiping or spreading rumors about sexual topics
- Engaging in sexual conversations that are overheard by others

- The use of demeaning or offensive
- Viewing or posting of sexual pictures, magazines, posters, videos or images
- Sending sexually explicit emails
- Viewing sexually-based or pornographic websites
- The use of Social networking sites for sexually-based messages or pictures
- Offensive gender based comments or behaviors that denigrate people simply because of their gender
- Texting or “sexting” sexually explicit messages or pictures via your cell phone

B. Other Types of Workplace Harassment

Any conduct based on a person's race, color, religion, gender, national origin, age, disability, sexual orientation or any other characteristic protected by local or federal law is considered harassing if it creates a hostile, intimidating or offensive work environment, or unreasonably interferes with an employee's work performance.

Discriminatory harassment can be verbal, non-verbal or physical. Examples of behavior that may, if unwelcome and continuous or severe, constitute other discriminatory harassment include, but are not limited to:

- Verbal, physical or cyber bullying including ridicule, mockery, insults, put-downs, threats or physically blocking a person's movement or ability to work.
- The use of demeaning or offensive names
- The use of slurs or epithets
- Gossiping or spreading rumors about co-workers.
- Telling insensitive jokes that are demeaning or degrading to a particular race, culture, sex or any other protected group.
- Menacing looks or gestures intended to threaten, intimidate or humiliate a co-worker.
- Making disparaging comments about a person's job
- Excluding or isolating someone from work-related activities and assignments because of a non work-related reason such as their race, religion, gender or sexual orientation.
- Sending offensive or harassing emails
- Viewing offensive websites
- Using social networking sites for harassing or offensive behavior.
- Texting pictures, messages or videos that offend, denigrate or harass a co-worker.
- literature, pictures or cartoons based on a protected characteristic
- Any physical aggression based on a protected characteristic.

Harassment can occur anywhere that an employee represents their organization. This includes work parties, dinner with clients, conferences, trade shows, sales calls and charity events. In Addition, Harassment is not limited to just co-workers. It can also occur with individuals not directly employed by an organization such as patients, contractors, consultants, delivery persons, sales persons, vendors and customers.

C. Reporting Harassment and Discrimination

Any employee who believes that harassment has occurred should report the incident immediately to Management or Human Resources. Our organization takes harassment and discrimination extremely seriously and will conduct a prompt, thorough investigation of all harassment complaints. Appropriate action will be taken based on the investigation. Any employee found to have engaged in any form of harassment or discrimination will be subject to appropriate disciplinary action, up to and including employment termination. Every conceivable effort will be made to handle all complaints and investigations with as much discretion and confidentiality as possible. In addition, this organization will not tolerate any retaliation against any employee for reporting harassment, making a harassment complaint or participating in a harassment investigation or legal proceeding pertaining to the harassment.

Employee: (please print)

Employee: (signed)

Date:

For Preview Only

Harassment Training Acknowledgement

I have attended (your organization name) Harassment training and I acknowledge the following:

1. I understand (your organization's name) policy on Harassment.
2. I understand the definition of Hostile Environment Harassment and I know that it is illegal.
3. I will not engage in behaviors that result in illegal workplace harassment.
4. I understand that there are very serious employment repercussions if I engage in harassment.
5. If I feel that I am being harassed I have the right and am encouraged to file a complaint in accordance with (your organization's name) complaint procedure.

Signature:

Print Name:

Date:

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