

Sexual Harassment Prevention  
Made Simple for Managers  
Facilitator's Guide

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## Getting Started:

Sexual Harassment is a difficult topic. The subject is embarrassing for most people and therefore it's difficult to discuss. However, it is also a very serious legal topic and it needs to be addressed in every organization. The most important first step to a Sexual 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 Sexual 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!



## Program Script (with question and discussion inserts)

Sexual harassment is illegal and not tolerated in any workplace.

It's estimated that 50% of women and 20% of men have experienced sexual harassment at work.

Sexual harassment can inflict serious damage on an organization's productivity and morale.

And managers named in sexual harassment complaints could lose their jobs, their reputations and even their careers.

In addition, managers who fail to prevent sexual harassment or who engage in sexual harassment themselves can be found personally liable in court.

There are two types of sexual harassment – *Quid Pro Quo* and *Hostile Environment*.

### Quid Pro Quo Sexual Harassment:

*(Did you know? Pro Quo literally means "This for That" in Latin.)*

Quid Pro Quo occurs when a manager or supervisor withholds or awards job benefits on the basis of sexual favors.

This includes work assignments, hiring, termination, promotions or demotions, positive or negative performance reviews or any other job related benefit.

Quid Pro Quo sexual harassment is a serious offense and just one instance often is sufficient for a plaintiff to win a lawsuit. One single mistake could end a manager's career.

Managers and the organizations they work for can be held liable even if a threat was not carried out or if a threat was only implied.

For example, consider a male manager who suddenly blocks a subordinate employee's promotion after the employee requests that his physical contact cease. This manager could easily be found guilty of Quid Pro Quo sexual harassment even though the threat of adverse employment action was never verbally expressed.



The best way to avoid Quid Pro Quo sexual harassment is to make objective, job-related personnel decisions.

A manager's personal and professional lives should be kept separate. At work, every decision should be made based on job-related information.

Managers should avoid compromising situations whenever possible. Meetings should be held with groups of employees or in public areas if the subject matter is not confidential.

When the need for private meetings exists, office and conference room doors should be kept open and blinds should be raised in office windows.

Conversations should be kept to job-related or non-personal topics and physical contact should be limited to a handshake.

When traveling, managers should meet with employees in hotel lobbies and dine in public restaurants. Planning ahead will help avoid misperceptions.

***If your company has any specific guidelines or policies regarding employee conduct when traveling, now is a good time to review them.***

***Question: Ask the participant's to define Quid Pro Quo Harassment and then list some types of Quid Pro Quo examples.***

## Hostile Environment Sexual Harassment:

Hostile Environment sexual harassment occurs when conduct unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive working environment.

Managers have the dual responsibility of avoiding harassing conduct themselves while preventing it in the workplace they manage.

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

The fact is that most sexual behaviors when they are continuous and unwanted meet this standard. The safe way to avoid sexual harassment is to avoid these behaviors entirely.

Hostile Environment sexual harassment can occur between employees of the same sex, between employees of different sexes and between employees of any rank or position in the organization.



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.

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

Individuals such as contractors, consultants, delivery persons, vendors and even customers.

Sexual harassment can occur anywhere that employees represent their organization. This includes work parties, dinner with clients, conferences, trade shows, sales calls and charity events.

Unacceptable behaviors that could lead to sexual harassment include:

- Unwanted flirting, repeated requests for dates, suggestive whistling, leering, and catcalls.
- Long stares and sexually suggestive looks.
- Using crude or offensive language or making derogatory comments about a person's sexual orientation.
- Making jokes or comments about a person's physical attributes or inappropriate remarks or jokes about a woman's pregnancy.
- Physical behaviors such as shoulder massages, hugging and back scratching.
- Gossiping or spreading rumors about sexual topics, or engaging in sexual conversations that are overheard by others.
- The use of demeaning or offensive names such as "honey", "sweetie", "hottie", "baby", "girl", "boy" or "hunk."
- Viewing or posting sexual pictures, magazines, posters, videos or images.
- Sending sexually explicit emails, viewing sexually-based websites and the use of social networking sites for sexually-based messages or pictures.
- Making or engaging in 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."
- Texting or sexting sexually explicit messages or pictures via a cell phone.

***Question: Ask the group to define the "Reasonable Person Standard."***

***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.***

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

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



## What is the manager's role in preventing harassment?

Preventing harassment starts with managers and supervisors setting the example. This happens, not only by following the organization's policies and procedures, but also by making the goal of a respectful workplace their top priority.

Managers should always take sexual harassment seriously. This means never telling or laughing at inappropriate jokes or comments even if the manager thinks his or her employees will not be offended.

A manager's actions are the single most important factor in preventing harassment in the workplace.

Social media is a particularly dangerous place for managers. Comments, pictures or videos placed on a manager's personal social media pages can contribute to a hostile work environment. Especially, if other employees are part of the manager's social network.

Employees should be educated through ongoing, formal sexual harassment-prevention training sessions and through informal counseling sessions when managers encounter inappropriate behaviors that need to be addressed.



Training and counseling sessions should be well documented; employees should receive a copy of the organization's harassment policy; and employees should sign a document that states that they have read and understand the policy.

It is critical that managers clearly communicate the organization's progressive discipline policy as it pertains to sexual harassment.

Employees need to understand that written warnings, suspension, demotion and even termination could result from inappropriate behaviors.

In addition, employees should be warned that it's illegal to retaliate for a harassment complaint and that retaliation will also lead to disciplinary actions up to and including termination.

Managers should periodically inspect the workplace for objectionable items, artwork and behaviors.



A manager's presence in work areas can greatly reduce inappropriate conduct and catch minor problems before they rise to the level of illegal harassment.

Managers should watch for warning signs of unreported sexual harassment; such as, changes in behavior or appearance, increased absences, withdrawal from co-workers, avoidance of particular people or negative changes to work performance.



Encourage employees to speak up if they feel they are being harassed or if they witness the harassment of a co-worker.

Employees are not always comfortable reporting harassment to their direct supervisor. The option of reporting to another manager or the human resources department should be clearly communicated as part of the organization's policy.

When managers receive harassment complaints they should listen carefully, remain objective, refrain from offering opinions and carefully document all the facts.

Thorough documentation is critical. Document the inappropriate behavior, the actions taken to stop the behavior and any interviews you conduct with the victim, accused or witnesses.

Most of the time employees reporting a complaint just want the harassment to stop. They don't want to get anyone in trouble and they may even be fearful of the effect it might have on their careers and ask for confidentiality.

While every manager should strive for as much confidentiality as possible, employees should be informed that some level of information must be shared as part of an investigation.

However, employees should be assured that retaliation for a complaint will not be tolerated in their workplace.

Employees should be encouraged to confront their harasser directly. Studies have shown that simply asking the harasser to stop will end the harassment 90% of the time.

If an employee is not comfortable confronting the harasser and the conduct is only mildly inappropriate and isolated, then a discreet reminder from a manager is usually enough to stop the behavior.

However, if the harassing behavior continues, involves a manager or supervisor, or is physically aggressive or threatening in nature, a formal investigation may need to be conducted.

In most cases, the complaint will be reported to the human resources or legal department. They will either conduct an investigation themselves or refer the complaint to an outside investigator.

Managers should be prepared to hand the investigator thorough documentation of all the facts of the case.

Managers who are responsible for conducting formal investigations should conduct interviews with the victim, the accused and any witnesses in addition to acquiring non-verbal evidence such as electronic communications, pictures and notes.

If disciplinary action is warranted, then it should be enforced promptly using the organization's progressive discipline policy. In addition, periodic follow-ups should be implemented to make sure that retaliation does not take place.

It's every manager's responsibility to create a safe, comfortable environment for all employees; a workplace free of harassment and fear and full of respect.

Managers who take this duty seriously will not only avoid legal trouble, but will create a healthy, productive work environment with high employee morale as well.

***Discussion:*** Discuss how the manager's attitude toward sexual harassment sets the tone among his/her co-workers.

***Question:*** Ask the group what kind of training should be provided on the topic of sexual harassment.

***Question:*** Ask if it is okay to retaliate in response to a sexual harassment claim that you know to be false?

***Question:*** Ask for examples of what a manager can do to help prevent sexual harassment.

***Question:*** Ask if a manager needs to document anything related to a sexual harassment complaint if it will ultimately land in Human Resources.

## Post-Test Quiz

1. (True / False) Quid Pro Quo sexual harassment occurs when a manager or supervisor offers job benefits in exchange for sexual favors.
2. (True / False) Hostile Environment sexual harassment can occur even if the victim is not directly harassed.
3. (True / False) Making jokes or comments about a pregnant woman won't get you into trouble because the jokes weren't sexual in nature.
4. (True / False) A delivery driver for another organization cannot be a victim of sexual harassment because he/she does not work for your organization.
5. (True / False) Because a work party is after hours, sexual harassment cannot occur there.
6. (True / False) Repeatedly asking a co-worker for a date (despite getting turned down) is not sexual harassment if it is done respectfully.
7. (True / False) Only behaviors that occur between men and women can be considered sexual harassment.
8. (True / False) Just one instance of Quid Pro Quo sexual harassment can often be enough for a plaintiff to win a lawsuit.
9. (True / False) Retaliation for a sexual harassment complaint is not illegal.
10. (True / False) The first step in stopping Hostile Environment sexual harassment is to tell the individual that you are uncomfortable or offended by their actions.
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 sexual harassment.
12. (True/False) Texting a sexually charged joke or picture can result in sexual harassment.
13. (True/False) Termination is a possible result of a sexual harassment claim.
14. (True/False) Customers are exempt from sexual harassment and cannot contribute to a hostile work environment.
15. (True/False) Comments, pictures or videos placed on a manager's personal social media pages can contribute to a hostile work environment.

## Post-Test Quiz Answer Key

1. (**True** / False) Quid Pro Quo sexual harassment occurs when a manager or supervisor offers job benefits in exchange for sexual favors.
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# Sample Sexual 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.**

This organization prohibits sexual harassment of its employees and job applicants by any employee or non-employee. This conduct may result in disciplinary action up to and including termination and this policy covers all employees. This organization will not tolerate, condone or allow sexual harassment, whether engaged in by fellow employees, supervisors, associates, clients or other non-employees who conduct business with the organization.

Sexual harassment is any behavior that includes unwelcome sexual advances and other verbal or physical conduct of a sexual nature when:

- Submission to, or rejection of, such conduct is used as the basis for promotions or other employment decisions
- The conduct unreasonably interferes with an individual's job performance or creates an intimidating, hostile or offensive work environment.

Sexual Harassment is unlawful discrimination and our organization's employees are entitled to work in an environment free from sexual harassment.

No manager or supervisor shall threaten or imply that an employee's refusal to submit to sexual advances will adversely affect that person's employment, compensation, advancement, assigned duties, or any other term or condition of employment or career development. Or, conversely imply that submission will positively affect these same job benefits.

Sexually-based jokes, pictures, emails, texts, comments and any other conduct that denigrates or sexually objectifies employees of either gender are prohibited. In addition, leering, catcalls, suggestive whistling, blocking or impeding movement, unwanted physical contact, repeated requests for dates, long stares and sexually suggestive looks, flirting, gossiping, and any other behaviors of a sexual nature that are unwanted and continuous are also prohibited.

Employees who experience sexual harassment are encouraged to report their complaint to their supervisor. If the supervisor is the perpetrator of the offending conduct, the employee should report the behavior directly to another manager or to human resources. The complaint will be investigated thoroughly and expeditiously. We will keep all reports and investigations of Sexual Harassment as confidential as possible. Any employee who, after a thorough investigation, is found to have engaged in sexual harassment of another employee will be subject to disciplinary action, up to and including termination. If any

party directly involved in a sexual harassment investigation is not satisfied with the outcome or resolution, that individual has the right to appeal the decision. The complaining party should submit their written comments to the Human Resources Department.

The organization as a whole, nor any employee or non-employee representing the organization may not retaliate in any way against any individual who makes a report of sexual harassment or is a witness to the harassment. Retaliation is illegal and is a serious violation of our organization's sexual harassment policy and should be reported immediately. Any person found to have retaliated against another individual for reporting sexual harassment will be subject to appropriate disciplinary action, up to and including termination.

Employee: (please print)

Employee: (signed)

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Date:

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# Sexual Harassment for Managers Training Acknowledgement

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

1. I understand (your organization's name) policy on Sexual Harassment.
2. I understand the definitions of Quid Pro Quo and Hostile Environment Harassment and that both are illegal.
3. I will not engage in behaviors that result in either Quid Pro Quo or Hostile Environment Sexual Harassment.
4. I understand my role in preventing harassment among employees and will do my best to fend off these behaviors and intervene when necessary.
5. I understand my role as a manager to thoroughly document any instances of sexual harassment complaints, discussions or investigations.
6. I understand that there are very serious employment repercussions if I engage in sexual harassment or fail to attempt to prevent sexual harassment among employees.
7. I understand the serious employment repercussions of retaliating in response to a sexual harassment claim.
8. 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. I also understand my role in conveying this to employees.

Signature:

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Print Name:

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Date:

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# For more information...

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