

Sexual Harassment Prevention Training

SITUATIONAL REVIEW



Combating
Sexual Harassment

Example 1



**Combating
Sexual Harassment**

Ex. 1: Not Taking “No” for an Answer

Li Yan's coworker Ralph has just been through a divorce. He drops comments on a few occasions that he is lonely and needs to find a new girlfriend. Li Yan and Ralph have been friendly in the past and have had lunch together in local restaurants on many occasions. Ralph asks Li Yan to go on a date with him—dinner and a movie. Li Yan likes Ralph and agrees to go out with him. She enjoys her date with Ralph but decides that a relationship is not a good idea. She thanks Ralph for a nice time, but explains that she does not want to have a relationship with him. Ralph waits two weeks and then starts pressuring Li Yan for more dates. She refuses, but Ralph does not stop. He keeps asking her to go out with him.

Ex. 1: Not Taking “No” for an Answer

Question 1. When Ralph first asked Li Yan for a date, this was sexual harassment.

True or False?



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Ex. 1: Not Taking “No” for an Answer

Question 1. When Ralph first asked Li Yan for a date, this was sexual harassment.

FALSE: Ralph's initial comments about looking for a girlfriend and asking Li Yan, a coworker, for a date are not sexual harassment. Even if Li Yan had turned Ralph down for the first date, Ralph had done nothing wrong by asking for a date and by making occasional comments that are not sexually explicit about his personal life.



Ex. 1: Not Taking “No” for an Answer

Question 2. Li Yan cannot complain of sexual harassment because she went on a date with Ralph.

True or False?



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Ex. 1: Not Taking “No” for an Answer

Question 2. Li Yan cannot complain of sexual harassment because she went on a date with Ralph.

FALSE: Being friendly, going on a date, or even having a prior relationship with a coworker does not mean that a coworker has a right to behave as Ralph did toward Li Yan. She has to continue working with Ralph, and he must respect her wishes and not engage in behavior that has now become inappropriate for the workplace.



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Ex. 1: Not Taking “No” for an Answer

Li Yan complains to her supervisor, and the supervisor (as required) reports her complaint to the person designated by her employer to receive complaints. Ralph is questioned about his behavior and he apologizes. He is instructed by the designated person to stop. Ralph stops for a while but then starts leaving little gifts for Li Yan on her desk with accompanying love notes. The love notes are not overtly offensive, but Ralph's behavior is starting to make Li Yan nervous, as she is afraid he may start stalking her.



Ex. 1: Not Taking “No” for an Answer

Question 3. Ralph's subsequent behavior with gifts and love notes is not sexual harassment because he has stopped asking Li Yan for dates as instructed. He is just being nice to Li Yan because he likes her.

True or False?



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Ex. 1: Not Taking “No” for an Answer

Question 3. Ralph's subsequent behavior with gifts and love notes is not sexual harassment because he has stopped asking Li Yan for dates as instructed. He is just being nice to Li Yan because he likes her.

FALSE: Li Yan should report Ralph's behavior. She was entitled to have effective assistance in getting Ralph to stop his inappropriate workplace behavior. Because Ralph has returned to pestering Li Yan after being told to stop, he could be subject to serious disciplinary action for his behavior.



Example 2



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Ex. 2: The Boss with a Bad Attitude

Sharon transfers to a new location with her employer. Her new supervisor, Paul, is friendly and helps her get familiar with her new job duties. After a few days, when no one else is around, Paul comes over to Sharon's work area to chat. Paul talks about what he did last night, which was to go to a strip club. Sharon is shocked that Paul would bring up such a topic in the workplace and says nothing in response. Paul continues talking and says that all the women in the office are so unattractive that he needs to get out and “see some hot chicks” once in a while. He tells Sharon he is glad she joined the staff because, unlike the others, she is “easy on the eyes.” Sharon feels very offended and demeaned that she and the other women in her workplace are being evaluated on their looks by their supervisor.

Ex. 2: The Boss with a Bad Attitude

Question 1. Because Paul did not tell Sharon that she is unattractive, he has not harassed her.

True or False?



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Ex. 2: The Boss with a Bad Attitude

Question 1. Because Paul did not tell Sharon that she is unattractive, he has not harassed her.

FALSE: Paul has made sexually explicit statements to Sharon, which are derogatory and demeaning to Sharon and her female coworkers. It does not matter that Paul supposedly paid Sharon a “compliment.” The discussion is still highly offensive to Sharon, as it would be to most reasonable persons in her situation.



Ex. 2: The Boss with a Bad Attitude

Question 2. By bringing up his visit to the strip club, Paul is engaging in inappropriate workplace behavior.

True or False?



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Ex. 2: The Boss with a Bad Attitude

Question 2. By bringing up his visit to the strip club, Paul is engaging in inappropriate workplace behavior.

TRUE: Simply bringing up the visit to the strip club is inappropriate in the workplace, especially by a supervisor, and it would be appropriate for Sharon to report this conduct. A one-time comment about going to a strip club is behavior that Paul would be told to stop. This is more than petty or trivial and need not be repeated to be unlawful.



Ex. 2: The Boss with a Bad Attitude

Question 3. Paul should be instructed to stop making these types of comments, but this is not a serious matter.

True or False?



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Ex. 2: The Boss with a Bad Attitude

Question 3. Paul should be instructed to stop making these types of comments, but this is not a serious matter.

FALSE: Paul's comments about the female employees are a serious matter and show his contempt for women in the workplace. Paul is required to model appropriate behavior, and must not exhibit contempt for employees on the basis of sex or any protected characteristic. Sharon should not have to continue to work for someone she knows harbors such contempt for women, nor should the other employees have to work for such a supervisor. Management should be aware of this, even if the other employees are not, and Paul should be disciplined and, most likely, removed from his current position.

Example 3



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Ex. 3: No Job for a Woman?

Carla works as a licensed heavy equipment operator. Some of her male coworkers think it is fun to tease her. Carla often hears comments like “Watch out, here she comes—that crazy woman driver!” in a joking manner. Also, someone keeps putting a handmade sign on the only port-a-potty at the worksite that says, “Men Only.”



Ex. 3: No Job for a Woman?

Question 1. Women in traditionally male jobs should expect teasing and should not take the joking comments too seriously.

True or False?



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Ex. 3: No Job for a Woman?

Question 1. Women in traditionally male jobs should expect teasing and should not take the joking comments too seriously.

FALSE: Whether Carla is being harassed depends in part on Carla's opinion of the situation; that is, whether she finds the behavior offensive. However, if at any point Carla does feel harassed, she is entitled to complain of the behavior and have it stopped, regardless of whether and for how long she has endured the behavior without complaint. Carla can always say when enough is enough. Unwelcome and continued teasing subjects Carla to inferior terms, conditions, or privileges of employment, and cannot be considered petty or trivial.

Ex. 3: No Job for a Woman?

Question 2. Carla cannot complain, because the site supervisor sometimes joins in with the joking behavior, so she has nowhere to go.

True or False?



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Ex. 3: No Job for a Woman?

Question 2. Carla cannot complain, because the site supervisor sometimes joins in with the joking behavior, so she has nowhere to go.

FALSE: Carla can still complain to the supervisor who is then on notice that the behavior bothers Carla and must be stopped. The supervisor's failure to take Carla's complaint seriously, constitutes serious misconduct on his or her part. Carla can also complain directly to the person designated by her employer to receive complaints, either instead of going to the supervisor, or after doing so. The employer is responsible for assuring that all employees are aware of its anti-harassment policies and procedures.

Ex. 3: No Job for a Woman?

Some of Carla's other coworkers are strongly opposed to her presence in the traditionally all-male profession. These coworkers have sometimes said things to her like, “You're taking a job away from a man who deserves it,” “You should be home with your kids,” and “What kind of a mother are you?” Also, someone scratched the word “bitch” on Carla's toolbox.



Ex. 3: No Job for a Woman?

Question 3. These behaviors, while rude, are not sexual harassment because they are not sexual in nature.

True or False?



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Ex. 3: No Job for a Woman?

Question 3. These behaviors, while rude, are not sexual harassment because they are not sexual in nature.

FALSE: The behaviors are directed at her because she is a woman and appear to be intended to intimidate her and cause her to quit her job. While not sexual in nature, this harassment is because of her sex creates a hostile work environment.



Ex. 3: No Job for a Woman?

Carla complains about the jokes and other behaviors, and an investigation is conducted. It cannot be determined who defaced Carla's toolbox. Her coworkers are told to stop their behavior or face disciplinary charges. The supervisor speaks with Carla and tells her to come to him immediately if she has any further problems. Carla then finds that someone has urinated in her toolbox.



Ex. 3: No Job for a Woman?

Question 4. There is nothing Carla can do because she can't prove who vandalized her toolbox.

True or False?



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Ex. 3: No Job for a Woman?

Question 4. There is nothing Carla can do because she can't prove who vandalized her toolbox.

FALSE: Carla should speak to her supervisor immediately, or contact any other person designated by her employer to receive complaints directly. Although the situation has become very difficult, it is the employer's responsibility to support Carla and seek a solution. An appropriate investigation must be promptly undertaken and appropriate remedial action must follow.

