

# **A Policy Is Not Enough**

---

**Leading a Respectful Workplace**

**Participant's Workbook**

**Jodi Lemacks, Esq.  
Dan Thompson**

Copyright © 2001, Edge Training Systems, Inc.

Published by: HRD Press, Inc.  
22 Amherst Road  
Amherst, MA 01002  
800-822-2801 (U.S. and Canada)  
413-253-3488  
413-253-3490 (fax)  
<http://www.hrdpress.com>

ISBN 0-87425-649-6

Production services by Anctil Virtual Office  
Editorial services by Robie Grant

For Preview Purposes Only

## **Important Note**

These training materials are designed for an awareness training program. They do not guarantee the prevention or elimination of harassment in the workplace. These materials do not imply, nor do they constitute, any legal or psychological advice. Businesses and organizations should contact their own resources and experts to obtain legal or psychological advice when dealing with harassment issues or concerns in the workplace.

**For Preview Purposes Only**



# Table of Contents

- Introduction..... 1**
  - But we have a policy . . . . . 1
  - So what do we do?..... 1
- 1. Model Respectful Behavior for Our Employees ..... 3**
  - Building Blocks of the Respectful Workplace ..... 3
  - Equality ..... 3
  - Accepting Differences ..... 3
  - Appreciating Diversity ..... 4
  - The Respectful Workplace ..... 4
- 2. Communicate Our Organization’s Policies Clearly and Consistently to Our Employees..... 5**
  - What kind of behavior is unacceptable in the workplace? ..... 6
  - Quid Pro Quo Harassment..... 6
  - Hostile Environment Harassment..... 7
  - Same-Sex Harassment..... 7
  - Non-Employee Harassment..... 7
  - Third-Party Harassment..... 8
  - Other Types of Workplace Harassment ..... 8
- 3. Coach Our Employees to Avoid Any Behavior That Might Lead to Harassment**
- Complaints ..... 9**
- 4. Take All Harassment Complaints Seriously and Respond Immediately ..... 10**
- 5. Allow No Retaliation ..... 10**
- Whose Job Is It to STOP Workplace Harassment?..... 11**
  - Source..... 11
  - Target..... 11
  - Observer ..... 12
  - Person in Authority ..... 13
- Why Should We Lead a Respectful Workplace? ..... 14**
- Video Exercises..... 15**
- You Call That Respect?..... 17**
  - Vignette #1—The Performance Review ..... 17
  - Vignette #2—That’s More Than I Want to Know ..... 18
  - Vignette #3—The New Guy..... 19
  - Vignette #4—Special Delivery..... 20
  - Vignette #5—Wild Wild Web..... 21
  - Vignette #6—Believe It or Not! ..... 22
  - Vignette #7—CyberStalker ..... 23
  - Vignette #8—Waitresses Are Not on the Menu..... 24
  - Vignette #9—Help Wanted: Men Only..... 25
  - Vignette #10—That’s an Order!..... 26
  - Vignette #11—It Was Only One Joke..... 27
- Assessment..... 29**
- Answers to Assessment ..... 30**



# Introduction

Most of us are aware of the fact that there are laws that protect us from harassment in the workplace. However, most harassment surveys show that organizations are failing to apply these laws to their organization's management and policies. The result: loss of productivity, low employee morale, high turnover, erosion of the organizations' public image, organizational leaders losing their jobs, and costly lawsuits.

In addition to some organizations' failure to respond properly to harassment laws, many of us don't seem to be aware that we can be held *personally* liable for acts of harassment. Title VII of the Civil Right Act was amended in 1991 to allow victims of harassment to recover damages—including punitive damages. From 1991 to 1996 approximately \$28 million has been awarded in damages for sexual harassment lawsuits alone. Also, if we have to defend ourselves in a harassment lawsuit, it can cost from \$5,000 to \$20,000—and this is before the trial even begins. Harassment claims can have severe financial and legal consequences for the harassers, and for their families.

Therefore, we must make sure that we eliminate harassment in our workplace. A respectful workplace is required by law and it is our responsibility, as leaders, to set the standard for a harassment-free workplace by modeling respectful behavior and by ensuring that harassment policies are strictly and efficiently enforced.

## But we have a policy . . .

In the past, many leaders in our organizations believed that if they had a good harassment policy in place they could not be held liable for claims of harassment. They would create a policy, making harassment forbidden; and they felt that the policy alone was sufficient. They believed that, if a problem arose, they would be immune from liability because, after all, they had a policy. But, in 1998 in the case of *Faragher v. City of Boca Raton*, 524 U.S. 775 (1998), the Supreme Court made it clear that . . .

***a policy is not enough.***

The Court in the *Faragher* case stated that employers are responsible for not only having a harassment policy, but:

1. Making sure that employees are made ***aware*** of harassment policy,

*and*

2. Making sure that harassment policy is ***efficiently enforced***.

No longer can employers point to their anti-harassment policies to escape liability. And, since this decision, the courts have been far less tolerant of harassment.

## So what do we do?

We, as leaders, must protect ourselves by learning how to create and lead a respectful workplace. We are the key to preventing incidents of harassment or discrimination from causing harm in our organization. We must provide the kind of leadership necessary to ensure our employees a workplace free from harassment.

Our employees must clearly get the message that disrespectful conduct will not be tolerated in the workplace, that reports of harassment will be dealt with seriously and immediately, and that employees who report such incidents will be kept safe from any form of retaliation.

We can do this by following these steps:

1. Model respectful behavior for our employees
2. Communicate our organization's policies clearly and consistently to our employees
3. Coach our employees to avoid any behavior that might lead to harassment complaints
4. Take all harassment complaints seriously and respond immediately
5. Allow no retaliation

For Preview Purposes Only



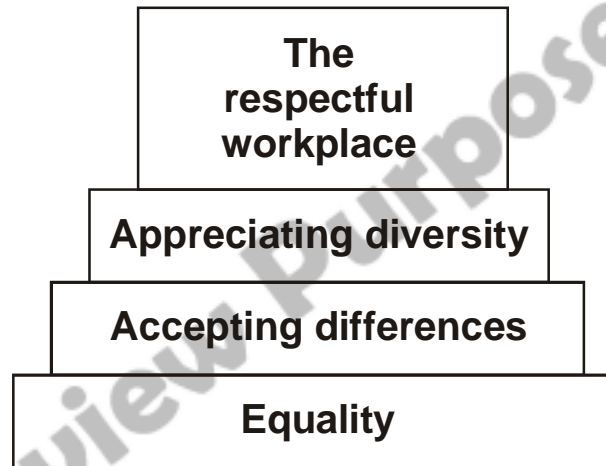
# 1. Model Respectful Behavior for Our Employees

Modeling respectful behavior first requires that we examine our own attitudes, beliefs, and actions, and make sure that we are setting the standard for a respectful workplace. Regardless of what the organization's policies may be, employees look to us as leaders to set the standard for behavior in the workplace. If we demonstrate by our attitude and actions that disrespectful and discriminatory behavior is acceptable, then our employees will feel free to follow our example. Conversely, if we model respectful behavior ourselves, we are more likely to have a respectful workplace.

In order to act in ways that are respectful, as stated above, we must first examine our own attitudes and beliefs, and how these attitudes and beliefs impact our actions. Let's start examining our attitudes and beliefs by taking a look at the building blocks for a respectful workplace.

## Building Blocks of the Respectful Workplace

Respect in the workplace is built on a foundation of very important principles.



### Equality

The foundation that a respectful workplace is built upon is *equality*. We must be willing to acknowledge that all persons have an equal right to work. Each person should have an equal opportunity to make the best use of his or her abilities regardless of race, sex, religion, national origin, or any other characteristic.

### Accepting Differences

Acknowledging equality requires that we be able to *accept differences* between us. We all work with people who are different from us. They may look different, sound different, and even behave differently than us. They may practice a different religion or come from a different cultural background than we do. We must realize that these differences do not prevent us from having an equal right to work.

## Appreciating Diversity

Beyond merely accepting differences between ourselves and our co-workers is the ability to *appreciate the diversity* that exists in our workplace. The variety of experiences, viewpoints, abilities, and ways of thinking to be found in today's workforce is an advantage for any organization. This diversity adds depth and strength to the workplace.

Take a moment to consider some advantages to our differences. What would our organization be like if we were all the same?

## The Respectful Workplace

On this foundation of equality, accepting our differences, and appreciating our diversity, we build *the respectful workplace*. The respectful workplace is a place of mutual respect for all employees, where no one feels harassed or scared. Does it sound impossible? It's not, if we are willing to start by modeling a respectful workplace ourselves.

Examining our own attitudes and beliefs is a start, but to model respectful behavior we must also examine our actions. We need to be aware that harassment claims occur because each of us have different levels of tolerance or appreciation for sexual innuendo, jokes of a sexual nature or about race, age, religion and national origin, and for other behaviors that draw attention to or make fun of differences. We must make sure that we do not engage in any behavior, ourselves, that could be considered offensive or harassing. We should never abuse our authority to seek sexual favors from subordinates. And we certainly should not discriminate against employees on the basis of race, age, or any other factor.

## 2. Communicate Our Organization's Policies Clearly and Consistently to Our Employees

The second step in leading a respectful workplace is to communicate our organization's policies clearly and consistently to our employees. Our employees should know where our organization stands, and where we stand when it comes to promoting a respectful workplace.

In order to communicate our organization's policies, and the laws about harassment, we must first familiarize ourselves with these laws and policies. Each organization should have harassment policies in place. Please take a moment to write yours in the space provided below, or to write exactly where you can find it. Read it thoroughly and make sure you understand it completely.

---

---

---

---

---

---

---

---

---

---

It is certainly critical that we familiarize ourselves with our organization's harassment policies, but it is also essential to familiarize ourselves with the law. There are many places to look to find this information. If you have access to the Internet, you can look at the EEOC website ([www.EEOC.gov](http://www.EEOC.gov)) or you can call to have EEOC information sent to you. You can also ask your Human Resource Department where you can find additional information. The more informed we are, the less likely we are to commit acts of harassment ourselves, or to allow harassment in our workplace.

Make a list below of resources you can think of to turn to for information about harassment and the law:

---

---

---

---

---

---

---

---

---

---

---

In order to communicate policies clearly and consistently, we must fully understand:

### **What kind of behavior is unacceptable in the workplace?**

When most of us hear the word “harassment,” we think of *sexual harassment*. It seems it would be obvious that sexual harassment is unacceptable, yet many people still express a fundamental lack of understanding about what behavior constitutes sexual harassment. This is apparent when we see that the number of formal sexual harassment complaints continues to rise dramatically. The number of sexual harassment complaints in 1991 was 6,883, and in 1998, the number of complaints was 15,618 (almost triple in less than a decade). Sexual harassment is a serious problem in today’s workplace, and it is our duty to gain an understanding of what behavior leads to this type of harassment, and to prevent it.

### **Quid Pro Quo Harassment**

When we think of sexual harassment, we often think of the blatant *Quid Pro Quo* harassment in which the supervisor demands sexual favors in return for better treatment of the subordinate, or threatens the subordinate with firing, demotion, or transfer unless sexual favors are given. This behavior seems so obviously wrong, yet it continues to occur. In the past, this behavior may have led to the victim quitting his or her job. Today, since the attention-grabbing Clarence Thomas–Anita Hill congressional hearings in 1991 and a recent increase in strong federal law, many employees will file sexual harassment claims. Quid Pro Quo harassment is the basis of many lawsuits, but there are also other types of sexual harassment that may not be so obvious.

## Hostile Environment Harassment

Hostile environment harassment is less obvious, but is often the foundation for charges of sexual harassment. In fact, the majority of harassment claims are based on hostile environment harassment.

Most people don't understand exactly what a "hostile work environment" is, and the courts have also grappled with this definition. If behavior of a sexual nature creates an offending, intimidating, or hostile work environment for another employee, this is sexual harassment. Can employees tell sexual jokes? Is flirting on the job unacceptable? How do we know where to draw the line? The answer is not always clear. Courts are more likely to find an illegal hostile environment in a workplace where there is pornography, extremely vulgar language, sexual touching, degrading comments, embarrassing questions or jokes, and where there are sexual propositions being made. In hostile environment cases, courts will take into account the frequency of the discriminatory conduct, the severity of the conduct, whether it is physically threatening or humiliating, and whether it unreasonably interferes with an employee's work performance.

For example, in *Hall v. Gus Construction Co.*, male co-workers subjected three women to outrageous verbal sexual abuse. One woman with a skin rash was nicknamed "Herpes." Obscenities were written in dust on the women's cars. Sexual propositions were made, and other obscene events occurred. This was clearly a hostile work environment.

Are there people who behave in a manner in your workplace that might lead to a hostile environment? What have you done or are you doing about it?

The costs of hostile behavior can be very high for our organization and for each of us personally. Therefore, it is essential that we stop behavior that might be considered offensive or threatening to those in our workplace. No one wants to work in a hostile environment, and no one should have to.

Please note that hostile environment harassment is also often the foundation for charges of harassment based on discrimination as well. The number of racial harassment claims has gone from 4,910 in 1991 to 9,908 in 1998. So be sure to stop any type of offensive behavior, even if it is not sexual in nature.

## Same-Sex Harassment

It seems clear that if a male harasses a female, or a female harasses a male, there might be sexual harassment charges, but the same is true when a person harasses another of the same sex. In 1998 the Supreme Court stated that same-sex harassment is illegal and will not be tolerated. Sexual harassment laws protect against all types of sexual harassment, and it is no more acceptable to harass those of the same sex than it is to harass those of the opposite sex.

## Non-Employee Harassment

The simple fact that a person engaging in sexually harassing behavior is a non-employee, such as a vendor, customer, or visitor in the workplace, does not excuse such behavior. Non-employee harassment may lead to sexual harassment charges as any other type of sexual harassment would.

## Third-Party Harassment

Third-party harassment is often difficult to understand, however, it still could lead to charges of sexual harassment. If behavior between employees, that they do not themselves find offensive, creates an offensive environment for another employee, this is third-party harassment. The behavior might be as simple as a group of employees talking about each other's sex lives in the presence of another person who feels very uncomfortable about such discussion. The point here is that even if our behavior is not directed at someone, it may be making him or her uncomfortable. Therefore, we need to avoid any behavior that might create an offensive environment for those around us.

## Other Types of Workplace Harassment

As stated earlier, most of us think of sexual harassment when we hear the word "harassment." It is important to realize, however, that other types of harassment are equally unacceptable and can have equally serious consequences. Disrespectful or harassing behavior toward others based on:

- race
- religion
- national origin
- age
- disability—These claims are on the rise, and the definition of disability is being expanded.
- sexual orientation
- political affiliation
- physical appearance
- pregnancy

or any other such characteristic, may create an uncomfortable and hostile work environment. Harassment based on these characteristics may also have legal consequences.

### 3. Coach Our Employees to Avoid Any Behavior That Might Lead to Harassment Complaints

In addition to modeling respectful behavior and clearly and consistently communicating our organization's policies to all our employees, we must coach our employees to avoid any behavior that might lead to harassment complaints. As stated above, even though offensive conduct by employees in the workplace must be severe and pervasive to be deemed an illegal hostile environment, we must do our best to eliminate any behavior that might end up contributing to harassment claims.

Is one employee telling one ethnic joke enough to create illegal harassment? Probably not. But consider what might happen if every employee felt free to make just one ethnic joke in the workplace. The behavior of each employee, taken by itself, might not constitute illegal harassment, but the behavior of all the employees put together might create a hostile environment.

Make a list of things you can do to coach your employees to avoid disrespectful behavior.  
*Examples:* (1) Familiarize employees with your organization's policies; (2) Stop any offensive joking in your workplace.

---

---

---

---

---

---

---

---

---

---

By coaching your employees to avoid any kind of disrespectful behavior, and not allowing employee conduct to escalate to the level of harassment, you will help maintain a respectful workplace. It is far better to prevent disrespectful behavior than it is to try to repair the damage once harassment has taken place.

## **4. Take All Harassment Complaints Seriously and Respond Immediately**

Our next obligation as a leader is to take complaints seriously and respond immediately. When employees are being harassed they often are reluctant to report it, fearing that their complaints won't be listened to and taken seriously or that their complaints will backfire and cause them even more harm in the workplace.

When an employee complains to us of behavior he or she finds offensive or uncomfortable, he or she is doing our organization a great service. The employee is giving us the opportunity to take action and correct the situation before it escalates into conflict, unexplained resignations, or civil lawsuits. We have a responsibility to listen completely and objectively, take the complaint seriously, and act immediately in accordance with our organization's policies and procedures.

## **5. Allow No Retaliation**

Finally, we have a responsibility to make sure that no retaliation is tolerated in our workplace. Employees who report harassment must be protected from any behavior that could be perceived as retaliation or revenge for their action in making a complaint.



# Whose Job Is It to STOP Workplace Harassment?

When disrespectful or harassing behavior does occur in the workplace, who has the responsibility to put a stop to it?

- **S**ource
- **T**arget
- **O**bserver
- **P**erson in authority

## Source

The most obvious answer to that question is that the *source* of the disrespectful behavior has the responsibility to stop behaving in such a manner. What isn't so obvious is that the source might be us. It is easy to point our finger at others, but each of us must carefully examine our own behavior. Have we behaved disrespectfully to others in our workplace? If so, we must stop this behavior immediately. If we have any reason to believe that our actions might offend someone else, we need to change those actions. We need to make sure that our actions are actions that promote respect, not actions that destroy respect.

## Target

The second answer to the question of who must stop harassment is the *target* of the harassing behavior. If we are offended by others' actions or words, we need to let them know and ask them to stop. It is not good for anyone in our organization to allow this behavior to continue.

It is easier to tell someone to let a person know when his or her behavior is offensive than to actually do it. Most of us are nonconfrontational. We often are afraid of the other person's reaction, and would rather remain silent. We might be afraid that the harasser will increase the harassing behavior, or that he or she might tease us for being oversensitive. We frequently get a picture in our mind of the worst possible reaction the harasser might have. Consider this: The source of this disrespectful behavior might not even know that his or her behavior is offensive to us. How can this person correct his or her behavior if he or she is unaware of its impact?

Also, consider the impact on us as the target of harassing behavior. We might feel angry, hurt, scared, or depressed at work. We might be going out of our way to avoid this person. We might even get physically or mentally sick from not dealing with this harassment. It could even start to impact every other part of our lives as well as our work lives. Not dealing with problems that impact us at work can be terribly stressful for us. Whatever our fears, we must let this person know that his or her behavior is offensive—even if we need to do it in writing.

Please take time, in the space below, to make a list of things you are afraid of when dealing with the source of harassing behavior. Then, beside your fear, try to find some solutions that will help you to deal with this person.

**Fear**

**Solutions**

---

---

---

---

---

---

---

---

---

---

If we are the *target* of harassing behavior, and we have already informed the source that his or her behavior is offensive, yet the offensive behavior continues, we need to take further action. It is often a good idea to document harassing behavior, and it is always a good idea to report this behavior to the appropriate person in your organization so that corrective action can be taken.

## Observer

Obviously, as a leader, it would be inappropriate for us to simply observe harassing behavior. We should never think that we should stay out of it or that it is none of our business. When disrespectful or harassing behavior occurs, the *observer* has a responsibility to stop it. There is no such thing as an innocent bystander. Harassing behavior hurts all of us, and our organization. Allowing such behavior to continue is wrong. We need to call attention to disrespectful behavior when we see it. We also need to take action immediately. This may involve telling the harasser to stop, or reporting harassing behavior to the appropriate person.

As leaders, we must also listen to observers and take action when they report harassment. Playing a role in stopping harassment shows others that harassment will not be tolerated. It also gives support to the target, who may be feeling scared and hurt. It is simply the right thing to do.

## Person in Authority

Finally, any *person in authority* within the workplace—that means us—has a duty to keep the workplace respectful and free from offensive and harassing behavior. Our employees should expect that we, as our organization’s leaders, will challenge disrespectful behavior when we witness it or are told about it, will seriously investigate reports of such behavior, will take action to build and maintain a respectful workplace, and will prevent any retaliation in the workplace. As people in authority in our organization, we each play an important role in creating a respectful workplace.

For Preview Purposes Only

## Why Should We Lead a Respectful Workplace?

Most of our organizations have policies about harassment, but the Supreme Court has informed us that these policies, alone, are not enough.

Actually *having* a respectful workplace is what is required by law. In order to meet this responsibility we must not only set the standard for a respectful workplace ourselves, but we must make certain that our employees are aware of our policies and laws, and that these policies and laws are strictly and consistently enforced. We must eliminate harassment in our workplace.

Our laws guarantee all employees a workplace free from discrimination and harassment. Yet, in all too many workplaces, there are individuals who continue to act in such an offensive manner that their behavior becomes the subject of news headlines and court cases.

Consider that this disrespectful or harassing behavior might be the next news headline or court case. Remember that behind all of the attorneys and legal arguments are real people just like us; behind the trials and civil judgments are real workplaces just like ours; and behind all the headlines lies behavior that was completely unnecessary and served absolutely no productive purpose in the workplace.

In most of these court cases, organizations were harmed, jobs were lost, reputations were tarnished, and people were held personally liable, both legally and financially. No one wins when there is harassment in our workplace. A policy is not enough. We must fulfill our responsibility to lead a respectful workplace.

For Preview Purposes Only

## Video Exercises

The following pages offer an opportunity for you to review video vignettes, based on actual events, and take notes on each of them. A series of discussion questions are provided for each scenario. You can write answers to the discussion questions in the space below each question.

Try to place yourself in each of these scenarios. They are based on real people, just like you, and real events. Try to imagine how you would respond if you were in that situation. Consider carefully how you *should* respond if you were actually faced with those circumstances in your organization.

The resolution to each of these situations may differ depending on your organization. One of the objectives of this training is for you, and others in your group, to discuss each of the scenarios presented and come up with the best possible answer for your group, business, or organization. There are no easy “cookie cutter” answers to these situations—that’s why they are so realistic. If there are situations you or your group does not feel comfortable resolving, please do not hesitate to ask your leaders to assist you.

For Preview Purposes Only



# You Call That Respect?

## Vignette #1—The Performance Review

*A male supervisor suggests to his female subordinate that she come to his office for her performance review meeting about 20 minutes early so she can “review his performance first.” When the subordinate hesitates in answering, the supervisor threatens her, saying he can make things easy for her on the job, or he can make them hard. If she “plays along” with him, he will make things “real good” for her.*

Is this sexual harassment?

What type of sexual harassment would this be? Why?

- Quid Pro Quo Harassment
- Hostile Environment Harassment
- Same-Sex Harassment
- Non-Employee Harassment
- Third-Party Harassment

How should the subordinate in this situation respond?”

Should she report this incident? Why or why not? To whom should she report?

## **Vignette #2—That’s More Than I Want to Know**

*Jeff happens to find a lingerie catalog in Jan’s mail. He launches into a description of the nightwear his wife now chooses to wear and the current state of his love life at home. Jan does not want to hear about any of this. Jeff’s discussion of his personal sexual details makes her very uncomfortable.*

What’s wrong with Jeff’s behavior? He’s not making any sexual advances on Jan or making any lewd comments about *her* appearance. Could his behavior still be considered sexual harassment if he fails to stop it? Why, or why not?

What should Jeff do now?

What should Jan do if Jeff does not stop his behavior?



### **Vignette #3—The New Guy**

*The new guy refuses an invitation to go to lunch with the others at the local strip club, saying that it would upset his girlfriend. Tony decides that the new guy probably means “boyfriend,” not girlfriend. When Tony returns from lunch, he confronts the new guy, telling him, “we don’t need your type around here.”*

If Tony harasses the new guy because of his reluctance to go to the strip club with the rest of the guys because he believes the new guy to be homosexual, can this be considered sexual harassment? These are all males, after all.

If Tony’s harassment is based on his belief that the new guy is a homosexual, does it matter what the new guy’s sexual orientation really is when determining whether or not this is harassment?

How would you respond if you saw this situation take place in your workplace?

## **Vignette #4—Special Delivery**

*A package delivery vendor continuously tries to talk the receptionist into posing for photographs to be placed on a website. He suggests to her that she could make a lot of money, especially if she's willing to take more of her clothing off in the pictures. He tells her that with her body and face she'd make a ton of money. This is obviously not the first time he's tried to coerce her into posing, and, just as obviously, it will not be the last time he asks her about it.*

This man doesn't even work for the same company the receptionist does. He's an outside vendor. Can this still be considered sexual harassment?

What should the receptionist do in this situation?

Assume that the receptionist decides to report this incident to her supervisor. What should her supervisor do?

## **Vignette #5—Wild Wild Web**

*Three employees are huddled around their computer screen, laughing and joking. It's fairly obvious they're surfing the World Wide Web and viewing adult websites. One of them announces that "Internet porn is man's best invention since the draft beer." Their comments and laughter can easily be heard in the adjoining cubicle where Margaret works—or tries to work.*

These men are all consenting adults and are voluntarily engaging in this behavior. None of these men has directed any comments toward Margaret. Their actions and words are directed only at each other, and the images they are viewing on the Internet cannot be seen by Margaret. Is there any kind of sexual harassment concern in this situation? Why, or why not?

Do you think these men are aware of the impact their behavior might have on others? Should they be?

These men don't intend to upset Margaret. Does their intent matter when determining whether their behavior could create a harassing environment?

## **Vignette #6—Believe It or Not!**

*Jordan keeps putting religious tracts where Monica will find them. When Monica confronts Jordan and asks her to stop doing so, Jordan tells Monica that Monica's religious beliefs are "leading her away from the truth." Jordan then attempts to sway Monica to her way of believing, ignoring Monica's attempts to end the conversation. Jordan accuses Monica of being intolerant toward her on the subject of religion.*

Is Monica being intolerant of Jordan's religious beliefs? Or is Jordan out of line for trying to convert Monica to her way of believing at work?

Do any boundaries exist between our personal religious life and our work life? Or should Jordan be free to express her beliefs to her fellow employees? Where would you draw the line?

What if the issue was not about religion, but rather about political affiliation? Would this make any difference in whether Jordan's behavior was appropriate or not?

Some participants viewing this video have made the comment that this vignette "makes the Christian lady look bad." Which lady is the Christian? Does the script mention any particular religion? Imagine if you will that Monica is a devout Southern Baptist and that Jordan is trying to convert her to the strange, cult-like religion she has recently joined, whose members believe that they hold the key to "truth" in the universe. Does this change your opinion of what is happening in this vignette?

## **Vignette #7—CyberStalker**

*Rachel keeps getting e-mail messages, instant chat requests, and e-greeting cards from Rick. Every time she turns on her computer there is another romantic or sexually explicit message from Rick. Rachel is married, and Rick's behavior frightens her. She reveals to a co-worker that she's thinking about quitting her job.*

If you were Rachel's co-worker, what would you do or say?

Is Rick's behavior enough to lead to charges of harassment? Even if the only way he contacts Rachel is by e-mail?

What should Rachel do in this situation?

## **Vignette #8—Waitresses Are Not on the Menu**

*A waitress complains to her manager that two of her customers, known to have previously acted crudely and obnoxiously toward her, are grabbing her hair and making lewd comments. The manager tells her that he can't keep every guy from hitting on her. He instructs her to "take them their food, smile a lot, and collect a big tip."*

Does the fact that these restaurant patrons are "paying customers" limit the manager's options for dealing with this situation?

What could the manager do in this situation? What should he do?

What would you do if you were the waitress in this situation?

## **Vignette #9—Help Wanted: Men Only**

*The construction foreman makes it clear to one of his employees that he doesn't think this job site is any place for a woman. He tells the employee to keep the female employee in the truck and off of the equipment.*

Do you think this supervisor's concern about women in his workplace is based on a fear that they are physically incapable of doing the job?

Do you think this is a discriminatory work environment for women?

Are jobs in your workplace ever divided into "men's work" and "women's work" for reasons other than one's ability to do the job?

## **Vignette #10—That’s an Order!**

*The customer in this scenario offers to place a large order with the salesperson that day, but only if the salesperson agrees to give her a foot massage (to start with, at least).*

Should the salesperson do whatever it takes to make the sale? What policies should be enforced to protect the salesperson in this situation? What should the sales manager’s position be in this situation?

What would you do if you were the salesperson in this situation?

Should the salesperson report this incident? To his organization or to the customer’s organization?



## **Vignette #11—It Was Only One Joke**

*A group of employees meets their new co-worker, John Runningdeer, a Native American. Each employee, over the course of the next few days, makes a joke about John's ethnic background. One employee greets him with a raised palm, saying, "How!" and another describes the meeting he needs to attend as a "heap big pow-wow."*

How would you feel if you were John and had to face jokes like these from your co-workers on an ongoing basis?

Each employee told only one joke. Is that enough to constitute harassment?

Is a hostile environment created in this scenario?



# Assessment

Answer each of the following questions based on what you know about workplace harassment.

1. Sexual harassment is only illegal if your company has a policy forbidding it.

\_\_\_\_\_ True                      \_\_\_\_\_ False

2. If you observe harassment taking place in the workplace, it is best to let the people involved deal with it between themselves. It's none of your business.

\_\_\_\_\_ True                      \_\_\_\_\_ False

3. Men can sexually harass other men, and women can sexually harass other women.

\_\_\_\_\_ True                      \_\_\_\_\_ False

4. If someone lets you know that your behavior makes them uncomfortable, you should stop that behavior immediately and not engage in that behavior again.

\_\_\_\_\_ True                      \_\_\_\_\_ False

5. If you honestly do not intend to offend anyone, your behavior cannot be considered harassment.

\_\_\_\_\_ True                      \_\_\_\_\_ False

6. Sexual harassment is only illegal if a supervisor is harassing a subordinate.

\_\_\_\_\_ True                      \_\_\_\_\_ False

7. It's okay to ask a fellow employee out on a date, as long as you do not persist in pursuing them if they say no.

\_\_\_\_\_ True                      \_\_\_\_\_ False

8. Employees can only report harassment to their direct supervisor.

\_\_\_\_\_ True                      \_\_\_\_\_ False

9. You could be held personally liable in court for certain harassment claims.

\_\_\_\_\_ True                      \_\_\_\_\_ False

10. If a customer or other non-employee is harassing you, there's nothing your organization can be expected to do about it.

\_\_\_\_\_ True                      \_\_\_\_\_ False

## Answers to Assessment

- 1. False.**  
Sexual harassment is always illegal. Title IV of The Civil Rights Act of 1964 and the 1991 Amendments clearly prohibit any type of sexual harassment.
- 2. False.**  
If you observe harassing behavior in your workplace you should report it as soon as possible to the proper authorities. Harassing behavior should not be allowed to continue in your workplace, and it is each person's responsibility to prevent it.
- 3. False.**  
In 1998 the Supreme Court stated that same-sex harassment is illegal and will not be tolerated any more. Sexual harassment laws protect against all types of sexual harassment, and it is no more acceptable to harass those of the same sex than it is to harass those of the opposite sex.
- 4. True.**  
Continuing harassing behavior not only can cause you to lose your job, it is illegal. You may find yourself in court, and end up losing a lot more than just your job.
- 5. False.**  
Intent is important, but if your behavior is offensive and creates a hostile environment for someone in your workplace, it may still be considered harassment. Err on the side of caution when you consider telling sexual or racist jokes, or engaging in behavior that may be offensive to someone in your workplace.
- 6. False.**  
A study by the American Management Association found that 50% of sexual harassment cases alleged that co-workers or peers were the harassers, while only 26% of the cases involved direct supervisors. Co-workers and peers are just as likely to be sued for sexual harassment as a manager or supervisor.
- 7. This might be true or false.**  
For the answer to this question you need to familiarize yourself with your organization's policies. It is not illegal to ask a fellow employee out on a date as long as you do not harass him or her if he or she declines, but sometimes it is against organizational policy. In certain cases it may not be a good idea even if your organization's policy allows it. You need to use your judgment.
- 8. False.**  
Again you need to check your organization's policy concerning reporting harassment, but many organizations have a human resource department or an office manager available to report harassment to. Harassment should be reported as soon as possible to a person in authority who may be able to do something to alleviate the situation.
- 9. True.**  
If your behavior is found to be unwelcome, severe, and pervasive enough to alter the conditions of the victim's employment and such that it creates an abusive working environment, you may be held personally liable in court for that behavior. Also, if you are in a position of authority, and abuse that authority to obtain sexual favors, you may be held personally liable. Obviously this may have severe legal and financial consequences for the harasser. You would be wise to avoid any behavior that may be offensive or harassing to others.
- 10. False.**  
You need to report *any* harassing behavior to a person in authority as soon as possible. Your organization is required by law to respond to this report appropriately regardless of who the harasser is.