

With All Due Respect

Promoting a Respectful Workplace

Participant's Workbook

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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.

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Introduction

Most of us spend a significant amount of time in our workplaces. It is, therefore, essential that our workplace be the kind of place we want to spend a significant amount of time in—a respectful workplace.

It does not matter what kind of workplace we work in. Our workplace might look different from other workplaces. We might dress differently or perform different functions in our job than do employees in other workplaces. But whether we work in an office or a manufacturing plant; whether our job involves high-technology or lots of contact with customers; whether we wear a uniform or dress casually, our workplace should have something in common with all other workplaces:

Our workplace should be a respectful workplace.

Why respectful behavior?

No one wants to work in an environment where he or she feels harassed and uncomfortable. Disrespectful behavior serves no useful purpose in the workplace and often interferes with the work our organization is doing. For our organization to be productive, disrespectful behavior must be eliminated.

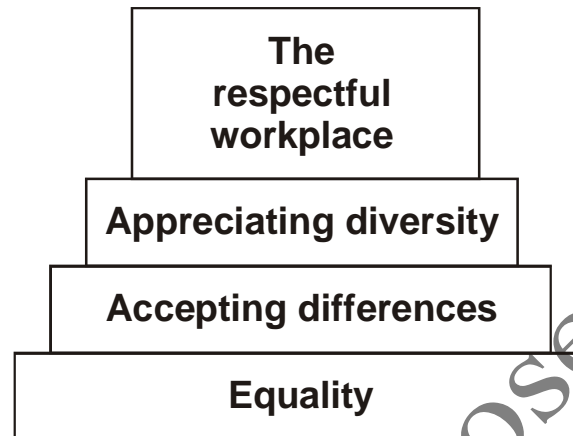
But eliminating disrespectful, harassing behavior is not just for the good of the organization. Respectful behavior makes us more productive as employees. If we are not productive, our value to our organization is diminished. Disrespectful, harassing behavior may cost us our job.

Harassing behavior not only could cost us our job, but could land us in court as well. A study by the American Management Association found that 50 percent of all sexual harassment cases made alleged that co-workers or peers were the harassers, while only 26 percent involved direct supervisors. And the 1991 amendment to Title VII of the Civil Rights Act of 1964 allows victims of harassment to recover damages—including punitive damages. A lawsuit based on harassment usually has severe legal and financial consequences for the harasser, personally. Therefore, it is essential that we examine our behavior and actions to ensure that each one of us is doing our part to promote a respectful workplace.

Building Blocks of the Respectful Workplace

Our workplace should be a respectful workplace, and a respectful workplace starts with each one of us. We, first, must do our part in promoting a 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, however, 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 each of us is willing to do our part to promote respect in our workplace.

Harassment in Our Workplace

The opposite of a respectful workplace is a workplace full of conflict and harassment—a workplace of discrimination and discomfort. This is not only harmful to our organization, but illegal.

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.

Take a minute to consider your own workplace. Have you ever observed disrespectful or harassing behavior? What did you do about it?

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.

Even more than being unproductive, this harassing behavior in most of these cases had severe consequences. Organizations were harmed, jobs were lost, reputations were tarnished, and people were held personally liable, both legally and financially.

Don't let this happen to you. Stop harassment before it starts. This means, ask for a copy of your organization's policies concerning harassment.

Who in your organization can give you this information?

Also, familiarize yourself with the law. The more informed you are, the less likely you are to act in manner that would be considered harassment.

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 employees 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 reported each year almost tripled in the last decade alone. In 1991 there were 6,883 formal sexual harassment claims filed, and in 1998 there were 15,618. 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 Clarence Thomas–Anita Hill hearings in 1991 and an amazing increase in strong federal law, many employees will file sexual harassment claims instead. 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 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 is 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
- 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.

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

When we observe harassing behavior, we may think that we should stay out of it or that it is none of our business. This could not be further from the truth. 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. This may involve telling the harasser to stop, or reporting harassing behavior to the appropriate person. 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 has a duty to keep the workplace respectful and free from offensive and harassing behavior. We should expect our organization's leaders to challenge disrespectful behavior when they witness it or are told about it, to seriously investigate reports of such behavior, to take action to build and maintain a respectful workplace, and to prevent any retaliation in the workplace. Each person in authority in our organization plays an important role in creating a respectful workplace.

What Is Expected of Us as Employees?

1. Behave Respectfully Ourselves

Our first obligation is to behave respectfully ourselves. The key to doing this is to treat those around us with respect and to think before we speak or act.

In order to treat those around us with respect, as stated earlier, we must first examine our own beliefs, behaviors, and actions. We must remember that all of us have an equal right to work in a respectful environment. We then need to eliminate any behaviors or actions that others might take to be disrespectful or offensive.

We also need to think before we speak or act. When we are tempted to make a joke or say or do something that could cross the line into offensive behavior we must stop and think. We shouldn't say or do anything that we wouldn't want to see printed in an organizational newsletter for all to read about.

2. Challenge Disrespectful Behavior

We need to challenge disrespectful behavior when we see it. We shouldn't participate in it or just tolerate it and overlook it. We need to have the courage to speak up and spread the message that we expect to work in a respectful workplace.

3. Report Harassment Immediately

After we have informed the harasser that his or her behavior is offending us, and this person has chosen to continue such behavior, then we have a duty to report any incidents of harassment immediately to the appropriate person in our organization.

We have a responsibility to report incidents of harassment whenever we observe it or are the target of it. We must make this report even if the source of the harassment is our direct supervisor. There are avenues of reporting that we can follow to stop the harassment and to keep it from happening again, to us, or to others in our workplace.

What Should You Do?

Take a moment to review your organization's policies and procedures and then write below the procedure to follow, and the name(s) and number(s) of the appropriate person or persons to whom you should report harassment in your workplace.

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Why Should We Promote a Respectful Workplace?

Showing respect for others is simply the right thing to do. It's the way we should behave toward others. When we treat others with respect, they are more likely to treat us with respect as well.

If doing the right thing is not motivation enough, we must keep in mind that behaving respectfully in the workplace is simply the most productive way to behave. As stated earlier, disrespectful behavior serves no useful purpose, and more often than not, actually interferes with the work our organization is doing. If we behave disrespectfully, our value to our organization is diminished because we are not productive. If we are not valuable to our organization we could lose our jobs.

Even if we don't care about being productive for our organization, we must keep in mind that a respectful workplace is required by law and by our organization's policies. Offensive and harassing behavior can land us in court. Disrespectful behavior in the workplace can have legal consequences for us, and we might even be held personally and financially liable for our conduct.

No one wants to work in an environment that is hostile and uncomfortable. Therefore, we must all play a role in promoting a respectful workplace.

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.

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?

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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 Monica 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?

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.