

Unit 6: Part 1: Introduction to Sexual Harassment in the Workplace

ProSafety Curriculum
for the Culinary Arts

Washington Restaurant Association

Dept of Environmental and Occupational Health Sciences
School of Public Health, University of Washington

Washington State Dept of Labor & Industries



Use the following questions to develop a definition for Sexual Harassment:

- 1 What makes flirting different from sexual harassment?
- 2 Is it easy or difficult to tell the difference?
- 3 How can you tell when the line has been crossed between a flirting behavior and a harassing behavior?
- 4 Are the feelings of the person experiencing the harassment important?

Sexual Harassment Definition



Official EEOC* definition

“Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when submission to or rejection of this conduct explicitly or implicitly affects:

- An individual's employment,
- Unreasonably interferes with an individual's work performance,
- Or creates an intimidating, hostile, or offensive work environment.”

*The Equal Employment Opportunity Commission (EEOC) is the federal agency responsible for overseeing workplace sexual harassment regulations and compliances with the law.

Sexual Harassment Definition

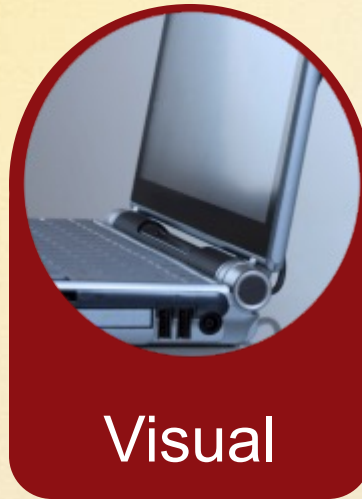
Or in other words, workplace sexual harassment is.....

“Any unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature.”

Sexual Harassment Is:

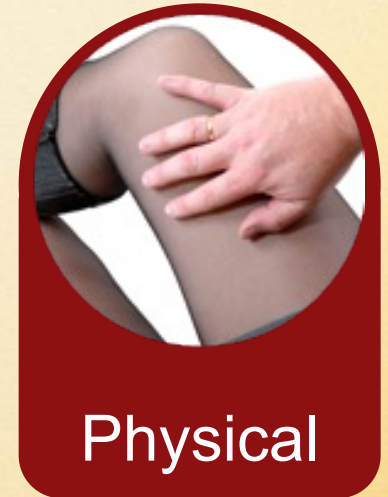


or



Visual

or



Physical

conduct of a sexual nature that is

Unwelcome

Unwanted

Repeated

There are two types of sexual harassment as defined by the government and the courts

Quid pro quo

Hostile work environment

Quid Pro Quo

quid pro quo means **this for that**

This usually involves a supervisor, employer or co-worker who uses threats or promises of rewards in exchange for sexual favors.

Quid Pro Quo

Examples of threats

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graph LR; A[Examples of threats] --- B[Not getting hired]; A --- C[Getting fired or a bad evaluation]; A --- D[Not getting a raise or promotion]; A --- E[Being excluded from a group];
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Not getting hired

Getting fired or a bad evaluation

Not getting a raise or promotion

Being excluded from a group

Quid Pro Quo



Hostile Work Environment

- Caused by repeated **actions, comments, or objects** that create an **intimidating, hostile, or offensive** work environment.
- The behavior does not have to be repeated to be considered sexual harassment if it is a **severe** incident.



Hostile Work Environment

Examples:

- Regular use of sexually offensive language
- Sexual jokes
- Sexual gestures
- Sexual pictures or graphic calendars
- Lewd notes
- Sexual graffiti
- Screen saver with nude or scantily clad bodies
- E-mails with sexual jokes, pictures or comments
- One incident of sexual assault

Harassment Scenario A

Jillian works in a garage as a mechanic apprentice. She has wanted to work on engines for as long as she can remember. In the shop, there are many nude centerfolds and calendars with pictures of scantily clad women. In the only restroom, the walls are covered with sexually explicit graffiti. Her male co-workers rarely use her first name, but refer to her by “sugar” or “honey.” No one touches her in any way. She is embarrassed, but does not say anything to her co-workers because she really wants to fit in with the guys in the shop. Lately though, Jillian dreads going to work. She worries that if she continues with this career, she will always have to put up with this kind of work environment.



Harassment Scenario B

Ann Marie got a summer job waiting tables at a restaurant during the lunch shift. One day, while Anne Marie is on her break at a table in the back of the restaurant, her manager Mike sits down with her. Mike asks her to go out with him that night. When she says she already has plans, Mike says, “You know, I could find a spot for you on the dinner shift. You could get much bigger tips.” Anne Marie has been hoping for a spot on the dinner shift since she first got hired, but she does not want to get involved with her boss. She is upset and turns him down.



Harassment Scenario A: Answer Key

Scenario A

Q. What type of sexual harassment is this?

A. Hostile work environment



Q. What actions or behaviors qualify this as this type of harassment?

A. Pictures of nude women on the walls.

Sexually offensive graffiti is on the walls.

Co-workers refer to her with pet names like “sugar” and “honey.”

Harassment Scenario B: Answer Key

Scenario B

Q. What type of sexual harassment is this?

A. Quid pro quo



Q. What actions or behaviors qualify this as this type of harassment?

Q. Her manager suggested that she would get a better work schedule with higher tips if she accepts his proposition. He also suggested she would get better better tips if she wore a shorter skirt.

Unit 6: Part 2: Preventing and Confronting Sexual Harassment

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Help Wanted Ads

(Seattle Daily Times, January 1964)

250R Help Wanted	250R Help Wanted	250R Help Wanted	250R Help Wanted	250R Help Wanted	250R Help Wanted
RECEPTIONIST		Restaurant -	Restaurant	Restaurant	Retail -
<p>Men Wanted:</p> <p>Assist. Manager. Young men, under 28.</p> <p>Better Income. National Concern offers opportunity for married man, 25-46 with car. Earn as you learn. Full or part time.</p> <p>Opportunity. Alert married man to service established customers. We train you to earn better than average income.</p> <p>Married. 25 to 40. High school graduate. Guaranteed salary plus commission.</p> <p>Superintendent. Fast growing aggressive machinery manufacturer requires a man for plant superintendent. Applicants should state age, health status, number of years of experience and telephone number.</p> <p>Will Interview young men under 45, preferably unmarried and with wholesome distribution experience.</p> <p>Verifiers. Neat appearing men to verify sold phone orders.</p> <p>Physically Active retired man. Part-time outside work. Downtown.</p> <p>Boy wanted as helper. Room, board, wages. Driver's license required.</p> <p>Aetna Life Insurance has career opportunity for two executive salesman. Married, resident of Seattle or suburbs. Finest training provided.</p>					
<p>Report directly to company president. Excellent benefits include medical, dental, vision, 401k, & profit sharing. Call Business Careers at 206-447-7433. www.businesscareers.com</p>	<p>names, addresses and phone numbers of five references to: Dr. J. Daniel DeLong, Chair, Search Committee, Wood Materials and Engineering Laboratory, Washington State University, P.O. Box 641806, Pullman, WA 99164-1806.</p>	<p>Restaurant - Exp. server & part time sushi chef. Some kitchen exp. necessary for sushi. Bring resume to Moshiko's, 4726 California Ave SW, West Seattle btwn 4 & 5 pm</p> <p>Restaurant - Experienced Soute, Cook, & Dishwasher</p>	<p>Must be able to work full time and able to work weekends. Starting wage at \$12/hour. Please see our Web site at www.stcspot.com or our office at 22505 State Route 9 SE Woodville, WA 98072 to apply and for details. EOE</p>	<p>We have opportunities available throughout the PUGET SOUND market.</p> <p>In order to qualify, you must possess 3-5 years of retail management experience.</p>	<p>Instant Gratification!</p> <p>For customers who crave more in a convenience store and people who hunger to suc-</p>

Help Wanted Ads

(Seattle Daily Times, January 1964)

250R Help Wanted	250R Help Wanted	250R Help Wanted	250R Help Wanted	250R Help Wanted	250R Help Wanted
RECEPTIONIST Position available in our Kirkland office.		Restaurant -	Restaurant	Restaurant	Retail - <i>Children's Photographer</i>
<p>Women Wanted:</p> <p>Young Ladies, 21 to 30. If you are neat and have a pleasant personality, I may have a job for you. Work in outside order department of national organization.</p> <p>Girl for Spokane Street Office. Must type and do bookkeeping. Requires young, highly intelligent person. Reply giving complete resume and grade points.</p> <p>Office Manager. Prefer some college education plus office supervisory experience. Must be well groomed with good appearance. Minimum age 35.</p> <p>Mature Woman to assist care of semi-invalid wife. Live-in. Non-smoker. Unencumbered, free to travel.</p>			<p>Sales Ladies. We need 3 Specialty Sales Ladies for demonstration of entirely new kitchen appliance. Must be neat, 21 to 38 years, own automobile, be bondable and in excellent health. Call in person for interview.</p> <p>Motel Maid. Live-in furnished apartment. 30-45 years.</p> <p>Telephone Girl. Experienced appointment girl between 25-50 to work in our office. Must be bondable, have late model car.</p> <p>Attractive Bar Maid to work evening, size 10 to 14, age 21 to 28.</p> <p>Refined Woman to work as fashion stylist, selling high style costume jewelry.</p>		
Include medical, dental, vision, 401k & bonus program. Call business careers at 266-447-7433. www.businesscareers.com	Dr. J. Daniel Delany, Chair, Search Committee: Wood Metals and Engineering Laboratory, Washington State University, P.O. Box 641806, Pullman, WA 99164-1806.	RESUME NECESSARY FOR MASHI. Bring resume to MASHI-KO, 4225 California Ave SW, West Seattle btwn 4 & 5 pm	Restaurant - Experienced Sauté, Cook, & Dishwasher	Starting wage at \$12/hour. Please see our Web site at www.stockpot.com or our office at 22505 State Route 9 SE Woodville, WA 98072 to apply and for details. EOE	SOUND market. In order to qualify, you must possess 3-5 years of retail management experience. For customers who crave more in a convenience store and people who hunger to suc-

Help Wanted Ads: Questions

Compare the help wanted ads from 1964 to help wanted ads from a current newspaper. Answer the questions below.

- 1 How do these help wanted ads differ from today's employment ads?
- 2 What qualifications and characteristics are listed in these want ads that you would not find in an ad today?
- 3 Why would this wording not be used today?

Sexual Harassment and the Law

Sexual harassment at work

- Federal: Civil Rights Act of 1964, Title VII
- State: Washington State Law Against Discrimination (RCW 49.60)
- Local ordinances



Sexual harassment at school

- Education Amendments to the Civil Rights Act of 1972, Title IX

Sexual Harassment and the Law



Title VII of the Civil Rights Act of 1964

Prohibits discrimination based on sex, race, color, national origin and religion.

Title IX of the 1972 Education Amendments to the Civil Rights Act

Prohibits discrimination on the basis of sex among students and staff in schools and colleges receiving federal funding. It requires educational institutions to create anti-sexual harassment policies and procedures.

1963

1964*

1965

1972

Equal Pay Act of 1963

States that men and women in the same job for the same employer must be paid the same wage, except for merit, seniority and other factors not related the gender.

Federal Executive Order 11246

Requires affirmative action for federal contractors based on sex, race and national origin.

Sexual Harassment and the Law

EEOC's Final Amendment to Guidelines on Discrimination Because of Sex

Sexual harassment is recognized as a form of sex discrimination. The federal definition of sexual harassment is created and the term "sexual harassment" is first used legally.

Continental Can vs. Minnesota

The Minnesota Supreme Court ruled that an employer is liable for sexual harassment and must take action to correct the problem.

U.S. Supreme Court identification of Quid Pro Quo and Hostile Work Environment. Meritor Savings Bank v. Vinson.

Ruled that Quid Pro Quo sexual harassment is a form of sex discrimination under Title VII and that allowing an environment of sexual harassment is illegal. This case caused many companies to add "unwelcome" and "unwanted" into their sexual harassment policies.

1973

Washington State Law Against Discrimination (49.60.030 RCW)

Prohibits discrimination based on sex, race, creed, color, national origin, families with children, marital status, age or disability in Washington State. The law gives the legal right to sue an employer for hostile work environment or quid pro quo sexual harassment or sex discrimination.

1980*

1982

Huebschen v. Wisconsin Dept. of Health & Social Services.

Ruled that employees cannot be made to submit to sexual advances as a condition of employment. Also ruled that an organization is liable for the actions of its supervisors.

1986*

Sexual Harassment and the Law

Robinson v. Jacksonville

Shipyard Inc. Ruled that posting pornographic material at work is a type of hostile work environment sexual harassment.

Civil Rights Act of 1991.

States that a victim of sexual harassment can attempt to recover damages from his or her employer.

Rene v. MGM Grand

Hotel, 2002. The 9th Circuit Court ruled that same-sex sexual harassment is prohibited under Title VII.

Roberts v. Dudley,

2000. The Washington State Supreme Court ruled that a wrongful discharge claim on the grounds of sexual harassment can be valid even if the employer has fewer than eight employees.

1989

1991

1998

2000/02

WA State Governor's Executive Order EO

89-01. Requires anti-sexual harassment policy investigation and training by Washington State entities.

U.S. Supreme Court ruled that under Title VII...

- **Faragher v. City of Boca Raton**....employers may have to pay damages when a supervisor is responsible for hostile work environment sexual harassment, even if the employer was not aware of the harassment.
- **Burlington Industries v. Ellerth** ...employers who do not respond reasonably to a sexual harassment complaint can be held financially liable.
- **Oncale v. Sundowner Offshore Services.** ...employees are protected from being sexually harassed in the workplace by people by people of the same sex.

Scenario 1

Keiko has been working at the front desk at a hotel for a year. She really enjoys her job and has been promised a raise. Her boss Dave, who is much older than her, has implied that Keiko will only receive the raise if she agrees to go out with him.



Scenario 2

The local electronics plant is the biggest employer in town. Everyone eats lunch in the same room during break. All workers have to pass through a hallway in order to get to the lunch room. Frequently, a group of male workers hangs out in the hallway and makes comments about the female workers' appearance as they pass by. They rate the women on a scale of 1 to 10.



Scenario 3

Julia got an internship working at a veterinarian hospital where she helps with animal care. Libby is constantly telling dirty jokes about both men and women to the hospital staff. Julia doesn't find the jokes funny, but just tries to ignore them.



Scenario 4

Aaron is 19 years old. He works at a hardware store, helping load lumber and boxes into customers' vehicles. Aaron's co-worker, Frank constantly calls Aaron a "wimp" or a "fag." Several times, Frank has even slapped Aaron on the butt as he walked by. When Aaron told Frank to stop touching him, Frank said, "Isn't that what you want, fag? Aaron is angry and can't stand to be around Frank anymore.



Scenario 5

Nisha was recently hired to work for a small internet company. Lyle, one of her co-workers, downloaded a screen saver on his computer, which displays a famous modern-art painting. One part of the painting shows a nude female body. Nisha must walk by Lyle's desk many times a day, and cannot help but see the screen saver when she passes by. Nisha leaves an anonymous note on his computer monitor when he is not there asking him to remove the offensive screen saver. When Lyle gets back to his desk he is surprised by the note, since he doesn't consider the painting to be offensive.



Scenario 6

For the past 6 months, Corey has worked as a lifeguard at the city swimming pool. Corey often comes into work late. The pool manager, Helena, has told Corey several times that he needs to get to work on time. One afternoon, she asks Corey to come to her office. She closes the door, motions for him to sit down, and then says, “Corey, I have to be honest. I’m a little disappointed. You are a great lifeguard, but you keep coming in late. Under normal circumstances, I would probably fire you, as it sets a bad example.” At this point, she stands behind him and starts running her hands along his shoulders and through his hair. “However, I’d be willing to overlook that you come in late, if you would stop by my house tonight and...” Corey is surprised by Helena’s behavior, but doesn’t want to lose his job.



Scenario 7

Mariah works in shipping and receiving and is known as “one of the boys.” She likes to hang out with the guys, uses obscene language, and always has a dirty joke. Even though you work in Customer Service, you need to work and interact with Mariah on a regular basis when processing customer orders. Though you sometimes find her behavior to be offensive, you don’t say anything because you don’t think it is worth stirring up trouble in the warehouse.

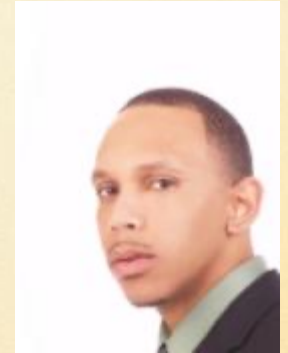


Scenario 8

Your supervisor just called you into his office to inform you that two of your co-workers have just made a complaint about you, saying that you have been sexually harassing them. They give examples of you putting your arm around them, and interrupting their work with dirty jokes. You are surprised by their allegation. You just wanted to have a little fun at work.

Scenario 9

Keith who is 19 and good looking, is the only man who works with the secretarial staff at the law office. Trisha and Thanh have been hanging around his desk and flirting with him. They ask a lot of questions about his personal life and want to know if he has a girlfriend. Trisha sometimes pats Keith on the behind and says “Nice butt.” Keith doesn’t know what to do. He doesn’t want to share information about his personal life and doesn’t think it is any of their business. Keith is frustrated with the women’s constant questioning and touching and is having trouble focusing on his job. When he asks his supervisor Beth for help, she says he should get used to this kind of behavior if he is going to work in an office full of women.



Scenario 10

Candice is a carpenter's apprentice working with an all male crew. She gets along with everyone on the crew except for Bob. He seemed to have it out for her from the day she started to work. As time went on, someone sabotaged one of her projects and hid her tools. Due to the tampering, she was unable to complete her project on time, which made her look bad. Candice heard that Bob also caused problems for the last apprentice, Adam.



Scenario 11

You are working as a sales clerk in a clothing store. You have been working there for six months. The store owner, Mr. Lee, likes to hold one-on-one weekly meetings with you. Each time you meet with him, he closes his office door and sits down close to you. As he talks, he often touches your shoulder and pats your knee. You move away from him as best you can in the small office, but he moves closer to you and keeps trying to touch you. During one meeting, Mr. Lee leans over and pulls his chair closer to you. He says, “You don’t have to be so shy around me, you know. I’ve been thinking about making you the assistant-manager. We could get to know each other a lot better that way.” You feel a little scared, but manage to say, “I’ll have to think about it.”



Scenario 12

Brandi works part-time in the office of a large fertilizer company. She gets along well with most of her co-workers. However she is having a difficult time with the way Jose acts toward the women in the office. Jose always seems to be in a bad mood. Several times Brandi has had to ask Jose for an important file, but he always says he needs it and can't give it to her. He told her that he wouldn't understand the documents anyways, as she's just a "dumb girl." Now Brandi has been waiting for over a week for the file, and she is late on her deadline for the project.

Yesterday, Jose came into Brandi's office and accused her of stealing his cell phone. When he started yelling at her, she asked him to stop, then tried to leave the room. Jose stepped in front of the door and would not let her leave. When she told several female co-workers about the incident at lunch, she found out that he has yelled at them before, too. Brandi has also noticed that Jose does not behave this way toward the men in the office.

Scenario 13

Natasha used to take the bus home from work. A couple of weeks ago, her supervisor, Josh, started giving her a ride home. One afternoon they stopped by a park on the way home. Josh asked Natasha if he could kiss her and she was flattered, so she said yes. From then on, they regularly stopped on the way home for kissing sessions. Although she still feels flattered by Josh's attention, she would have stopped the drives if he wasn't her supervisor. She wants to stop accepting rides home from Josh, but she is afraid he'll get upset and that she'll lose her job. She never told that she wanted to him to stop kissing her. She voluntarily continued to go on drives with him and did not inform him that his requests were unwelcome. He never threatened to fire her.

Scenario 14

Jin Soo works at a produce stand, along with Reggie and Craig. Over the past month, she frequently overhears the guys making comments about the female customers' bodies. One day she overhear Reggie say to Craig, "Did you see the rack on that chick? She's a real piece of work!" Jin Soo couldn't stand it any longer. She told Reggie and Craig she was offended by their comments and wanted them to stop talking about the customers like that. Both Reggie and Craig apologized to her. However the next day, she once again heard Reggie make another similar comment, in a deliberately loud voice. She feels angry and helpless and doesn't know what else to do.



Sexual Harassment on the Job Scenario



Stopping Sexual Harassment

Steps to stop sexual harassment

- Find out employers' policies and procedures and follow them to file a complaint
- Let your family, co-workers, teachers and friends know what is happening at work and ask for their support.
- Keep a written record of the incidents.
(What happened? When did it happen? Where did it occur? Who witnessed it, if anyone? How did it make you feel?)
- Start a buddy system. Ask a trusted co-worker to help you avoid situations where you would be alone with the harasser.
- Look for witnesses or other co-workers who are also targets of the harassment, if any.
- File a complaint with your union, if you have one.



Stopping Sexual Harassment

How to file a complaint

- 1** Check your employer's policies and procedures. Follow the procedures if possible.
- 2** To file a complaint with Washington State agency, contact:

Washington State Human Rights Commission

www.hum.wa.gov

Ph: 1-800-233-3247

TTY: 1-800-300-7525

Local Headquarters in Olympia, Seattle, Spokane and Yakima.

A complaint must be filed within 180 days of the most recent act of discrimination. The employer must have at least 8 employees.

Stopping Sexual Harassment

How to file a complaint:

- 3 Consult a lawyer.
- 4 To file a complaint with a federal agency, contact:

U.S. Equal Employment Opportunity Commission (EEOC)

www.eeoc.gov

Seattle District Office

Federal Office Building, 909 First Avenue, Suite 400

Seattle, WA 98104-1061

Ph: 206-220-6883 or 1-800-669-4000

TTY: 206-220-6882 or 1-800-669-6820

A complaint must be filed within 300 days of the most recent act of discrimination. The employer must have at least 15 employees.

Scenario 1

I am a 17 year old male and work at a movie theater. I have been dating my supervisor, Ellie, for seven months. I don't want to be involved with Ellie anymore. I have tried to break up with her, but she doesn't want to end our relationship. Ellie told me that I better be nice to her or she'll find someone new to take my job. I am really worried that Ellie will fire me if I do break up with her. What should I do?



—Sean

Scenario 2

I am a 16 year old female. I work as a stocker at a grocery store. I've been having a problem with this guy I work with. Jeremy keeps asking me to go out with him, even though I keep telling him no. Last week, I told another co-worker, Carrie, about how Jeremy won't leave me alone. Carrie told me that the same thing has been happening to her, but that Jeremy seems harmless and she likes the attention. She told me that I shouldn't be so sensitive. I'm having a hard time working around Jeremy and just want him to leave me alone. Am I being too sensitive? What should I do?

—Aiesha



Scenario 3

I am an 18 year old male. I was hired two months ago as a delivery driver for a florist shop. I am the only guy who works at the store. Whenever I enter the store to pick up my next order, the cashier and floral arrangers stop what they are doing and hang around me. They ask questions about what kind of girl I like and make jokes about wanting to kiss me. I overheard the cashier talking on the phone to a friend, referring to me as “their sexy delivery boy.” At first I didn’t mind the attention, but now it is getting annoying. Last week, I asked the store owner if she would talk to the employees about the way I am being treated. The owner laughed and said, “The girls like you, Eddie. You should be flattered. You just need to get used to working around women.” I just want to do my job. What should I do?



—Eddie