Sexual Harassment in the Workplace

Presented by
Dennis J. Niermann, Esq.
Welcome

• My name is Dennis J. Niermann.
• Employment lawyer for over 30 years.
• Represented both companies and employees in employment rights cases.
• Certified Employment Law Specialist.
Today’s Goals

• Educate you on what sexual harassment is.
• Review your rights AND your responsibilities when it comes to sexual harassment.
• What to do if you are being sexually harassed.
• What to do if you witness sexual harassment.
• How to prevent sexual harassment in the workplace.
What is Sexual Harassment?

• Sexual Harassment is defined as “unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature...when 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.”

(http://www.eeoc.gov/eeoc/publications/fs-sex.cfm)
Sexual harassment can occur in a variety of circumstances, including but not limited to the following:

- The victim as well as the harasser may be a woman or a man. The victim does not have to be of the opposite sex.
- The harasser can be the victim's supervisor, an agent of the employer, a supervisor in another area, a co-worker, or a non-employee.
- The victim does not have to be the person harassed but could be anyone affected by the offensive conduct.
- Unlawful sexual harassment may occur without economic injury to or discharge of the victim.
- The harasser's conduct must be unwelcome.

(http://www.eeoc.gov/eeoc/publications/fs-sex.cfm)
Short video on sexual harassment
(no giggling, please)

- https://www.youtube.com/watch?v=ymlAAats6U-4
Your Rights

• Every person in America, thanks to Title VII of the Civil Rights Act, has the right to work in an environment free of sexual harassment.
• If you are being sexually harassed, you do not have to put up with it.
• If you are being sexually harassed, you have the right to report it to the company and to have it stop.
• If the harassment doesn’t stop after you report it to the company, you have the right to go to the Equal Employment Opportunity Commission and file a charge of discrimination.
Your Responsibilities and Duties

• First, you all have the responsibility to not sexually harass your co-workers.
• You have a duty to know what sexual harassment is and what constitutes sexual harassment so that you don’t inadvertently sexually harass a co-worker.
• If you are being sexually harassed, you have the responsibility to tell the harasser that his or her conduct is unwelcome.
Duties and Responsibilities (continued)

- If the harassing behavior continues after you make it known that it is unwelcome, you have the responsibility to report it to the company.
- If you do not report sexual harassment, the company cannot do anything to stop it!
- If you witness sexual harassment, you have a duty to report it to your company.
- You have a duty to assist your company as requested with any investigation into sexual harassment allegations.
What to do if you are being sexually harassed.

• Tell the harasser that their behavior is unwelcome and that you want them to stop.
• If they continue, report the behavior to your supervisor or HR.
• DOCUMENT EVERYTHING!
• Do not be a victim. Many people are embarrassed or ashamed and will not report instances of sexual harassment. It is NOT the victim’s fault. Stand up for yourself.
What to do if you witness sexual harassment.

• If you witness a co-worker being sexually harassed, report it to your supervisor or HR immediately.
• Document everything.
• Don’t be afraid to speak up. The person being harassed may be too afraid to speak up for themselves.
• It’s not just their problem. Unchecked sexual harassment creates a workplace environment that can be uncomfortable for all employees at some point.
How to prevent sexual harassment in the workplace.

• Be aware! The first and most important step in preventing sexual harassment is simply knowing what it is.

• Use the “Grandmother Rule”: if you wouldn’t say or do it to your grandmother, don’t say or do it to a co-worker.

• Think about this presentation...because if your company gets sued for sexual harassment, you’re probably going to have to go through it again.
END

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