

Sexual Harassment Training

Presented by

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Introduction

- Sexual Harassment and its prevention will be discussed with more focus placed on prevention.
- Today's goal is to allow key leaders, supervisors, and managers, to return to your organizations and take a healthy self-assessment of the SH prevention program and have some tools to revise strategy if necessary.
- MSM-Human Resources from UMGC and BA-Psychology from Columbia College of Missouri
- Graduate of the Defense Equal Opportunity Management Institute (DEOMI) Equal Opportunity Advisor and DoD Mediator Courses
- SHRM SCP, HRCI-PHR, Federal Sector EEO Counselor, and Navy Primary Prevention and Human Factors Process Trainer certified.
- In addition to EO/SH Response, my work primarily involves organizational climate analysis and organizational development, and advisory duties for executive level military leaders.

Training Outline

- Define Sexual Harassment (SH)
- Response and Prevention Types
- Focus Areas
- Indicators and Outcomes
- Strategies
- Organization Engagement with SH Prevention
- Cost vs Benefit

Lesson 1: Define Sexual Harassment

- Be able to recall the definition of Sexual Harassment utilizing the definition prescribed by the Equal Employment Opportunity Commission (EEOC).
- Be able to point out favorable and unfavorable indicators of sexual harassment in the workplace.

Lesson 1: Sexual Harassment Defined

- Sexual harassment is a form of sex discrimination that violates [Title VII of the Civil Rights Act of 1964](#).
- 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.
- 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.
- It is **helpful** for the victim to directly inform the harasser that the conduct is unwelcome and must stop. The victim **should** use any employer complaint mechanism or grievance system available.

(Equal Employment Opportunity Commission, 2002)

Lesson 1: Sexual Harassment Defined

- When investigating allegations of sexual harassment, **EEOC looks at the whole record**: the circumstances, such as the nature of the sexual advances, and the context in which the alleged incidents occurred. A determination on the allegations is made from the facts on a **case-by-case** basis.
- **Prevention is the best tool to eliminate sexual harassment in the workplace.**
- Federal Organizations are required to have a Sexual Harassment Policy and established grievance procedures.
- Non-Federal Organizations should have a policy. Speak with your employment law legal counsel to decide if you are obligated to have one.

(Equal Employment Opportunity Commission, 2002)

What are some personal effects of sexual harassment?

- Experiencing sexual harassment may cause some survivors to face emotional, physical, or mental health concerns. Some of them might include:
 - Emotional effects
 - Anger
 - Fear
 - Self-doubt
 - Shame
 - Guilt
 - Betrayal
 - Violation
 - Powerlessness and loss of control
 - Mental health effects
 - Anxiety
 - Depression
 - Panic attacks
 - PTSD
 - Difficulty concentrating
 - Loss of motivation
 - Substance abuse
 - Suicidal ideation
 - Physical effects
 - Increased stress levels
 - Headaches
 - Fatigue
 - Sleep disturbances
 - Eating disturbances

(Houle et al , 2011)

(Spector, 2017)

Sexual Harassment Indicators

- Former Survey Questions.
- Supervisor adequately responds to allegations of SH.
- Supervisor plays an active role in prevention.
- Individuals at work use offensive sexual gestures.
- Quid Pro Quo occurs.

Favorable Indicators

- Higher perception of people are treated respectfully, fairly, and equitably.
- Men and women do treat each other with dignity and respect.

Favorable Outcomes

- People speak up openly to confront SH behaviors
- Increased cohesion
- Increased trust and respect between Men and women

Unfavorable Indicators

- Lack of organizational readiness
- Mental Distress
- Activities performed that are unrelated to the company's goals or have no legitimate purpose.

Unfavorable Outcomes

- Erodes readiness
- Psychological Injury and mental stress
- Violates trust
- Hurts morale

(DEOMI, Sexual Harassment, n.d)

Sexual Harassment Strategies

- Establish policies and procedures for responding to sexual harassment complaints.
 - Clearly explain the sexual harassment complaint policy and reporting procedures
 - Encourage members to report all sexist behaviors and sexual harassment.
 - Educate members on the complaint process using real-life examples.
 - Provide multiple options for reporting incidents such as anonymous comment boxes, third party submittal, first line supervisor notification, etc.
 - Provide easily-accessible resources for victims and encourage members to seek help.
 - Follow up with all victims after the complaint has been closed to ensure the issue has been effectively resolved.
- Discourage and actively intervene if you observe any sexist behaviors
 - Clearly communicate that sexist attitudes and behavior will not be tolerated
 - Discourage sexual jokes, gestures, etc. in the workplace
 - Immediately interrupt others engaging in sexist behaviors or jokes Demonstrate fair and equal practices

Sexual Harassment Strategies

- Demonstrate through your actions and words that you will not tolerate a hostile work environment
 - Identify and correct any personnel offering sexual favors for advancement, award, or assignment
- Manage the sexual harassment awareness and prevention program
 - Leverage employee survey results and findings to monitor, track and evaluate the effectiveness your sexual harassment awareness and prevention
 - Establish, publicize, and enforce your prevention policy; engage leaders at every level to create a culture where sexist behaviors are not tolerated.

Sexual Harassment Retaliation Climate Indicators

- Former Survey Questions.
- In my workgroup, members who report SH would be:
- Excluded socially, blamed for causing problems, denied opportunities, disciplined, and/or discouraged from moving forward with the report.

Favorable Indicators

- People are seen discouraging retaliatory behaviors without leaders telling them to.
- Policies are displayed encouraging reporting.
- People are aware of the effects of retaliation and reprisal.

Favorable Outcomes

- Observers will immediately address bad behavior.
- People will remain confident in their leaders and trust they will be treated fairly.
- Increased active bystandership.

Unfavorable Indicators

- Gossip/rumor mill about SH reports
- Groups splitting apart suddenly
- Negative social media comments
- Leaders displaying signs of retaliatory behaviors.

Unfavorable Outcomes

- Poor cohesion
- Fostering of bad behaviors that can lead to **sexual assault**
- Apprehension to reporting harmful behaviors

Elimination of SH Retaliation Climate

- Create an organizational climate environment that promotes zero-tolerance for retaliation against a person who submits a complaint of sexual harassment.
 - Provide clear written policies and procedures including what actions leadership will take and display it in a highly visible area.
 - Explain reporting procedures and consequences for retaliation.
- Encourage employees to address and report retaliation without fear of retribution
 - Talk to all members frequently and encourage reporting retaliation to their leadership.
- Consult with peers/senior leadership on strategies to encourage victims to report retaliation and consequences of retaliation.
- In the event retaliation or other unlawful actions are detected, ensure a thorough investigation is conducted; take appropriate corrective actions for substantiated complaints.

Elimination of SH Retaliation Climate

- In the event retaliation or other unlawful actions are detected, ensure a thorough investigation is conducted; take appropriate corrective actions for substantiated complaints.
- Demonstrate your commitment by taking all reports of retaliation seriously, responding quickly, and ensuring your actions (performance ratings/disciplinary actions or other administrative actions) are as transparent to employees as lawfully allowed.
- Have frequent conversations with all members to ensure subtle retaliation is not occurring.
- Educate employees on various types of retaliation committed (e.g., working excessive hours/denied training, promotion, or promotion opportunities).

Elimination of SH Retaliation Climate

- Select employees for leadership positions who have the personal qualities that embrace the ideals for model behaviors that are free of sexual harassment or retaliatory behaviors.
- Demonstrate proactive behaviors to prevent sexual harassment and retaliatory climates.
 - Talk about retaliation in small group settings and provide interactive training on what retaliation may look like.
 - Have participants discuss real-world examples of retaliation.
 - Have participants develop and practice a plan they will implement in case they witness or experience retaliatory behaviors.

Unwanted Experiences Indicators

- Former Survey Questions.
- While under current supervisor/executive and within 12 months, did someone at work:
- Repeatedly tell sexual jokes that made you uncomfortable; embarrass, anger, or upset you by repeatedly suggesting you don't meet the stereotypical man/woman (Ex. Sexual orientation related epithets); sexual comments about your body; repeated attempts to initiate an unwanted relationship; and/or intentionally touch you in a sexual way?

Favorable Indicators

- Higher perception of people are treated respectfully, fairly, and equitably.
- Men and women do treat each other with dignity and respect.

Favorable Outcomes

- Evidence of positive and effective working relationships
- Demonstrated respect for people across gender lines.
- Increased trust and respect for others
- Higher performing teams and individual commitment and motivation

Unfavorable Indicators

- Culture allows demeaning jokes, stereotypes, and language with sexual undertones
- Microaggressions
- Abuse of power/authority is not corrected
- Leaders do not make their position clear regarding bad behaviors.

Unfavorable Outcomes

- Low morale
- Impaired relationships with team
- Low trust in leadership
- Undermined commitment to the organization

Strategies to Prevent Unwanted Experiences

- Provide clear and continuous communication that sexist behavior in any form will not be tolerated.
 - Define: a sexual joke, a sexual comment, an unwanted sexual advance; and the effects it can have on a person, a team, and an organization. Help people understand the problem and its seriousness.
 - Schedule frequent discussions allowing your members to express their concerns.
 - Encourage members to immediately address all inappropriate behaviors either directly or indirectly to the offender.
 - Acknowledge those individuals who speak up and intervene to eliminate sexual jokes, comments, or advances. Make speaking up a positive action/behavior.
 - Emphasize (verbally and in written policies) that everyone will be treated with dignity and respect and any sexist behavior will not be tolerated.

Strategies to Prevent Unwanted Experiences

- Incorporate and promote social norms in your company.
 - Create an environment where everyone is responsible for themselves and their behaviors.
 - Encourage the reporting of all forms of harassment.
 - Establish a buddy system to encourage accountability.
 - Discourage and actively stop any sexist behavior you observe.
 - Encourage all members to speak up if they identify unwanted workplace experiences.
 - Convey to personnel a desire to learn how your individual employees are doing.

Strategies to Prevent Unwanted Experiences

- Reinforce the process for handling complaints.
 - Educate all members on the behavioral differences (e.g., sexist behaviors, sexual harassment, and sexual assault) and the ways to address/report them.
 - Do they understand the reporting processes?
 - Conduct timely investigations (when appropriate), limiting information to those on a need to know basis.
 - Protect members from being treated differently (ostracized) after an event.
 - Look after the safety of the victim and the alleged offender.
 - Provide all available resources to those affected and encourage them to seek the help they need or want.
 - Follow up on all reports of harassment to ensure appropriate measures are taken to address the issues.
 - Follow up with those who have been affected by the harassment; keep them informed of actions to address the inappropriate behaviors.

Strategies to Prevent Unwanted Experiences

- After an issue is resolved.
 - Help members work through the emotions of the issue, anger, mistrust, disappointment..
 - Employ team building methods to redevelop and reestablish team cohesion and rapport.
 - Help members rebuild and reestablish trust in leaders and team members.
- Conduct another employee survey as required.
 - Validate DEOCS results by conducting focus groups, observations, and a records and reports analysis.
 - Determine the source of sexist behaviors in the workplace and take positive actions to stop them.

Lesson 2: Prevention Types

- Understand and be able to communicate to others the various prevention types: primary, secondary, and tertiary.

Lesson 2: Prevention Types

- Secondary-SH Report Response.
 - Reactionary, important, critical, and a compliance concern.
- Tertiary-follow on measures beyond the initial response
 - Includes aggrieved member's treatment and actions taken to avoid a recurrence.
- **Primary Prevention**
 - **Proactive actions taken to intentionally work against SH occurring to begin with.**

Lesson 3: Objectives

- Develop a basic comprehension of the four focus areas involving the human factors process.

Lesson 3: Aviation to Human Resources

- Example: Boeing 737 Max Lion Air crash (BBC News, 2019)
- If you were to read this article, it would point out various factors that were examined **AFTER** the crash.
 - Organizational. Company let a system be designed with a fault.
 - Supervisory. Plane should have been grounded for other issues but wasn't.
 - Team Dynamics. Captain didn't brief First Officer before turning over controls.
 - Individual Mental Predisposition. First Officer performed poorly in training.
- Now consider how the statement would sound if there was an incident of sexual harassment at your organization.
 - **Remember**, a victim may not report it to the HR department or EEOC, but they might tell a friend who is considering applying there. There will be a narrative in that person's thoughts as well as any employee aware of the dynamics leading to the incident.
- What would be said about your organization?
- What would they say about you as a supervisor?
- What would they say about you as an individual employee?
- How would they describe everyone's day to day behaviors?

Lesson 3: Focus Areas

- Organizational
 - Culture, Processes, Resource Management
- Supervisory
 - Toughness, Initiative, Accountability, Integrity
- Behavioral Preconditions
 - Situational, Individual, Social
- Behavior
 - Signature Behaviors, Counter Productivity, Destructive Behavior.

Lesson 3: Focus Area Strategies

- Organizational: Culture, Processes, Resource Management
 - Go past just having a policy. Make sure processes are clear and equitable. Resource quality training, sufficient personnel and materials to manage the program.
- Supervisory: Toughness, Initiative, Accountability, Integrity.
 - Bottom line is to hold people to a high standard. Don't let "boys will be boys" be the standard.
- Behavioral Preconditions: Situational, Individual, Social
 - Keep an eye out for your people, high and low performers, and yourself.
 - If additional training or performance counseling is needed, do it.
 - Adjust peoples' individual training plans if necessary.
 - If a person is struggling through personal and/or health issues, remind them of the resources and help them get it.
- Behavior: Signature (Positive) Behaviors, Counter Productivity, Destructive Behavior.
 - Reward positive behaviors, tactfully address negative behaviors.

Lesson 4: SH Program Engagement

- Understand that engagement of every person involved in the SH program, not just HR, matters significantly in the success of the program, especially when considering external entities.

Lesson 4: SH Program Engagement

- Comprehensive program management at every level matters, especially when being reviewed by an external entity.
- My MEO and EEO programs were once reviewed by the Navy Inspector General's Office as part of a routine area visit. There was a successful outcome due to several factors.
 - Compliance. Posters were current and conspicuously located with contact information, applicable laws, and official policy statements.
 - Self-Assessment. Regular documentation of internal program reviews was maintained and included a corrective action/improvement plan.
 - Corporate Knowledge. Ability to speak intelligently, as an insider, toward major policy initiatives involving fair treatment as well as how executives and supervisors would likely act in each situation.
 - Outreach and Marketing. Many key stakeholders, besides the primary executive, knew me personally and could speak to how I have helped them previously concerning the specific programs in the past.
 - As a result, they opted to not go very far into reviewing my program based on an initial positive impression.

Lesson 4: SH Program Engagement

- A comprehensive, engaged program may even mitigate lawsuits or fines if a bad actor does violate official policies and sexually harasses someone anyway.
- Affirmative Defense. “The affirmative defense requires a showing 1) that the employer exercised reasonable care to avoid harassment and to eliminate it when it might occur, and 2) that the complaining employee failed to act with "reasonable care" to take advantage of the employer's safeguards and otherwise to prevent harm that could have been avoided.”

Lesson 5: Cost vs Benefit

- Understand and be able to logically consider the costs and benefits associated with a comprehensive sexual harassment program.

Lesson 5: Cost vs Benefit

- Organizational costs
 - Recruitment/turnover costs because people leave frequently **VS** people staying longer and referring friends
 - Healthcare costs because people are mentally and physically impacted by a hostile environment **VS** more funds for health and wellness perks
 - Productivity fluctuations as people react to the environment
 - Employer Brand as external entities hear of negative climate **VS** positive and encouraging climate
 - Fines and legal fees
- Personal Costs
 - Lost/Gained professional and social relationships as people leave or trust is violated
 - Lost opportunity as one must train a new person again instead of working on professional development or job rotation
 - Lost/gained opportunity as supervisors learn how you will or will not act in response to a sensitive situation.

Summary of Training

- Define Sexual Harassment (SH)
- Response and Prevention Types
- Focus Areas
- Indicators and Outcomes
- Strategies
- Organization Engagement with SH Prevention
- Cost vs Benefit

Evaluation

- Please let me know directly or via the Training Coordinator how you feel the topic was presented and whether it was helpful.
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