

# Sexual harassment in the workplace essay sample

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Sexual Harassment is a form of sex discrimination that violates Title VII of the Civil Rights Act of 1964. The legal definition of sexual harassment is unwelcome verbal, visual, or physical conduct of a sexual nature that is severe or pervasive and affects working conditions or creates a hostile work environment. Conduct is not sexual harassment if it is welcome. For this reason, it is important to communicate either verbally, in writing, or by one's own actions to the harasser that the conduct makes you uncomfortable and that you want it to stop. Sexual harassment can be many different kinds of conduct; unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment 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. Non-sexual conduct may also be sexual harassment if you are harassed because you are a female, rather than a male, or because you are a male, rather than a female.

As an employer, they have a responsibility to maintain a workplace that is free of sexual harassment. This is their legal obligation, but it also makes good business sense. If they allow sexual harassment to flourish in the workplace, they will pay a high price in terms of poor employee morale, low productivity, and high dollar lawsuits. The majority of people became aware of the term sexual harassment in 1991 when Anita Hill took her place at the witness table and testified against the Supreme Court Justice nominee, Clarence Thomas. As a matter of fact, that year the number of sexual harassment cases reported in corporate America increased fifty-eight percent and have climbed steadily ever since. (<http://articles.techrepublic.com>

com) In the fiscal year 2007, the EEOC received 12, 510 charges of sexual harassment. 16. 0% of those charges were filed by males. The EEOC resolved 11, 592 sexual harassment charges in fiscal year 2007 and recovered \$49. 9 million in monetary benefits for charging parties and other aggrieved individuals not including monetary benefits obtained through litigation. (<http://www.eeoc.gov>) The causes of sexual harassment at work can be very complex.

Work relationships can be quite intimate and intense. Employees are dependent on each other for teamwork and support, and are dependent on their supervisor's approval for opportunities and career success. Supervisors and employers can grow accustomed to the power they have over their employees. Such closeness and intensity can blur the professional boundaries and lead people to step over the line. Politics can be catalyst, and problems caused by poor management, workplace bullying, frustration, and financial insecurity, can create hostile environments that leak over into the working relationships. Personal problems can also be a factor, and sexual harassment can be a symptom of the effects of life trauma such as divorce, or death of a spouse or child. In this paper, this student is going to focus on two forms of sexual harassment; the hostile working environment and quid pro quo, which means " this for that." Hostile work environment harassment is where speech or conduct is severe or pervasive enough to create a hostile or abusive work environment.

Examples of prohibited conduct include, but are not limited to, threatening, offensive, or unwelcome conduct, including abusive verbal language directed

toward an individual because of sex, race, color, age, religion, national origin, or disability; lewd or obscene comments about an individual's body, attire, or gender, including abusive comments or terminology addressed to a specific employee; vulgar or indecent gestures, language, or jokes; bringing or displaying a lewd or obscene object, book, magazine, photograph, cartoon, calendar, picture, or similar item into the workplace; or use of computers to transmit, solicit, display, or download lewd or obscene messages or materials. A hostile working environment is a term used to describe a workplace situation where an employee cannot do their best work or be their most productive due to conditions in their workplace.

That is, the workplace is hostile to their natural humanity. All of the results of a hostile working environment are hostility toward the company's productivity, which directly impact profits in a negative way. Employees who are unhappy, unhealthy, or angry do not work hard. A hostile working environment is the result of suppression of people's natural ability to express themselves. It is the opposite of a workplace that promotes creativity and vitality. Hostile workplaces are deadly to productivity. They are unhealthy and potentially deadly to the people who work in them. Hostility in this form is not only a boss being rude, yelling, or annoying. It is very specific, especially in a legal setting when one is suing an employer for either wrongful termination or for creating an environment that causes severe stress to the employee. A hostile working environment can also take place when a boss begins to engage in a manner designed to make one quit in retaliation for one's actions. For example, suppose an employee reports a

certain hazardous working condition and the employer does not do anything to correct it, and that employee gets hurt.

Then the employers' response is to do all they can to make that employee quit, like writing one up for rules the employee did not break, reducing work hours, or decreasing that employee's salary. That employers' reaction can be viewed as creating a hostile working environment, one that makes it impossible to work and is an attempt to make that employee quit so the employer does not have to pay unemployment benefits. When an employer is trying to make you quit by creating a hostile working environment, if one can hold onto their job, do so. It is important to make complaints about this employer either to upper level management or to government agencies that help employees with discrimination or poor treatment in the workforce. Employers have an obligation to maintain a workplace free from harassment and discrimination. The employer must stop the behavior when they first learn of it, rather than waiting until someone complains.

It is critical employers' train all managers and supervisors on what constitutes harassment and discrimination and how to deal with it if it occurs. Managers and supervisors should ensure that their employees do not feel uncomfortable because of behavior in the workplace, such as teasing, taunting, jokes, and inappropriate gestures. To help create this environment, every employer needs a company policy that prohibits all types of harassment. The policy needs to include a definition of what could constitute harassment or create a hostile working environment, information on who to report it to, and a non-retaliation provision. Employees must also be

provided with a copy of the company's policy and trained on what constitutes harassment and discrimination. In addition, employees need to know what steps to take if they become victims of such behavior. Managers and supervisors need to know what is going on in the workplace at all times and be aware if inappropriate behavior exists. Managers and supervisors also need to set an example by not engaging in harassment themselves and by stopping it immediately if they hear or see it. All violations must be reported to the human resources department.

The employer must take prompt remedial action to stop the harassment and make sure it does not recur, including discipline or termination of the offenders if need be. Quid Pro Quo harassment occurs when employment decisions or expectations are based on an employee's submission to or rejection of sexual advances, requests for sexual favors, or other behavior of a sexual nature. These cases involve tangible actions that adversely affect the conditions of work progress. Some examples of what would be considered Quid Pro Quo are demanding sexual favors in exchange for a promotion, raise, or job. Disciplining or firing an employee who ends a romance, or refusing to write recommendations because that employee refuses sexual advances. Finally, another example would be changing work expectations after an employee refuses invitations for a date or other private and social meetings. There are a number of strategies an employer can take to reduce the risk of sexual harassment in the workplace.

Companies should provide workers with examples of behavior they consider inappropriate. First, an employer should adopt a clear sexual harassment

policy. In the employee handbook, the employer should have a section devoted to sexual harassment. The policy should define sexual harassment, state in no uncertain terms that sexual harassment will not be tolerated, state one will be disciplined or fired for any wrongdoers, set out a clear procedure for filing sexual harassment complaints, state any complaint received will be investigated fully, and state how the employer will not tolerate retaliation against anyone who complains about sexual harassment. Once a company develops a sexual harassment policy, it should circulate it widely. Companies should provide copies not only to newly hired employees, but also to current ones. Companies should also post copies throughout the office and break areas, issue periodic memos about the policy, and hold meetings to discuss the topic. It is also a good idea for companies to hold training sessions for managers, supervisors, and employees to deal with sexual harassment at least once a year.

These training sessions should teach employees what sexual harassment is, explain that employees have a right to a workplace free of sexual harassment, review the complaint procedure, and encourage employees to use it. Secondly, the workplace needs to be monitored. Get out among the employees periodically. Talk to them about the work environment. Ask for the employees input. Look around the workplace itself, and keep the lines of communication open. At lastly, take all complaints seriously. If someone complains about sexual harassment, act immediately to investigate the complaint. When a complaint is received, how the employer deals with that complaint may well make the difference between an effective, low cost resolution on one hand, and staggering legal liability on the other. The

investigation should include, but not limited to, interviews with all relevant persons including the complainant, the accused, and other potential witnesses. Employees should be assured that the privacy of the complainant and the person accused of harassment shall be protected to the fullest extent permitted by the circumstances.

Many federal courts have ruled if an employer does take prompt and effective corrective action in response to a complaint of sexual harassment, the employer will not be held liable to the victim. The consequences of failing to prevent or correct sexual harassment can be quite severe. Under federal law, a plaintiff in a sexual harassment lawsuit now has the right to a trial before a jury, which may be more sympathetic than a judge. A successful plaintiff may recover lost wages, attorney fees, plus emotional distress and punitive damages up to \$300, 000, depending on the size of the employer's workforce. Claims of sexual harassment may also result in harmful publicity for employers. No employer can afford to bury its head in the sand on this subject. Complete protection from the disruptive effects and possible liability caused by sexual harassment is not possible.

By implementing a sexual harassment policy, training its employees, and taking prompt action to deal effectively with any complaint, employers can greatly reduce the risk of a damaging sexual harassment claim in the workplace. (<http://www.fwlaw.com>) When a work environment does become sexually hostile, there are factors that are considered by the courts in determining whether the behavior has become severe or pervasive enough to create a hostile working environment. These factors include: Whether or



not the conduct was physical or verbal, how frequently the conduct was repeated, whether or not the conduct was hostile and blatantly offensive, whether the harasser was a co-worker or supervisor, whether the harassment was instigated by more than one person, and whether or not the harassment was directed at more than one person. Sexual harassment in the workplace is an issue this student takes very seriously, as it is an issue this student has previously dealt with on a personal level. In the past and prior to my being employed with the Kentucky Association of Counties, there have been many dealings with sexual harassment resulting in female employees losing their jobs.

Not only has this problem cost the company millions of dollars, but it has also publicly humiliated numerous females previously employed with the company. I feel sexual harassment at KACo is due to ignorance, negligence, and favoritism stemming from the president of the company being best friends with the harasser. I consider myself to be one of the lucky ones because I still have my job there. After many sexual advances, my situation was pretty much the icing on the cake. At last, the company took action and called in an outside agency to investigate. The agency spoke privately with every employee at KACo and was able to gather enough evidence to finally eliminate the one real problem at hand, the harasser himself. I was more than relieved to know the whole situation was finally resolved. I feel prevention is the best tool to eliminate sexual harassment in the workplace.

Employers should be encouraged to take necessary steps to prevent sexual harassment from occurring. The company should clearly communicate to

employees that sexual harassment will not be tolerated. The company can do so by providing sexual harassment training to their employees and by establishing an effective complaint or grievance process and taking immediate and appropriate action when an employee complains. Companies that want to manage their risk prudently must act before a problem occurs. The EEOC encourages employers to take all necessary steps to prevent sexual harassment from occurring, such as affirmatively raising the subject, expressing strong disapproval, developing appropriate sanctions, informing employees of their right to raise, and how to raise, the issue of harassment under Title VII, and developing methods to sensitize all concerned.

(<http://www3.uakron.edu>)

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