



The Realities & Legalities of Workforce Harassment

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- Prior to the #metoo movement, there has been little data collected on the national prevalence of sexual harassment
- An online survey launched in January by a nonprofit called [Stop Street Harassment](#) offers some of that missing evidence.

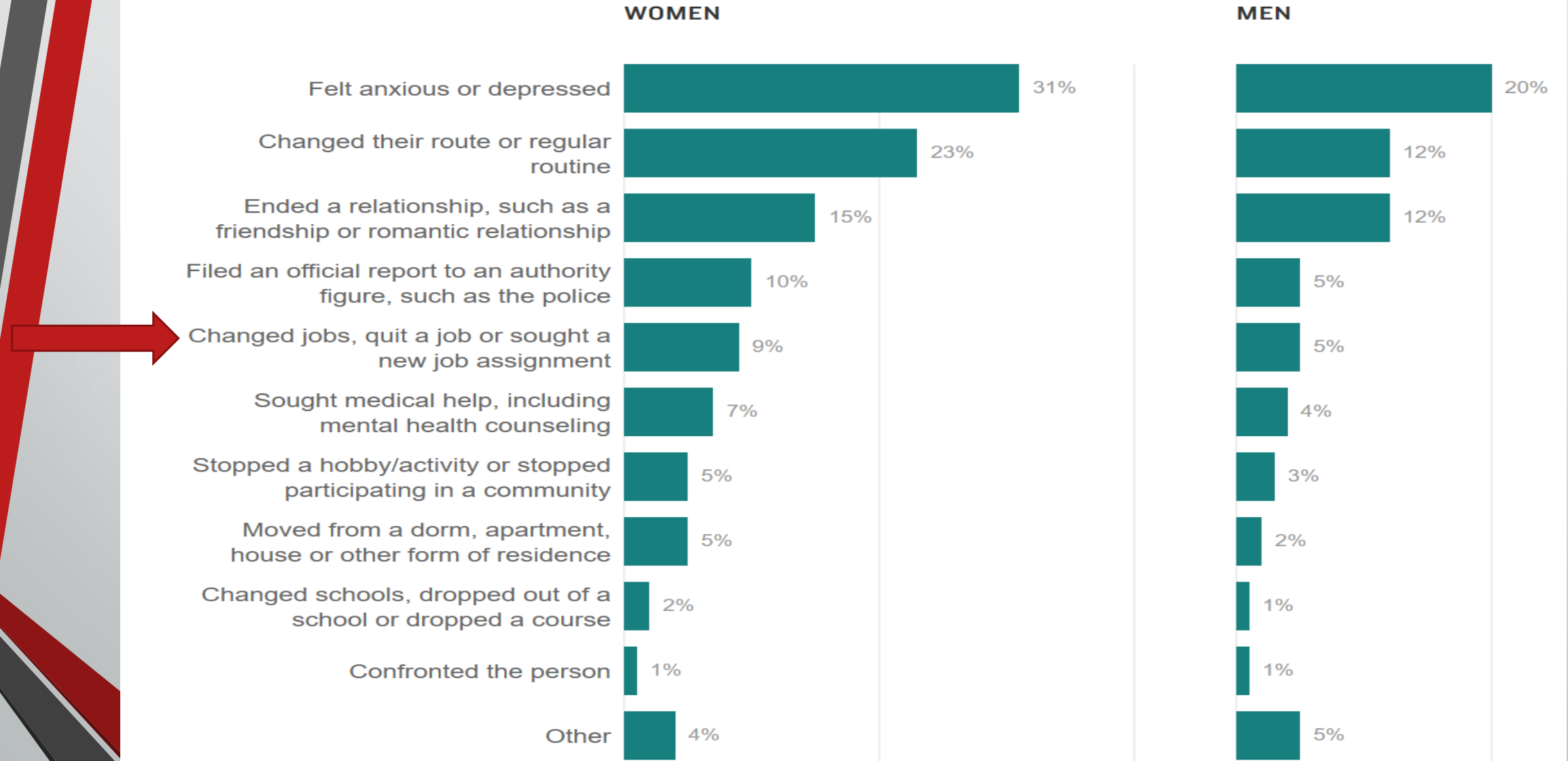
- It found that 81 percent of women and 43 percent of men had experienced some form of sexual harassment during their lifetime.




48 percent of women said
they experienced sexual
harassment at the
workplace- *nbc/wsj poll*

Victims Suffer From Anxiety, Depression

Respondents reported a range of effects of or responses to sexual harassment and assault.



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- Another 2017 poll by ABC News-Washington Post found that **33 million U.S. women** have been sexually harassed at the workplace. Thirty per cent of victims said the harasser was a male colleague and 25 per cent said the harasser was a man with power over their career.

No One Knows What “Sexual Harassment” Means

The EEOC discovered that, when asked outright if they experienced sexual harassment, 25 per cent of respondents answered yes.

When specific acts of harassment were named that number climbed to 60 per cent.

No One Knows What “Sexual Harassment” Means

Cosmopolitan's online survey found that 16 per cent of women claimed to have not been sexually harassed but said they had experienced sexual remarks.

A 2017 survey conducted by The Barna Group found major differences in the ways that men and women view sexual harassment.

No One Knows What “Sexual Harassment” Means

When presented with a list of 20 behaviors (ranging from groping to light-hearted flirting), in all but one case men were less likely than women to label an act as sexual harassment.

The one exception was a tie: 12 per cent of men and 12 per cent of women labeled light-hearted flirting as sexual harassment.

Someone pushing against you on public transit is seen as sexual harassment by 70 per cent of women but only 52 per cent of men. The genders also disagree on sexual comments about a person's looks or body. Here, 86 per cent of women and 70 per cent of men say it's sexual harassment.

Sexual Harassment Victims: Age

A 2017 [CNBC survey](#) found that 16 per cent of 18-to-34-year-olds have been sexually harassed. That number jumped to 25 per cent for the 50 to 64 age group.

A separate 2017 study by [The Barna Group](#) found that Millennials and individuals of Generation X are twice as likely as seniors to say they've been a victim of sexual harassment.

38% said the harassment came from a male boss.

More than 70%, however, did not report their abuse.



X

HOW EFFECTIVE IS HR AT HANDLING
SEXUAL HARASSMENT COMPLAINTS?

**IT DEPENDS ON
WHO YOU ASK**

AND WHAT THEIR ROLE IS.

94%

OF **MEN**
IN HR AND

48%

OF **MEN**
OUTSIDE HR
BELIEVE THEIR
ORGANIZATIONS
ARE EFFECTIVE



COMPARED TO

60%

OF **WOMEN**
IN HR AND

26%

OF **WOMEN**
OUTSIDE HR

in4cp



WHAT ARE WE TO DO??

Sexual Harassment Resource Guide

- SEXUAL HARASSMENT RESOURCE GUIDE FOR THE ORTHOTIC AND PROSTHETIC PROFESSION
- An O&P Alliance Resource created by sub-committee of O&P Alliance
- Found on websites of all O&P Alliance industry leaders:
 - AAOP, ABC, AOPA, BOC, NAAOP & NCOPE
 - <https://www.abcop.org/WhoWeAre/Documents/Sexual%20Harassment%20Resource%20Guide.pdf>

EEOC Rebooting Workplace Harassment Prevention

https://www.eeoc.gov/eeoc/task_force/harassment/upload/rebooting_harassment_prevention.pdf

Title VII of the Civil Rights Act of 1964 is a federal law that prohibits employers from discriminating against employees on the basis of sex, race, color, national origin and religion. It generally applies to employers with 15 or more employees, including federal, state and local governments.

Protected Class Law and Legal Definition. ... Federal protected classes now include race, color, national origin, religion, sex (or gender), age (over 40), and disability. State law (HEPA) further protects ancestry, marital status, sexual orientation, as well as arrest and court record (in most cases).



Harassment in Report: Not Limited to Illegal Harassment

Harassment, for purposes of the report, is defined as unwelcome or offensive conduct in the workplace that:

- a) is based on sex (including sexual orientation, pregnancy, and gender identity), race, color, national origin, religion, age, disability, and/or genetic information; AND
- b) is detrimental to an employee's work performance, professional advancement, and/or mental health.




Range of Possible Unwelcome Harassment

- Offensive jokes, slurs, epithets or name calling
- Offensive objects or pictures.
- Unwelcome touching or contact
- Physical threats or assaults
- Ridicule, mockery, or put-downs
- Constant or unwelcome questions about an individual's identity
- Undue attention



Risk Factors in Workplace

- Homogenous workforces
- Workforces with many young workers
- Isolated workspaces
- Cultural and language differences in the workplace
- Workplaces that rely on customer service or client satisfaction
- Decentralized workplaces
- Workplaces where work is monotonous or consists of low-intensity tasks
- Workplaces with significant power disparities



Why is Harassment Underreported?

FEAR

- Humiliation
- Ostracism
- Damage to Reputation
- Damage to Career
- Retaliation
- Inaction
- Blame
- Disbelief



Fear of Retaliation Not Unfounded

- One study found that 75% of employees who spoke out against workplace mistreatment faced some form of retaliation.
- Other studies found that sexual harassment reporting is often followed by:
 - organizational indifference
 - trivialization of the harassment complaint
 - hostility and reprisals against the victims



Common Responses to Harassment

- Endure the behavior
- Avoid the harasser
- Downplay the gravity of the situation
- Seek support from family and friends
- Leave the job, if possible



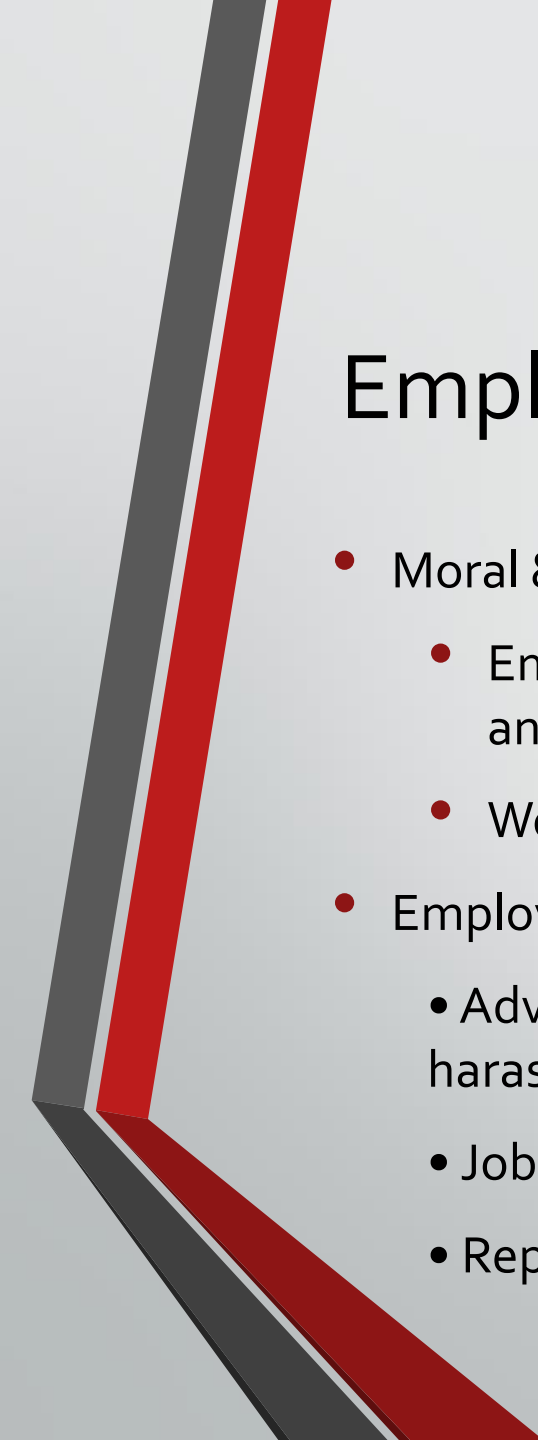
EEOC Task Force Findings

- Workplace harassment remains a persistent problem.
- Workplace harassment too often goes unreported.
- There is a compelling business case for preventing harassment.
- EEOC has some creative ideas
- Leadership and accountability can help prevent harassment.



EEOC Findings Encourage Training

- Workplace risk factors should be evaluated
- Training is important, but it needs to be the right training.
- Employers need compliance training that is effective.
- Employers should also consider workplace civility training and bystander intervention training.



A Compelling Business Case: Employers Should Care about Stopping Harassment

- Moral & Legal Obligation:
 - Employers should care about stopping harassment because harassment is wrong – and, in many cases, illegal.
 - Workplace harassment will always cause harm to the target.
- Employers should also stop harassment because it makes good business sense:
 - Adverse impact on health & workplace productivity of coworkers who witness harassment
 - Job Turnover
 - Reputational Harm



Detrimental Effects to Health Impact & Workplace Productivity

- Psychological Harm: depression, anxiety, PTSD, negative mood, eating disorders, self-blame, anger, substance abuse
- Physical Harm: headaches, exhaustion, sleep problems, Nausea, weight changes, cardiovascular issues, gastric issues, respiratory issues
- Workplace Productivity: decreased productivity, job dissatisfaction, work withdrawal, disengagement, tardiness, excessive absenteeism, work time spent discussing the harassment
- Workplace tension - Effect on Workplace functioning & on physical and psychological health




Job Turnover

Job turnover is potentially the largest single component of the overall cost of harassment.



Perils of the Superstar Harasser

- Employers often make a wrong cost-benefit analysis when faced with allegations of harassment against a highly valued employee.
- Employers are often tempted to ignore misconduct for fear of cost to the organization.
- In reality, the cost of allowing harassment to go unchecked is higher than the cost of losing a highly valued employee.



Reality

Workplaces that tolerate harassment have more of it.

Workplaces that are not tolerant of harassment have less of it.



Holistic Prevention Method

- Leadership
- Policy
- Reporting Procedures
- Training
- Creativity



Leadership: It Starts at the Top

- Values: Leaders believe harassment is wrong and should not occur in the workplace. Leaders convey a sense of urgency in stopping and preventing harassment.
- Authenticity: Workers believe that leaders mean what they say.
- Awareness: Leadership knows about the prevalence of workplace harassment: e.g., via climate surveys.
- Accountability: Leaders address harassment in a swift, effective, and proportionate manner. Leadership holds managers accountable for stopping harassment.

Front line Management is Key

- Frontline managers must be trained on how to respond to reports or observations of harassment in a swift and correct manner.
- Frontline managers be held accountable for their responses to harassment – using discipline or accolades.
- The extent of harassment in a manager's division is not necessarily best measured by the number of complaints from that division.



Policy: Anti-Harassment Policies

- Drafted in simple and clear language
- Clear explanation of prohibited conduct, including examples
- Protection against retaliation for employees who make complaints or participate in the investigation
- Clearly described complaint process with multiple, accessible avenues of complaint and a prompt, thorough, and impartial investigation
- Assurance that the employer will protect the confidentiality of harassment complaints to the extent possible
- Assurance that the employer will take immediate and proportionate corrective action and respond appropriately to behavior



Reporting & Investigating Procedures

- Well-resourced with well-trained investigators
- Take complaints seriously and offer a supportive environment
- Protect against retaliation and keep information confidential to the extent possible
- Provide timely responses and investigations
- Fair to all parties
- Consider testing procedures to see how well they work in practice.



Effective Training

- 1) Uses a live, interactive trainer
- 2) Provides examples tailored to the specific workplace
- 3) Explains unacceptable conduct, not illegal conduct
- 4) Provides information to change behaviors, not attitudes
- 5) Explains easy steps on how to report unwelcome conduct
- 6) Teaches managers how to respond to unacceptable conduct



Creativity: Also Consider Workplace Civility & Bystander Trainings

- Workplace Civility Training:
 - Focused on creating a civil and respectful workplace for all.
 - Not focused on status-based characteristics.
 - Teaches employees to increase their self-awareness of respectful behavior.
 - Provides employees with the skills to control their actions and reactions to people and situations.
- Bystander Intervention Training :
 - Deployed frequently on college campuses to reduce sexual assault.
 - Teaches individuals to recognize warning signs of sexual assault.
 - Creates a sense of collective responsibility and confidence to intervene.
 - Empowers individuals by giving them the realistic, actionable options for intervention.



What would this look like in the workplace?

- Unacceptable Behavior: Workers would know what behavior is unacceptable.
- Collective Responsibility: Workers would feel collectively responsible for having a harassment-free workplace
- Tools and Training: Workers would be given tools and training for intervention, specific to that workplace.
- Rewards, not Retaliation: Workers who stop harassment would be rewarded, not retaliated against.

EEOC Can Help Create Holistic Prevention Efforts

- EEOC agreements in the private sector (settlements, conciliations, & consent decrees) and the federal sector can require effective:
 - Policies
 - Reporting and investigation procedures
 - Compliance training.
- The three checklists for those aspects of a prevention effort, as well as the checklist on leadership, can be used in guiding agreements.

https://www.eeoc.gov/eeoc/task_force/harassment/upload/rebooting_harassment_prevention.pdf

Just search for Sexual Harassment Posters
Find the one best for your company

SEXUAL HARASSMENT

In case you are wondering who has to tolerate Sexual Harassment... the answer is No One!

The Title VII of the Civil Rights Act of 1964 makes workplace sexual harassment unlawful.

To report any incidents or concerns, please contact management OR
The U.S. Equal Employment Opportunity Commission (EEOC),
1811 L Street, N.W., Washington, D.C. 20507 or an EEOC field office
by calling toll free (800) 669-4000. For individuals with hearing
impairments, EEOC's toll free TDD number is (800) 669-6820.

National Safety Compliance
www.nsc.com

SEXUAL HARASSMENT IS ILLEGAL
EL ACOSO SEXUAL ES ILEGAL

English

You Have a Right to a Harassment-Free Workplace!

Sexual harassment is unlawful and unacceptable in the workplace. Unwelcome sexual advances, requests for sexual favors, and other verbal and physical conduct of a sexual nature constitute sexual harassment.

Sexual harassment is illegal whether it is initiated by a supervisor, manager, a co-worker, or any non-employee.

Because of the importance we place on these types of issues, this company has instituted a procedure for investigating harassment complaints. It is our policy to investigate and resolve these issues in a prompt manner. If you have been harassed, or another's conduct creates an intimidating, hostile, or offensive work environment, please notify one of the people below immediately.

To Report a Harassment Issue or for More Information, Please Contact:

Name: _____
Telephone: _____
Name: _____
Telephone: _____

Spanish

Usted tiene derecho a trabajar sin tener que soportar el acoso sexual!

El acoso sexual es ilícito e inaceptable en su lugar de trabajo. Las insinuaciones sexuales inoportunas, la solicitud de favores sexuales y otras conductas verbales y físicas de índole sexual constituyen acoso sexual.

El acoso sexual es ilegal aunque lo inicie un supervisor, gerente, compañero de trabajo o algún individuo que no sea empleado.

Dada la importancia que le prestamos a este tipo de asunto, esta compañía ha instituido un procedimiento para investigar las quejas por acoso sexual. Nuestra política es la de investigar y resolver estos asuntos sin demora. Si usted ha sido acosado(a), o si la conducta de algún otro individuo crea un ambiente en el trabajo que sea intimidante, hostil u ofensivo, sírvase notificarlo de inmediato a alguna de las personas nombradas a continuación.

Para Reportar un Asunto de Acoso Sexual, o para Obtener Información, Sírvase Comunicarse Con:

Nombre: _____
Número de teléfono: _____
Nombre: _____
Número de teléfono: _____

SEXUAL HARASSMENT IS ILLEGAL!

This poster is intended to provide a general awareness of the subjects covered and should not be construed to legal advice or opinion on any specific facts, circumstances or practices. You are urged to consult appropriate legal professionals concerning your particular situations.

EL ACOSO SEXUAL ES ILEGAL!

El propósito de este cartel es para proporcionar un conocimiento general de los temas tratados y no debería ser interpretado como consejo legal o opinión sobre cualquier dato específico, circunstancia o práctica. Se le urge consultar con profesionales en el campo legal acerca de su situación particular.

Sexual Harassment

Federal and State Laws as well as Company Policy Prohibit Sexual Harassment.

Sexual harassment consists of unwelcome conduct of a sexual nature, whether verbal, physical, or visual that affects tangible job benefits, that unreasonably interferes with an individual's work performance, or that creates an intimidating, hostile, or offensive working environment.

Typical Sexual Harassment Cases

An employee is fired or denied a job or an employment benefit because he/she refused to grant sexual favors or because he/she complained about harassment. Retaliation for complaining about harassment is illegal, even if it cannot be demonstrated that the harassment actually occurred.

An employee quits because he/she can no longer tolerate an offensive work environment, referred to as a "constructive discharge." If it is proven that a reasonable person in the victim's position, under like conditions, would resign to escape the harassment, the employer may be held responsible for the resignation as if the employee had been discharged.

An employee is exposed to an offensive work environment. Exposure to various kinds of behavior or to unwanted sexual advances alone may constitute harassment.

Dealing With Sexual Harassment


Often sexual harassment may stop when the victim tells the harasser that their conduct is not welcome and it must cease. Regardless of whether the harasser's conduct stops any incidents or concerns should be reported to the Company. No employee should discourage another employee from complaining about harassment. The Company will not tolerate sexual harassment and all incidents will be promptly and fully investigated. The investigation of a harassment complaint will remain confidential to the extent reasonably possible. The Company will effectuate corrective action if the allegations are proven true. The Company will not allow retaliation against anyone who has expressed concern about harassment or who has participated in an investigation.

If you feel you have been harassed by any person in this Company, or if you cannot locate your copy of the Company's sexual harassment policy that is distributed to all employees, you should immediately notify the person listed below:

THIS COMPANY SUPPORTS A HARASSMENT-FREE ENVIRONMENT FOR ALL EMPLOYEES AND WILL TAKE ALL NECESSARY ACTION TO ENFORCE THIS POLICY.

Contact: _____ at (_____) _____
(If the accused harasser is the person listed above, please contact a senior management representative immediately.)

 To Order Any Additional Required Postings Or For More Information, Please Call... 1-888-306-7377 **MUSKALESS.COM**



Corporate Compliance & Ethics Week November 3-9, 2019

**Take TIME to Review policies
INTERACTIVELY with ALL STAFF!**

“Never doubt that a small group of thoughtful, committed, citizens can change the world. Indeed, it is the only thing that ever has.”

— Margaret Mead





Questions?

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