

From Sex to Religion

Harassment Prevention
(Employee Version)

TRAINING HANDBOOK

Table of Contents

Introduction.....	1
Chapter One: What Is Harassment?.....	2
Chapter Two: Special Concerns Regarding Sexual Harassment	3
Chapter Three: Other Things You Should Know.....	5
Chapter Four: Illustrations of Illegal Harassment and/or Inappropriate Conduct Prohibited by Our Company’s No-Harassment Policy	7
Chapter Five: Disciplinary Action	10
Chapter Six: Your Responsibility.....	10
Chapter Seven: No Retaliation.....	11
Chapter Eight: What To Expect If You Report Harassment.....	11

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The information contained within this product should not be construed as legal advice.

Introduction

This handbook is intended to provide employees with valuable information about the company's zero-tolerance policy against workplace harassment. Please read it carefully, and keep it for future reference. If you have questions about anything contained in this handbook, please contact your immediate supervisor or a member of the Human Resources Department.

Our company will not tolerate harassment based on sex (including same-sex harassment), race, color, religion, national origin, age, disability, or any other legally protected status. We are committed to preventing harassment and promptly resolving any incidents of alleged harassment, and we are taking affirmative steps toward these objectives.

Apart from a personal desire to treat your coworkers with fairness and respect, there are other compelling reasons to end harassment in the workplace. Workplace harassment is illegal and violates company policy. By engaging in workplace harassment, you may subject yourself to serious discipline, including termination, as well as personal embarrassment and monetary loss in the event that legal proceedings are brought against you.

This handbook is designed to teach you:

1. The definition of workplace harassment;
2. Examples of prohibited conduct that may subject you to discipline by the company and/or legal liability;
3. Your responsibilities as a witness or victim of workplace harassment; and
4. What you can expect from the company if you make a complaint of harassment.

After you have read the entire contents of this handbook, you will be asked to complete a quiz to test your understanding of the handbook's contents.

Please keep this handbook in a safe place in case you wish to refer to it at any time during your employment with the company.

Chapter One: What Is Harassment?

Harassment is a form of unlawful discrimination that includes all types of physical or verbal conduct which shows hostility toward a person because of that person's **sex (including same-sex harassment), race, color, religion, national origin, age, disability, or any other legally protected status**. Many states, counties, and cities have laws that prohibit harassment on the basis of other characteristics, such as one's sexual orientation, marital status, and certain inherited genetic traits.

Harassment is prohibited whether it occurs in person, in writing, by telephone, facsimile, e-mail, via the Internet, or through any other means of communication.

Harassment can be physical, verbal, or visual.

Physical:

Examples of prohibited physical harassment include, but are not limited to, unwelcome physical contact, invading one's physical space, damaging one's personal property, offensive gestures, or any other offensive or demeaning act directed at someone because of his/her sex, race, color, religion, national origin, age, disability, or other legally protected status.

Verbal/Visual:

Examples of prohibited verbal or visual harassment include, but are not limited to, unwelcome comments, jokes, epithets, threats, insults, name-calling, negative stereotyping, possession or display of derogatory pictures or other graphic materials, and any other words or conduct that demean, stigmatize, intimidate, or single out a person because of his/her sex, race, color, religion, national origin, age, disability, or other legally protected status.

In addition to violating company policy, workplace harassment may also be illegal under federal anti-discrimination laws. To establish illegal harassment, one must show that:

1. the conduct occurred *because of* the victim's membership in a protected category, including his/her sex, race, color, religion, national origin, age, disability, or other category protected by state or local law;
2. the conduct was uninvited or unwelcome; and
3. the conduct was sufficiently severe or pervasive to create a hostile, intimidating, or offensive work environment, to unreasonably interfere with a person's work performance, or to otherwise adversely affect the terms, conditions or opportunities of a person's employment.

Chapter Two: Special Concerns Regarding Sexual Harassment

The EEOC defines sexual harassment as:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when:

1. submission to such conduct is made either implicitly or explicitly a term or condition of employment;
2. submission to, or rejection of, such conduct by an individual is used as the basis for employment decisions affecting such individual; or
3. such conduct has the purpose or effect of unreasonably interfering with the individual's work performance or creating an intimidating, hostile, or offensive working environment.

"Hostile Environment" and "Quid Pro Quo" Harassment:

Sexual harassment can occur in two forms: *hostile environment harassment* or *quid pro quo harassment*.

Examples of conduct that constitute *hostile environment* sexual harassment include, but are not limited to:

- Touching, including hugs, shoulder rubs, patting, pinching, groping and/or purposely brushing against someone;
- Blocking or impeding someone's movement;
- Dirty jokes, sexually suggestive words or sexual innuendo;
- Excessive flirtation;
- Inappropriate compliments about one's appearance or body parts;
- Comments or references to one's physical attributes or body parts;
- Jokes or stereotyping about gender-specific traits;
- Possession, display, or exchange of sexually-explicit or suggestive objects, posters, calendars, cartoons, diagrams, pictures, or other graphic material;
- Exchange of sexual "gag" gifts;
- Staring, leering, winking, or making other suggestive looks;
- Sexual propositions or advances;
- Sexual gestures or sounds such as catcalls or whistling;
- Repeated (unsuccessful) requests for dates;
- Unwanted attention or gifts such as flowers, love letters, or cards;
- Sexually oriented notes, telephone calls, e-mail, or faxes;
- Practical jokes of a sexual nature;
- Telling lies or spreading rumors about a co-worker's sex life;
- Discussion about one's sex life, sexual experiences, or desires;
- Demands or pressures (actual or implied) for sexual favors; and/or
- Continuing to express sexual or romantic interest after being informed the interest is not welcome.

From Sex to Religion – Harassment Prevention

Quid pro quo is a Latin phrase that means “this for that.” *Quid pro quo* harassment is both the most serious type of harassment and the easiest to recognize. This type of harassment occurs when a manager or supervisor (or anyone in a position of authority who can affect the terms or conditions of the targeted employee’s employment) threatens or imposes an employment action based upon an employee’s willingness or unwillingness to participate in a personal or sexual relationship.

Examples of blatant *quid pro quo* harassment include:

- A manager informing a subordinate that he will promote her if she sleeps with him.
- An employee informing his assistant that he will terminate her unless she goes on a dinner date with him.
- An employee being demoted or reassigned to a less desirable shift/station after declining a supervisor’s advances.

Examples of more subtle forms of *quid pro quo* harassment include:

- A restaurant manager telling a waitress that she’ll “get bigger tips and maybe even a bigger bonus if she’ll just loosen up and show a little more cleavage.”
- An employee inquiring why she received no merit increase and being told by her boss, “You have a bad attitude. Of course, you can always make more money if you see things my way ... You can start with dinner tonight.”
- A manager telling his subordinate that he might be able to get her a bigger office “if (she) acted a little friendlier to him.”
- An executive offering to promote a secretary if she agrees to work on an overtime project with him on Friday nights over cocktails.

Both types of sexual harassment may be illegal and are strictly prohibited by the Company. Supervisors and managers are prohibited from making promises or suggestions (actual or implied) of preferential or adverse treatment as a result of an employee’s acceptance or rebuttal of sexual advances. Similarly, no supervisor or manager has the authority to retaliate against an employee for refusing sexual advances or refusing to engage in a personal relationship.

Nonsexual Gender Stereotyping

Negative gender-specific comments or gender stereotyping can also lead to claims of sexual harassment in the workplace. Statements such as “that’s a man’s job – a woman could never handle it,” or “women are too sensitive to handle pressure jobs,” or “if she didn’t dress that way, he would never have harassed her” are examples of inappropriate gender stereotyping that are strictly prohibited by the company.

Same-Sex Harassment

In 1998, the Supreme Court recognized a cause of action for same-sex sexual harassment. This means that a sexual harassment claim may arise from inappropriate sexual conduct by one employee toward another employee of the same sex, regardless of the sexual orientation of the persons involved. It is important to remember that neither the harasser nor the victim needs to be homosexual in order for same-sex harassment to occur.

Sexual Orientation

Although not yet recognized by federal law, harassment on the basis of one’s sexual orientation is illegal in many states, cities, and localities, and is strictly prohibited in our workplace.

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Men and Women Are Equally Protected

The law protects both genders equally. Harassment is unlawful whether it is committed by a man against a woman, a woman against a man, or where both parties are of the same gender. Thus, a person of either gender can bring a claim of sex harassment, whether it is based on a quid pro quo theory, gender stereotyping, same-sex harassment, or any other form of hostile environment sex harassment.

Chapter Three: Other Things You Should Know

Remember – It’s Not Just Sexual

Although sexual harassment is perhaps the most well-known type of prohibited harassment in the workplace, you should remember that harassment based on race, color, religion, national origin, age, disability, or any other legally protected status is just as prohibited and may subject you to disciplinary action and/or legal liability.

Rank Does Not Matter

Any member of an organization can be liable for harassing any other member of the organization. For example, harassment is prohibited whether it is committed by an employee against another employee, by an employee against a manager or executive, by a manager or executive against a subordinate, or by a manager or executive against another manager or executive. No one within our organization is exempt from our no-harassment policy.

Abuse of Supervisory Authority

No supervisor or other member of management has the authority to harass any employee, nor to suggest to any employee that his/her employment will be affected in any way by participating (or failing to participate) in any form of harassment, or by entering into (or refusing to enter into) any form of personal relationship with the supervisor or member of management. Such conduct is a direct violation of our no-harassment policy.

Harassment By Non-Employees

Our company is committed to providing every employee with a comfortable, harassment-free work environment. Our no-harassment policy is designed to protect you from harassment by anyone with whom you have contact as result of your employment, including non-employees such as customers, vendors, couriers, and sales representatives. Harassment committed by non-employees should be reported to management in the same manner as any other form of employee harassment.

Examples of prohibited non-employee harassment include:

- A favored customer asking the employer to terminate an employee because she rejected the customer’s sexual advances.
- A client making a racial slur in front of an employee.
- A vendor refusing to do business with a particular employee because of his disability.
- A client unwelcomely hugging an employee each time he visits the establishment.
- An important client propositioning an employee for a date, stating that he could “put in a good word” to her boss if he could only get to know her better.

From Sex to Religion – Harassment Prevention

“Severe or Pervasive” Requirement

To be illegal under federal discrimination laws, harassment must be “severe or pervasive.” Generally, the more frequent the conduct, the less severe it needs to be to constitute illegal harassment. Conversely, the less frequent the conduct, the more severe it must be. One isolated incident of harassment may be sufficient to violate the law if it is extremely severe, such as a physical assault. One instance of quid pro quo harassment, or harassment resulting in a tangible employment action (e.g., termination, demotion, denial of promotion, decrease in pay) is usually sufficient to constitute illegal harassment. Remember, our company has a zero-tolerance policy against harassment. This means that, regardless of the “severity” or “pervasiveness” of the behavior, one isolated incident of inappropriate conduct may subject you to serious discipline, including termination, even though the conduct may not be regarded as illegal.

Unwelcomeness

“Unwelcome” means that the victim of harassment did not solicit or incite the conduct or regarded it as undesirable. Silence or acquiescence does not necessarily mean that the person welcomed the conduct at issue.

Witnesses/Onlookers

A claim of harassment does not have to be made by the person at whom the conduct is directed, nor by a member of the protected group targeted by the harassment. A harassment claim can be asserted by any employee affected or offended by the conduct, including witnesses and onlookers. Remember that even though your behavior may be acceptable to some, other employees who witness or become aware of the behavior may find it offensive. For example, you and a coworker may find it acceptable to exchange intimate details about your relationships or other matters of a sexual nature. Another employee who overhears the conversation may find it offensive and may lodge a complaint against you. Similarly, an employee who overhears a coworker telling a racial joke during a personal telephone conversation may have a claim, even if it was not intended for him to hear, and even if he is not a member of the racial group mentioned. For this reason, employees are prohibited from engaging in any conduct that violates our No-Harassment policy, without exception, whether it is among “willing” participants, part of a “private” conversation, or under any other circumstance.

The “Overly Sensitive” Victim

People have different values and standards, and some may be offended by behavior you think is proper. Always remember that your actions will affect different people differently. What one person might find humorous or harmless may be extremely offensive to another. If a coworker expresses discomfort with something you have said or done, never conclude that he/she is being overly sensitive. Apologize for your actions and immediately stop the behavior.

Harassment Away From Work

Our No-Harassment policy applies to all activities and interactions related in any way to your employment, including but not limited to company-sponsored social events, holiday parties, training courses, business trips, etc., as well as all noncompany events that could impact your relationship at work. Your interactions outside of the office can have a direct effect on your comfort level at work. Inappropriate behavior away from work can carry over into the working environment by making someone feel uncomfortable, upset, or distracted from his/her job. You are expected to treat your coworkers appropriately and with respect regardless of whether you are at work, at an off-premises event related to work, or at a noncompany event with coworkers.

From Sex to Religion – Harassment Prevention

No One Is Exempt

Harassment toward any employee is strictly prohibited, whether it is committed by an executive, manager, coworker, or subordinate. No one within our organization is exempt from our No-Harassment policy.

E-mail/Internet

Today's business environment relies heavily on the use of e-mail and Internet communications. Our No-Harassment policy applies to all e-mail and Internet activity conducted at work (including communications sent to and from work). It is against company policy to access, download, view, or send inappropriate text or graphics in the workplace.

Electronic communications sent to, from, or within the workplace are never private. E-mail and Internet usage at work may be monitored at any time. In addition, records of e-mail and Internet usage may wind up as evidence in lawsuits, including suits involving alleged discrimination or harassment. As a general rule, when writing e-mail messages and using the Internet, you should always assume that your activity will be monitored, recorded, and made accessible to the public. Moreover, be aware that e-mail messages can be disclosed, forwarded or inadvertently read by individuals other than the intended recipient(s). Even if the intended recipient does not find the e-mail offensive, it may offend someone whom it reaches.

Chapter Four: Illustrations of Illegal Harassment and/or Inappropriate Conduct Prohibited by Our Company's No-Harassment Policy

Sex

Sexual harassment most commonly involves sexually explicit words, pictures, gestures, or unwanted sexual advances. Sexual harassment can also occur when an employee is subjected to a positive or negative personnel action in exchange for accepting or refusing a supervisor's sexual advances. Conduct that shows gender bias, even if it is not sexual in nature, also is a form of sexual harassment. Sexual harassment is prohibited regardless of the gender or rank of the perpetrator or the victim.

Example

A supervisor regularly awarded promotions, cash bonuses and other benefits to attractive female employees and to women who socialized with him outside of work. A female employee who was not directly affected by the conduct brought a lawsuit alleging hostile environment sex harassment. The court found that the preferential treatment of certain employees on the basis of their sex had become so pervasive that coworkers could reasonably conclude that granting sexual favors was the only way to advance in the organization. Though no significant conduct was ever directed at the woman who brought the lawsuit, the court found that she was subjected to unlawful sex harassment. The court suggested that male employees in that environment would also be able to state a claim for sex harassment.

From Sex to Religion – Harassment Prevention

Example

A male manager appointed an all-male staff to a project that would entail extra work for overtime pay. No women were asked to participate despite having equal qualifications for the project. When a female employee inquired, the manager stated that he did not consider any female employees for the project because he was being sensitive to their needs and desires to be at home with their families after work. When the woman became upset at his response, another employee added that women cannot handle the added stress of late hours and extra work. Although these comments were not “sexual” per se, they showed gender bias which is a prohibited form of sexual harassment.

Race/Color

Race harassment usually occurs in the form of offensive comments, epithets, jokes, slurs, gestures, or through symbolic objects or drawings. Federal law prohibits all forms of harassment on the basis of one’s race or color, even where the victim is white or where the victim and harasser are the same race.

Example

A black teacher at a high school claimed that the principal exhibited hostility to black students, subjected them to harsher discipline than white students for the same misconduct, and failed to discipline a white teacher for making a racial joke. Even though most of his allegations involved conduct directed toward others, his claims were sufficient to state a legal claim for race harassment.

Example

A white mechanic working in a predominately black establishment was subjected to slurs from his coworkers including being called a “honky.” Additionally, whites were assigned the most undesirable jobs, and white supervisors were demoted and replaced with less experienced black employees. A court found that the white mechanic presented sufficient evidence to maintain a claim for race harassment.

National Origin

An individual can state a claim for national origin harassment when he/she is subjected to derogatory conduct aimed at his or her nationality, ancestry, foreign name, accent, appearance, or culture.

Example

A car salesman of Italian ancestry brought a national origin harassment claim against his employer. His dark complexion had drawn comments from the car dealership’s finance manager, who repeatedly hurled the offensive epithet “spic” at him – even after the salesman informed him that the slur commonly applied to those of Hispanic descent, not Italians. The court allowed the salesman’s claim to proceed, reasoning that the epithets were intended to be derogatory, and that the employee’s complexion (which was tied to his national origin) was what prompted the epithets.

Example

A cashier at a convenience store was repeatedly ridiculed by co-workers regarding her appearance and accent. She was from India and chose to wear the traditional sari dress to work. Her coworkers commented that her dress looked like “an ugly curtain” and that she should wash her face to remove the bindhi from her forehead. A supervisor also told her to “learn English” even though her communication skills were sufficient for the job she performed. The employee was subjected to a hostile environment based on her ancestry, appearance, and accent, which constitutes unlawful national origin harassment.

From Sex to Religion – Harassment Prevention

Religion

Religious harassment typically occurs when an employee is subjected to jokes, comments, or other demeaning conduct for affiliating with a certain religion, observing religious holidays, or dressing in accordance with a religious affiliation. Religious harassment can also occur in the form of coercion to participate or not to participate in religious activities. A supervisor or manager may not, explicitly or implicitly, insist that an employee participate in religious activities or hold particular religious views as a condition of continued employment, promotion, preferred job assignments, or any other benefit or privilege of employment.

Example

A supervisor requires an atheist employee to work unreasonable hours on Sundays and religious holidays because the employee does not share the supervisor's religious beliefs.

Example

A group of employees subjects a fellow employee to a barrage of comments about his strict religious beliefs, conservative lifestyle, and involvement in church activities.

Example

A supervisor, who is a born-again Christian, tells an employee that she considers the office to be "a place of God," and that if the employee is unwilling to shape up and "play by God's rules," the employee will be replaced.

Age

Federal law protects persons 40 years of age and older from discrimination and harassment in the workplace.

Example

A manager excludes an older employee from a computer training course, stating that it would be a waste of time because "you can't teach an old dog new tricks."

Example

Coworkers tell an employee that he is too old for the stress and grief of the job and continually encourage him to consider retirement.

Disability

Federal law protects employees from harassment on the basis of perceived or actual disabilities. Disabilities may be physical or mental. Even if an employee is not actually disabled, but is only perceived as disabled, employees are prohibited from harassing that individual on the basis of the perceived disability. Examples of perceived or actual disabilities may include, but are not limited to: alcoholism; asthma; blindness; blood disorders; brain/head injuries; cancer; cardiovascular/heart problems; cerebral palsy; carpal tunnel syndrome; cystic fibrosis; depression; diabetes; disfigurement; dwarfism; drug addiction, excluding current illegal abuse; epilepsy/seizures; hearing impairments; HIV/AIDS; learning disabilities; mental retardation; missing digits/limbs; multiple sclerosis; paralysis; psychiatric disorders; and speech impairments.

Example

A jury found a company liable for harassment because its employees had subjected an individual with dyslexia and related neurological disorders to cruel comments, taunting, and threatening gestures. For example, coworkers had publicly ridiculed him for his spelling mistakes, mimicked his speech, and called him "stupid," "paranoid," "moron," and "dunce."

From Sex to Religion – Harassment Prevention

Example

Coworkers started a rumor that a homosexual employee was HIV-positive. The employee was subjected to cruel comments and jokes, including accusations that he had “contaminated” the restroom and drinking fountain. Even though the employee did not actually have HIV or any other recognized disability, his coworkers engaged in prohibited harassment by treating him as if he did.

Chapter Five: Disciplinary Action

Any employee who engages in, condones, or otherwise participates in any form of harassment in violation of the company’s No-Harassment policy is subject to disciplinary action, up to and including immediate termination. Any employee who retaliates against a person for reporting harassment is also subject to disciplinary action, up to and including immediate termination. In addition, legal liability may be imposed against individual offenders who engage in harassment or retaliation that violates federal, state, or local laws.

Chapter Six: Your Responsibility

It is every employee’s responsibility to understand and abide by our company’s No-Harassment policy, and to refrain from engaging in any form of inappropriate conduct related to one’s sex, race, color, religion, national origin, age, disability, or other legally protected status. It is also every employee’s responsibility to inform the company about all incidents of harassment. The company cannot do anything to remedy the situation if it does not know it exists. If you feel you have been harassed in any way by a manager, supervisor, co-worker, subordinate, customer, vendor, or anyone else with whom you have contact as a result of your employment with our company, or if you are aware of harassment involving others (including another employee’s receipt of preferential treatment in exchange for participation in harassing activities), you should:

- (If you are the victim or a direct witness to the harassment) tell the harasser directly how you feel about his or her actions and that you would like the conduct to stop.
- Report the conduct immediately to the company official(s) designated to receive harassment complaints as set forth in the company’s No-Harassment policy.
- (If the harasser is one of the persons designated by the company to receive harassment complaints) report the harassment to another company official designated to receive harassment complaints, to any member of Human Resources, or to the president of the company.

You should also write down as many details as possible about what happened, including a list of any other individuals who may have witnessed the incident, and submit it to the company official to whom you direct your complaint.

If another employee tells you he or she finds your behavior offensive, do not get angry or insulted. Apologize to the employee and stop the complained-of conduct immediately. Remember that your actions may affect different people differently.

Please do not assume that the company is aware of your problem. Bring your complaints and concerns to our attention promptly so that we can resolve them. In the event you are not satisfied with the disposition of your complaint, please report your concern to the president of our company.

Chapter Seven: No Retaliation

It is illegal to be retaliated against if making a good-faith report of harassment to management. Employees are protected from retaliation of any kind – for filing a complaint or charge of harassment or discrimination, for testifying, assisting, or participating in any manner in an investigation, proceeding, hearing, or for cooperating in any way in connection with a harassment or discrimination complaint.

Chapter Eight: What to Expect If You Report Harassment

The company takes all complaints of harassment seriously. All complaints will be investigated promptly and thoroughly. Investigations will be objective and complete.

Information obtained during the investigation process will be kept confidential to the extent possible under the circumstances. Although it may be the best intentions of the investigator and the company, it is almost impossible for any organization to guarantee complete confidentiality in a harassment investigation. To conduct an effective investigation and take appropriate corrective action, it may be necessary for the investigator to inform the alleged harasser of the complainant's identity and nature of the allegations, to notify the supervisor(s) of the parties involved, and to share relevant information with other company officials or advisers on a "need-to-know" basis.

Typically, the investigator will gather facts by interviewing the person reporting the harassment, the alleged harasser, and key witnesses named by one or both parties. The parties may be asked to prepare or sign a written statement to assist with the investigation. The investigator may look for additional relevant information in the parties' personnel records, through interviews with non-employees, and by visually inspecting relevant objects, pictures, notes, etc.

Individuals who knowingly provide false information in an investigation, or refuse to cooperate in an investigation, may be subject to disciplinary action.

When the investigation is complete, the company will advise the person who brought the complaint and the alleged harasser of the outcome of the investigation. If an investigation confirms that the company's No-Harassment policy has been violated, the company will take whatever appropriate corrective action is warranted under the circumstances, including discipline up to and including termination of employment.

Remember that the company strictly prohibits retaliation against any employee for making a report of harassment or for participating in an investigation of alleged harassment. If you feel you are being retaliated against because you reported harassment or participated in a harassment investigation, report it immediately to any of the company officials designated to receive harassment complaints or directly to the president of the company.