

ESPLANADE RESORT

Sexual Harassment Scenarios and Prevention In-service



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Definitions of unlawful sexual harassment under California state and federal law

Title VII of the Civil Rights Act of 1964

Illegal to discriminate against someone on the basis of their:

- Race
- Color
- Religion
- national origin
- sex



The Pregnancy Discriminations Act (Under Title VII)

Illegal to discriminate against a woman because of:

- Pregnancy
- Childbirth
- medical condition related to pregnancy or childbirth



Definitions of Unlawful Sexual Harassment Under Federal Law

- The Equal Pay Act of 1963 (EPA)
- The Age Discrimination in Employment Act of 1967 (ADEA)
- Title 1 of the Americans with Disabilities Act of 1990 (ADA)

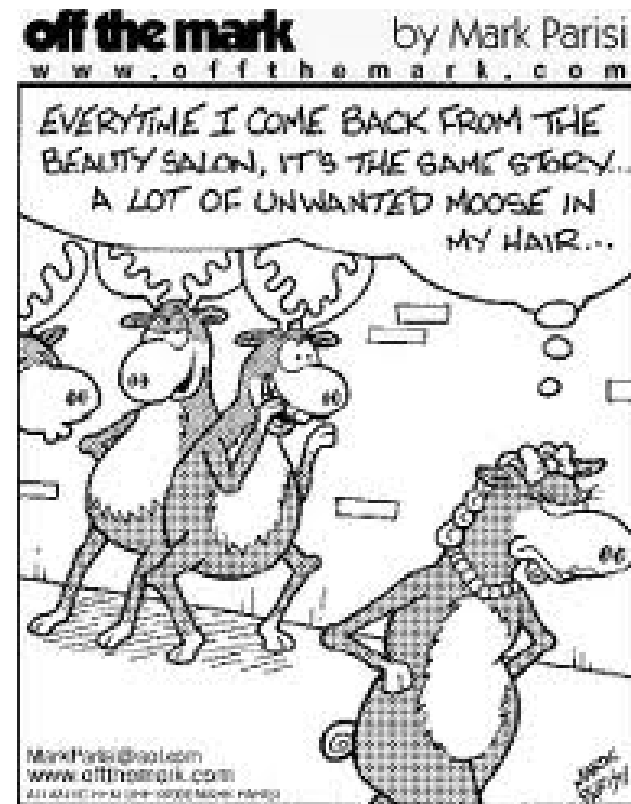


Myth vs. Reality

- Less than 1% of complaints from women of sexual harassment are false. In fact, many victims never report harassment at all.
- Women who are sexually harassed bring it on themselves by the way they dress or act.
- Sexual harassment is rare.
- If an employee asks another employee for a date, this could be grounds for sexual harassment charges.
- In the United States, 1 in 5 women and 1 in 71 men report that they have experienced an attempted or completed rape in their lifetime.

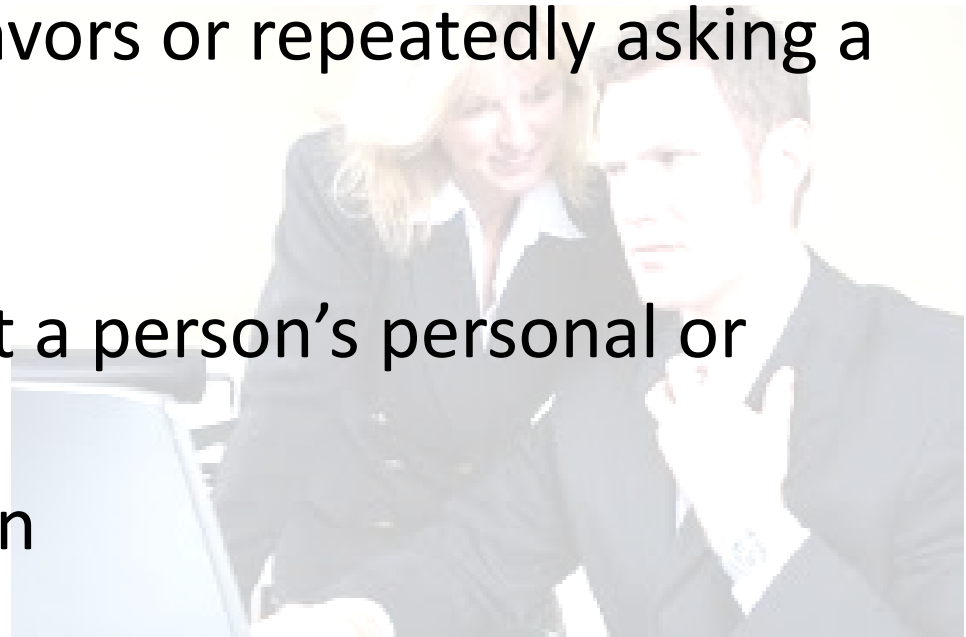
The types of conduct that constitute sexual harassment

- Verbal or Written
- Physical
- Nonverbal
- Visual



Verbal or Written

- Comments about clothing, personal behavior, or a person's body
- Sexual or sex-based jokes
- Requesting sexual favors or repeatedly asking a person out
- Sexual suggestions
- Telling rumors about a person's personal or sexual life
- Threatening a person



Physical

- Assault (Attack)
- Blocking movement
- Inappropriate touching of a person or a person's clothing
- Kissing
- Hugging
- Patting
- Stroking



Nonverbal

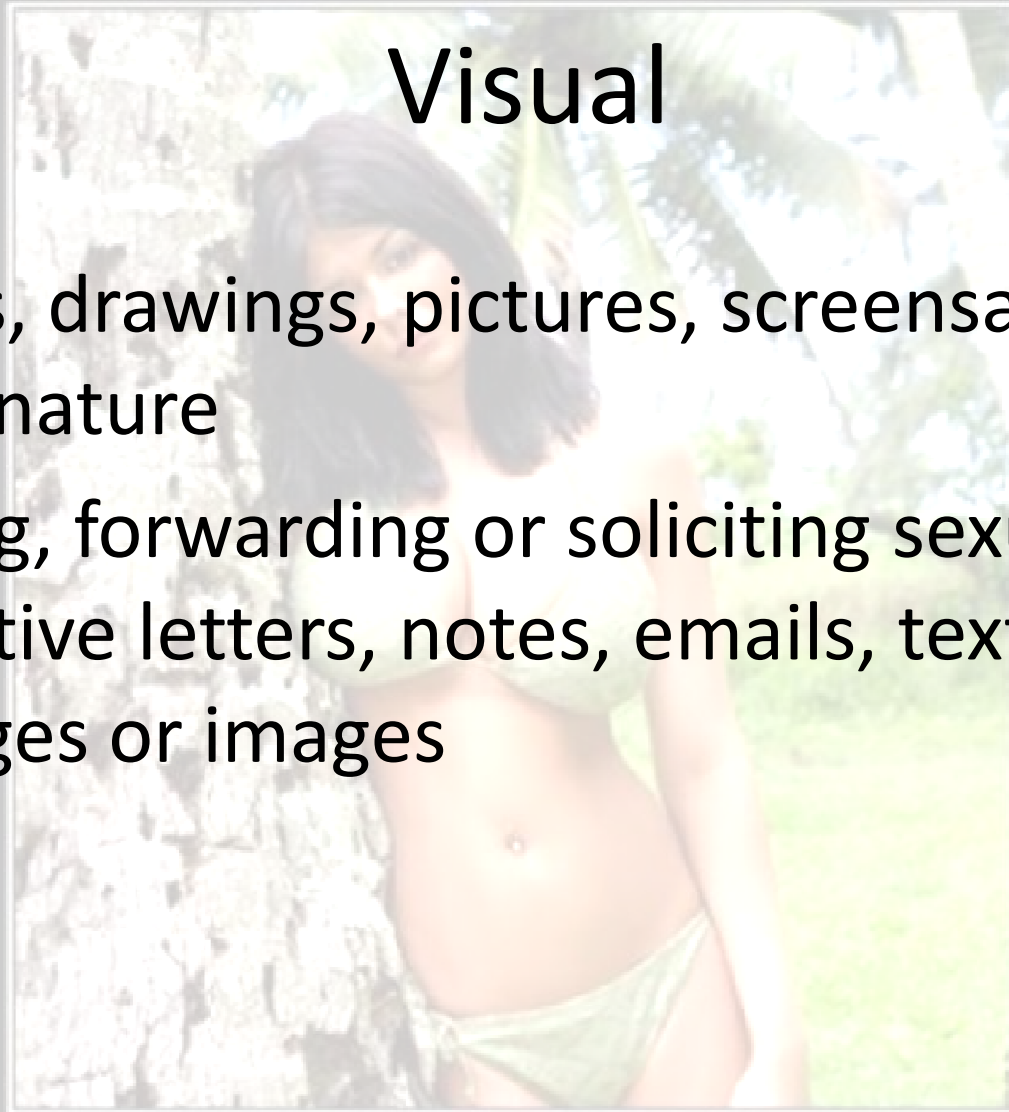
- Looking up and down a person's body
- Derogatory (offensive)

gestures or facial expressions of sexual nature;
following a person



Visual

- Posters, drawings, pictures, screensavers of sexual nature
- Sending, forwarding or soliciting sexually suggestive letters, notes, emails, text messages or images



COCONUTS

She's got a couple of beauties

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How to identify the differences between sexual harassment and discrimination

Sexual Harassment

- Actions of sexual content directed toward an individual
- When sexuality is used to degrade another person
- Consistently asking for a date
- Unwanted, unwelcomed, and repeated behavior of a sexual nature

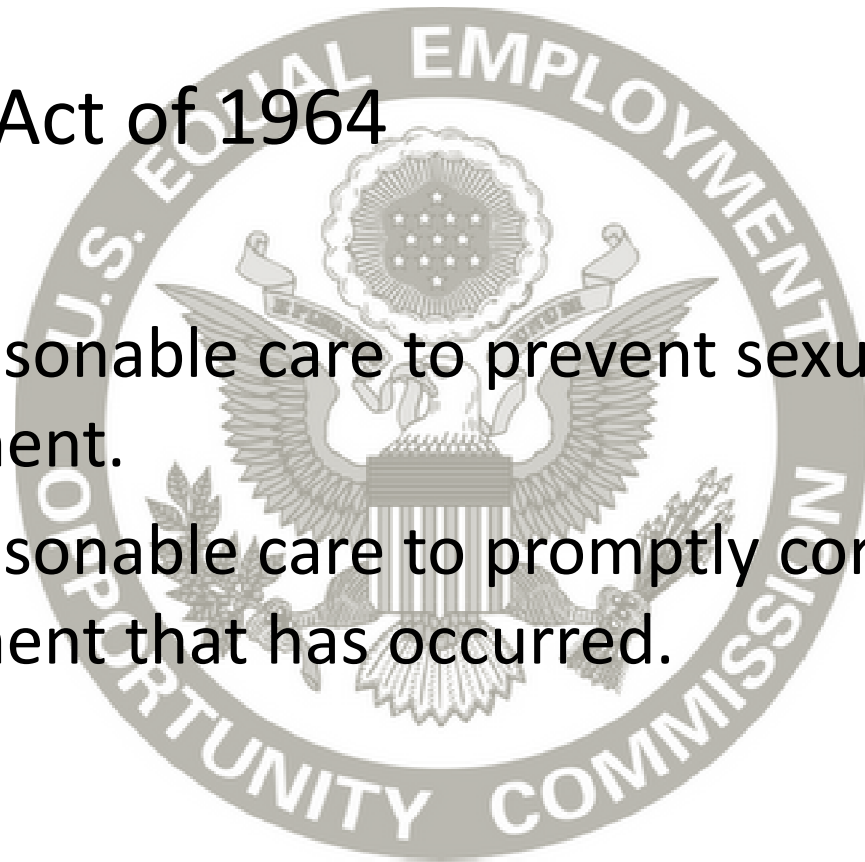
Discrimination

- Involves some type of interaction between the sexes that suggest hints of sexuality, sex roles, gender stereotypes, or sexual behavior
- Making a distinction in favor of or against, a person based on the group to which that person belongs

Employer Responsibilities to Employee

Civil Rights Act of 1964

- Title VII
 - Take reasonable care to prevent sexual harassment.
 - Take reasonable care to promptly correct sexual harassment that has occurred.



Workplace behavior

- Acceptable
- Uncomfortable
- Inappropriate
- Unacceptable



Correct workplace behavior

- Acceptable



Incorrect Workplace Behavior

- Uncomfortable
- Inappropriate
- Unacceptable



How to prevent sexual harassment

- It is helpful for the victim to directly inform the harasser that the conduct is unwelcome and must stop.
- Be direct and specific about what is offensive to you. If you are not comfortable with a personal confrontation, write a letter that describes the behavior and makes it clear that you want it to stop. Keep a copy, have someone witness it. Describe exactly what happened. Document the alleged harassment: include dates of incidents, time of day, location, names of the persons involved, and possible witnesses.
- The victim should use the companies employer complaint mechanism.

Practical Examples

Case Scenario 1

- Bob and Olga, catering associates, travel together on a week-long trip to a convention. They are currently in a taxi ride from the airport to the hotel.
- While Olga finds Bob's behavior offensive and unwelcome, the regulations regarding sexual harassment in the work place are not relevant, since Bob and Olga were not at their usual workplace when the incident happened.
- True or False?

Practical Examples

Case Scenario 2

- This is Jim and his co-worker Maria whom are both sous chefs at a restaurant in town.
- Jim's behavior does not constitute sexual harassment, because sexual harassment may only occur between a male boss and a female subordinate.
- True or False?

Practical Examples

Case Scenario 3

- This is Sierra who has just returned from maternity leave.
- The boss's behavior constitutes as sexual harassment?
- True or false?

Remember...

- It is unlawful to harass a person (an applicant or employee) because of that person's sex. Harassment can include "sexual harassment" or unwelcome sexual advances, requests for sexual favors, and other verbal or physical harassment of a sexual nature.
- Harassment does not have to be of a sexual nature, however, and can include offensive remarks about a person's sex. For example, it is illegal to harass a woman by making offensive comments about women in general.
- Both victim and the harasser can be either a woman or a man, and the victim and harasser can be the same sex.

...Remember.

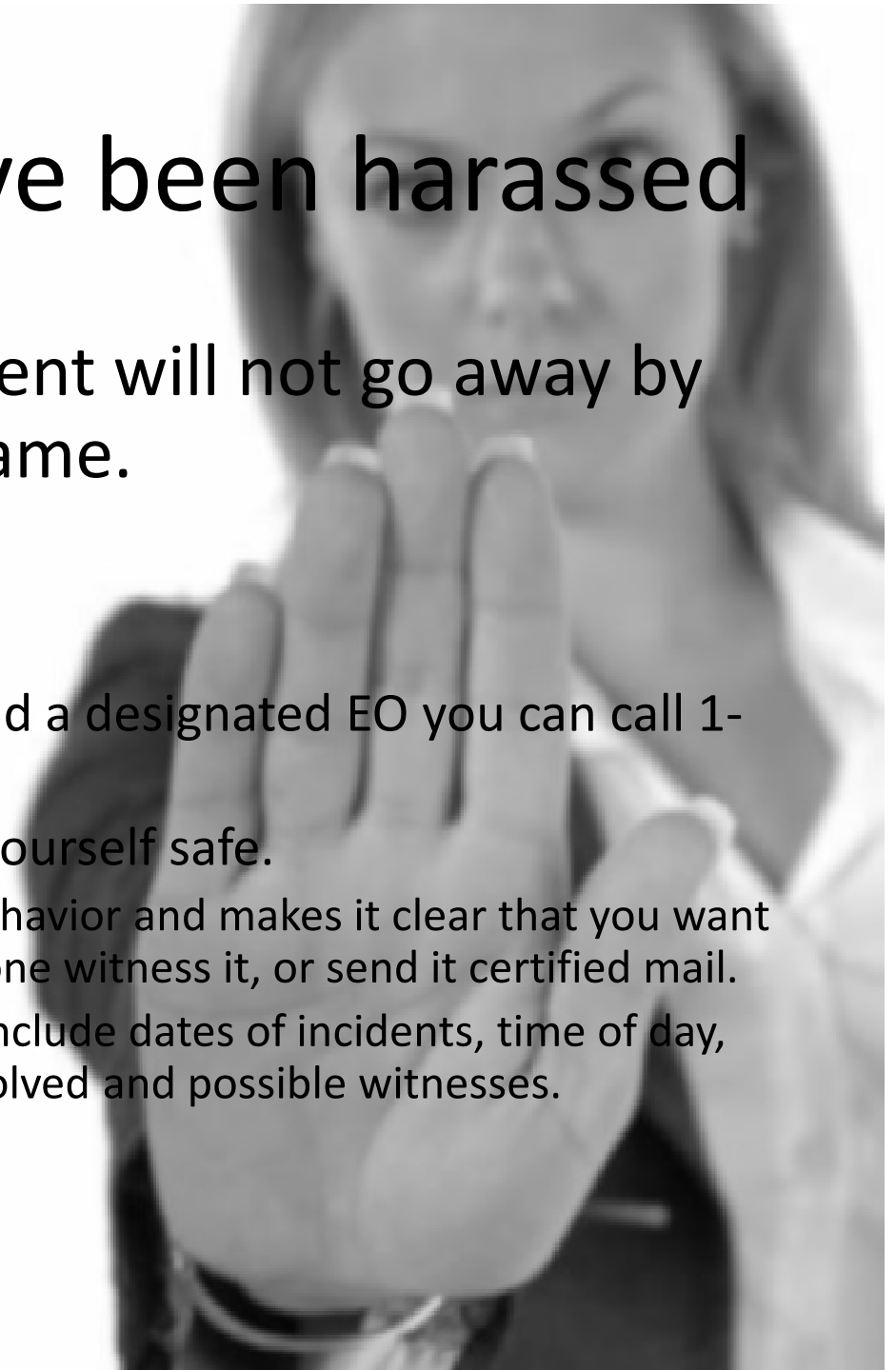
- Although the law doesn't prohibit simple teasing, offhand comments, or isolated incidents that are not very serious, harassment is illegal when it is so frequent or severe that it creates a hostile or offensive work environment or when it results in an adverse employment decision (such as the victim being fired or demoted).
- The harasser can be the victim's supervisor, a supervisor in another area, a co-worker, or someone who is not an employee of the employer, such as a client or customer.

If you feel you have been harassed

Remember sexual harassment will not go away by itself and you are not to blame.

Strategies:

- Say no to the harasser.
- Immediately inform a manager and a designated EO you can call 1-800-669-4000
- Do what you need to do to keep yourself safe.
 - Write a letter that describes the behavior and makes it clear that you want it to stop. Keep a copy, have someone witness it, or send it certified mail.
 - Describe exactly what happened. Include dates of incidents, time of day, location, names of the persons involved and possible witnesses.



FYI

April is Sexual Assault Awareness Month

- **Visit this link for more information**

<http://www.cdc.gov/Features/SexualViolence/>

- If you are, or know someone who is, the victim of sexual violence, contact the Rape, Abuse, and Incest National Network (RAINN) hotline at 1-800-656-HOPE or contact your local emergency services at 9-1-1.

Works Cited

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- <http://www.stopvaw.org/uploads/case.pdf>