

SEXUAL HARASSMENT TRAINING
IN A MANUFACTURING ENVIRONMENT

by

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ABSTRACT

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Due to the increasing numbers of women in the workforce – in production and professional positions – and the amount of money spent each year on sexual harassment cases, the issue of sexual harassment has become an important factor in the manufacturing arena.

The purpose of this study is to design a complete sexual harassment training program for the employees of Johnson Matthey Electronics, at the Chippewa Falls, Wisconsin plant. This study contains a four-hour training

program designed for the managers and supervisors of the Chippewa Falls facility. The employee-training manual is not included due to the fact that the management session includes everything that is in the employee session plus additional information for managers. The program was designed around three key elements. First – Many employees had preconceived notions about sexual harassment because of the previous company from which they transferred; therefore, ground rules need to be set right away. Second – The target audience came from diverse backgrounds with different experiences and levels of education, energy, and power. Third – The audience was comprised of males and females so the training had to be gender neutral. The key elements of the training program needed to include the recognition of sexual harassment, definitions, and proper procedure for dealing with potential harassment situations. The program also includes a pre-test and post-test for retention of information. Sources used include personal observations, published literature and video excerpts provided by Anderson-Davis (1988) *Myths vs. Facts*.

The review of literature presents the historical perspective of Johnson Matthey Electronics as well as a historical perspective of sexual harassment, including a chronology of sexual harassment law drawn mainly from two sources: Jones, Constance. (1996). *Sexual Harassment*. New York: Facts on File; and Szymansky, Sharon and Cydney Pullman. (1994). *Sexual Harassment at Work: A Training Workbook for Working People*. New York: the Institute. The review also presents data showing the number of women that have reportedly been the victims of some form of sexual harassment on the job, as well as data showing

the monetary impact of sexual harassment in a typical *Fortune 500* company. A process for developing sexual harassment training programs is also presented.

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Introduction

Sexual harassment in the workplace can be extremely costly to both the organization and its employees. Costs to the organization include damage to the company's reputation, lower morale, a decrease in productivity levels, an increase in turnover, absenteeism and potential legal costs. (Coastal Human Resources ,1998 P. 2). Johnson-Matthey Electronics, a semiconductor part manufacturer located in Chippewa Falls, Wisconsin, recognized this fact and wanted to create a better training program for employees and managers at the plant.

The training was to be aimed at all 1626 Johnson Matthey Electronics employees at the Chippewa Falls plant; this includes exempt and non-exempt employees. The employee training was to be two hours long and the manager training was scheduled for four hours, to provide enough time to go over the proper procedures for handling sexual harassment complaints. The employees were recognized as a large group of diverse people. This diversity included age, gender, ethnic, and education backgrounds. The management staff included an equally diverse group. The management diversities included culture (some were recently moved to Chippewa from England), age, gender, and educational backgrounds ranging from two-year associate's degrees to four-year degrees. The manager's group also varied in authority level from direct production supervisors, to the Vice President of Operations.

The entire Johnson Matthey staff (exempt and non-exempt) consists of approximately 1226 full-time employees and 400 temporary employees, all of

which would attend this training. The assembly department (non-exempt staff) consists of approximately 30 percent male and 70 percent female employees. The out-of-assembly department (exempt staff) consists of approximately 60 percent male and 40 percent female employees. Since the audience would consist of both males and females, the training had to be gender neutral. This was done to prevent any isolation or discrimination with any one particular group.

Background of the Problem

As mentioned earlier, sexual harassment has become an important factor in businesses and social settings. This is due in part to the increasing numbers of women in the workforce. Not only are women entering the workplace in production jobs but also in professional positions. Another factor is the amount of money that is spent each year on sexual harassment cases. Johnson Matthey has not had any sexual harassment cases go to court, but they have had incidents that were addressed at the company level.

Statement of the Problem

Johnson Matthey Electronics had recognized the need for sexual harassment training, and had a sexual harassment training program in place. However, the existing program was not designed to cover specific actions that management must take to prevent sexual harassment or how to handle sexual harassment complaints. It also did not cover the steps employees can take to stop sexual harassment in the workplace. The purpose of this study was to design a complete sexual harassment training program for Johnson Matthey employees, including management and supervisors, at the Chippewa Falls plant.

This was done by combining new information and materials, provided by Johnson Matthey, to existing materials used in previous training. The new program also integrated information from research studies and journal articles.

Definition of Terms

The following terms are used in this report.

Production Employees: The production employees of Johnson Matthey Electronics consist of 784 full-time employees and 366 temporary employees which are employed to Johnson Matthey Electronics through Kelly Staffing Services. The male to female ratio in this group is approximately 30 percent male and 70 percent female. This ratio, along with the number of employees, is constantly changing due to the production needs of the company. This group is largely from the Chippewa area and most employees live within 40 miles of the plant. Employees do not have to possess a college degree or a high school diploma. If they do not have a high school education, they must have completed eighth grade and pass a high school equivalency exam at Chippewa Valley Technical College before being hired. Production employees work directly with the product on the shop floor. (Johnson Matthey, interview)

Management: The management staff consists of supervisors, module managers, and support staff for Johnson Matthey Electronics. This group is made up of 342 people which is broken down further into 292 supervisors and managers (indirect production) and 150 support staff. This group must possess a two or four year college degree or an equivalent amount of professional experience. The male to female ratio of this group is approximately 60 percent

male and 40 percent female. This number is not changing as rapidly as the production employee number. The geographical composition of management is more diverse than the production employees. People in the management group come from as far as England (where the parent company is located) to Colorado to other parts of Wisconsin. (Johnson Matthey, interview)

Sexual Harassment: This refers to any unwanted or unwelcome sexual attention or sexual expression from someone else in the work community that makes the person who experiences it uncomfortable. (Anderson-Davis, 1988 video) Quid Pro Quo: This is a type of sexual harassment which means “something for something.” An example would be a supervisor using threats or rewards accompanied by sexual advances. (Anderson-Davis, 1988 video)

Hostile Environment: This is a second type of sexual harassment which covers regular and repeated actions, or things displayed around the workplace that “unreasonably interfere” with job performance. An example of this would be a calendar of women or men in provocative clothing hanging up in someone’s office. (Anderson-Davis, 1988 video)

Sex Discrimination: This is a behavior that occurs when employment decisions are based on an employee’s sex or when an employee is treated differently because of his or her sex. (Anderson-Davis, 1988 video) Example: A female getting a clerical position instead of a lineworker position, because “clerical work is woman’s work.”

Sexism: This is an attitude of a person of one sex that he or she is superior to a person of the other sex. Example: “I’m female therefore I can do a

better job than you can, because you are a male.” (Anderson-Davis, 1988 video)

Sex-based Harassment: Behavior that denigrates or ridicules an employee, or is abuse because of his/her sex. (Anderson-Davis, 1988 video)

Example: Male workers belittling a female worker about her quality of work because she is a woman.

Subtle Sexual Harassment: Unwelcome sexual or sex-based behavior that, if allowed to continue, could create legal liability for the organization.

(Anderson-Davis, 1988 video) Example: A supervisor allowing employees to tell sexual jokes in the workplace.

Third Party Sexual Harassment: Unwelcome sexual behavior that is not directed at an employee but occurs when that employee is around. It can also occur if someone outside the company creates a hostile work environment within the company. (Anderson-Davis, 1988 video) Example: A purveyor comes into the company and speaks in a sexual sense to Employee A about Employee B while Employee B is around.

Significance of the Study

Because of the nation-wide increase in legal issues surrounding sexual harassment in the workplace, Johnson Matthey Electronics decided to update their training concerning sexual harassment for their employees. The problem was to update the current training and develop a training program. The existing training was conducted during new employee orientation and consisted of a forty-minute video and a handout. The training was designed in hopes of increasing employee and management awareness of sexual harassment in order to reduce

the risk of future legal problems.

Methodology

This study was designed around an extensive literature review. The research also included informal discussions with the Human Resource personnel who had developed the original sexual harassment handout. The literature review was helpful in obtaining current information that related to sexual harassment. It was also helpful in discovering examples and trends of sexual harassment and sexual harassment training that were currently occurring in the manufacturing industry.

Assumptions

The researcher assumed that although information on sexual harassment was provided to new employees during orientation through a handout, the content was not complete. Another assumption was that the training had to be different for production employees and managers because of the relevant issues and situations that each group would come in contact with. The existing video and handout had to be altered and expanded upon in order to design a complete training session.

Limitations

Due to a production increase in the company and restructuring, only a limited number of managers and supervisors were able to attend the training. The rest of the training was put on hold in January 1998 until further notice. However, a complete manual and outline for training was developed as requested.

Chapter II

Review of Literature

Historical Perspective

Johnson Matthey Electronics is the world's leading supplier of semiconductor process metals and die-attach pastes for hermetic applications. The company is also a leading supplier of seal lids, soft solders, discrete products, aluminum wire, temperature measurement devices, thermocouples, printed circuit boards, semiconductor packages, high-purity metals, photonic materials, contract manufacturing and cleanroom outsourcing services. Johnson Matthey Electronics has over 90 sites in 30 countries, with 25 sites located across the United States.

Some of the operating divisions include: precious metals, metal joining, catalytic systems, ceramics, and electronic materials. Johnson Matthey Electronics has been supplying advanced materials for over 175 years. The Chippewa Falls division is the only one located in Wisconsin. This plant produces semiconductor packages for Cray Research and Intel computers. The market for the new semiconductor laminate packages is forecast to grow at rates in excess of 100 percent per year for the next few years (Johnson Matthey's Information Brochure, 1997). Because of this growth, the amount of new employees, and the diversity of the employees is also increasing rapidly.

Historical Perspective of Sexual Harassment

Most histories of sexual harassment begin in 1964 when Congress passed Title VII of the Civil Rights Act and created the Equal Employment Opportunity Commission (EEOC). In her book Sexual Harassment, Constance Jones identified incidents of sexual harassment dating back to the 1830's. Although the term "sexual harassment" wasn't coined until the 1960's, Jones notes that

printers in Boston conducted a campaign of intimidation to force women out of their jobs in that industry in 1835.

Following is a chronology of sexual harassment law drawn mainly from two sources: Jones, Constance. (1996). Sexual Harassment. New York: Facts on File; and Szymansky, Sharon and Cydney Pullman. (1994). Sexual Harassment at Work: A Training Workbook for Working People. New York: the Institute.

- 1964:** Congress passed Title VII of the Civil Rights Act, which prohibits discrimination at work on the basis of race, color, religion, national origin and sex. The EEOC is created.
- 1969:** U.S. Department of Defense drafted a Human Goals Charter, establishing a policy of equal respect for both sexes.
- 1972:** The EEOC is given power, by Congress, to enforce Title VII.
- 1976:** Quid pro quo sexual harassment is recognized as discrimination in *Williams v. Saxbe*.
- 1978:** The Civil Service Reform act barred sexual discrimination in federal employment.
- 1980:** EEOC drafted "Guidelines on Discrimination Because of Sex". *Brown v. City of Gutherie* established a legal precedent for hostile environment sexual harassment claims.

1981: In *Bundy v. Jackson*, the court concurred with the definition of hostile environment sexual harassment, holding that employers can be liable for sexual insults and propositions even if the worker did not lose any job benefits as a result.

1982: Eleventh Circuit Court in *Henson v. City of Dundee* clarified legal definitions of quid pro quo and hostile environment sexual harassment.

1983: The Fourth Circuit Court in *Katz v. Dole* held that a person's past conduct does not waive her protection against "unwelcome" harassment.

The Delaware District Court upheld a claim of discriminatory sexual harassment by an employee who did not receive the same consideration as a co-worker who participated in a sexual relationship with a supervisor.

1985: The Washington, D.C. Circuit Court in *McKinney v. Dole* held that physical violence that is not sexual could be sex-based harassment if shown to be unequal treatment that would not have taken place but for the employee's sex.

The International Labor Organization published its "Equal Opportunities and Equal Treatment for Men and Women in Employment" Guidelines.

1986: The United States Supreme Court in *Meritor Savings Bank v. Vinson* held that "A claim of hostile environment sexual harassment is a form of sex discrimination that is actionable under Title VII; the language of Title VII is not limited to "economic" or "tangible" discrimination and harassment leading to non-economic injury can violate Title VII; and the mere existence of a grievance procedure in the bank and the bank's policy against discrimination, coupled with respondent's failure to invoke that procedure, do not necessarily insulate the bank from liability."

1990: The EEOC updated Guidelines on Discrimination Because of Sex, adding regulations on definition and prevention. These guidelines defined sexual favoritism as a form of sexual harassment.

1991: Congress passed the Civil Rights Act of 1991 to amend the Civil Rights Act of 1964 to strengthen and improve Federal civil rights laws, to provide for damages in cases of intentional employment discrimination, to clarify provisions regarding disparate impact actions, and for other purposes.

The Sixth Circuit Court ruled in *Robinson v. Jacksonville Shipyards* that all pictures -- not limited to pornography -- in which the model "is posed for the obvious purpose of displaying or drawing attention to private portions of his or her body" constitute a hostile environment.

The Ninth Circuit Court in *Ellison V. Brady* adopted a reasonable woman standard as the appropriate test to be applied in determining whether conduct is sufficiently severe or pervasive to create a hostile work environment.

The Eighth Circuit Court heard the first class action sexual harassment suit in *Jenson v. Eveleth Taconite*. The Court ruled in favor of the seventeen women miners who alleged sexual harassment so severe that some carried knives to work for self-protection and several were forced to go out on disability because of depression. However, the Court awarded

miniscule damages and, in effect, limited the ability of a defendant to obtain emotional distress discovery in a sexual harassment case.

Anita Hill submitted a confidential affidavit to the Senate Judiciary Committee, charging that Supreme Court nominee Clarence Thomas had sexually harassed her from 1981 to 1983. Senate hearings on this charge were held in October; the charge and the hearings were to have long-lasting effects on the nation's understanding of sexual harassment

1992: The EEOC reported a 62% increase in the number of harassment complaints received between 1991 and 1992.

Senator Brock Adams (D-WA) was accused of sexual harassment and terminated a bid for re-election. Senator Daniel K. Inouye (D-HI), Senator Dave Durenberger (R-MN), and Senator Bob Packwood (R-OR) were also charged with sexual harassment.

1993: The Second Circuit Court in *Karibian v. Columbia University* held that a plaintiff in a quid pro quo harassment case need only allege an unwelcome sexual advance plus the reasonable fear of a job-related reprisal to prove sexual harassment, not actual economic harm.

The New Jersey Supreme Court in *Lehmann v. Toys "R" Us* upheld the reasonable woman standard and also held that an employer has an affirmative duty to take prompt remedial action to end harassment.

The United State Supreme Court in *Harris v. Forklift Systems Inc.* held that to be actionable as hostile environment harassment, conduct need not seriously affect an employee's psychological well being or lead the plaintiff to suffer injury.

1994: A federal court in California in *Doe v. Petaluma* held that if a school had notice of peer sexual harassment and failed to take appropriate corrective action, the school is liable under Title IX of the Education Amendments of 1972.

A trial court in California in *Weeks v. Baker & McKenzie* ruled that the law firm had failed to end harassment against the plaintiff and awarded her \$7.1 million in punitive damages.

1998: The United States Supreme Court in *Oncale v. Sundowner Offshore Services* held that sex discrimination consisting of same-sex sexual harassment is actionable under Title VII. Title VII's prohibition of discrimination "because of sex" protects men as well as women.

The United States Supreme Court in *Faragher v. City Of Boca Raton* held that an employer is vicariously liable for actionable discrimination caused by a supervisor.

The United States Supreme Court in *Ellerth v. Burlington Industries* held that under Title VII, an employee who refuses the unwelcome and threatening sexual advances of a supervisor, yet suffers no adverse, tangible job consequences, may recover against the employer without showing the employer is negligent or otherwise at fault for the supervisor's actions.

According to Training and Development Magazine (March 1999), studies show that 40 to 90 percent of women report having been the victims of some form of sexual harassment on the job. 10 to 15 percent of those women “responded assertively to” or reported the incident. Over one half of the victims say and do nothing. Monetary awards for sexual harassment claims reached \$49.5 million in 1997 – an increase of 597 percent since 1991. This total does not include awards obtained through litigation. A typical *Fortune 500* company pays \$6.7 million per year in absenteeism, low productivity, and employee turnover due to sexual harassment. (Allerton, 1999 P.12).

Developing Sexual Harassment Training Programs

Sexual harassment training programs need to recognize not only the audience but also the current state of the company with regards to sexual

harassment. The current state will inform the instructor about company policies, past practice, and support for the program. The training program should cover all aspects of sexual harassment. It is important for employees to recognize what sexual harassment is, so they can identify if they are potentially being harassed and/or if they are potentially harassing someone else. A plan needs to be identified with regard to handling harassment complaints, not only from the alleged victim's perspective but also the perspective of the person handling the complaint. Pre and post assessments will help recognize the effectiveness and retention of the training. Facts must also be stated so the audience can recognize the reality of the situation.

Chapter III

Methodology

The purpose of this study was to design a complete sexual harassment training program for Johnson Matthey employees, including management and supervisors, at the Chippewa Falls, Wisconsin plant. Though some training

already existed, it was not used as a separate training module. It consisted of a handout that was given to new employees at orientation. The existing training had to be altered and expanded upon in order to design a complete training session. The training was designed in hopes of increasing employee and management awareness of sexual harassment in order to reduce the risk of future legal problems.

Procedure

The procedures used for developing this study included informal interviews with Human Resource employees and extensive literature review. The results of the literature review, discussions with Human Resources, and previously used materials were combined and incorporated into developing the training session for Johnson Matthey.

An extensive amount of research was done in order to gather information to be used during the training session. The first discussion was with the training manager for Johnson Matthey Electronics. This interview took place in February of 1997. Determination was made that the existing training was not thorough enough for the company. Because of the amount of new employees that were going to be hired in the next six months, the training manager and benefits coordinator determined that the training needed to be more specific to employees and managers. It was also decided that more information concerning sexual harassment needed to be included.

A newly purchased video was reviewed and the researcher developed portions of the training around the existing video. New vocabulary words were

identified. These words were then recorded and defined in the training session. The definitions were customized to Johnson Matthey and the video was tailored to Johnson Matthey Electronics policies.

The existing training was reviewed and edited by the researcher. The researcher felt that the existing handout and video did not provide enough information about Johnson Matthey Electronics policy or sexual harassment situations. Even though Johnson Matthey Electronics policy on sexual harassment is strong, the researcher felt that this was not emphasized enough in orientation nor in the handout.

More information was gathered from the Human Resource Generalist and was reviewed by the researcher and the generalist. Some of this information was out of date and needed to be revised. However, a lot of the information received was very useful in developing the training session. This information was also customized to Johnson Matthey Electronics policy.

It was determined that the trainee group would consist of men and women of all ages and educational background. It was initially determined that a female would facilitate the training. This would not change because the amount of women and men attending the training is not that unequal, and there are no males in the training department.

To date, Johnson Matthey has not experienced any forms of litigation concerning sexual harassment. There have only been minor complaints filed by a few employees and one complaint that was taken to the company lawyer, but was not taken any further. Even though sexual harassment has not been a

major legal concern at the moment, Johnson Matthey wanted to take a proactive stand on this issue. According to one of the Human Resource Generalists, sexual harassment was a larger legal concern before Johnson Matthey bought this division of Cray research on April 1, 1996. Because of the cross over of employees from Cray to Johnson Matthey Electronics, the training and human resource department felt it necessary to take this proactive stand on sexual harassment.

A training session was developed that included terms and definitions, video clips, myths and facts about sexual harassment, and group activities with discussions. Excerpts of the session were pulled out and made into an informational handout for all trainees. This handout contained numbers and people to contact if the trainees had any questions, suggestions for managers on how to deal with sexual harassment complaints, ways to deal with sexual harassment if you are being harassed, and how to make the Johnson Matthey Electronics work environment harassment-free. The training manual, which was developed for the trainer's use, contained definitions of terms, pre and post-tests for the trainees, myths and facts about sexual harassment, examples of types of sexual harassment, along with the information that was included in the trainee's handout, and suggested video clips with discussion questions. It was determined by the Training Manager and the researcher that the session would have to include activities in order to keep the trainees interested. The videos and discussions along with interactive lecture would keep the session interesting as well as educational.

Pilot Application

After portions of the sessions were completed, it was given to the Training Manager. Suggestions were made for editing purposes. The editing took place by the researcher. The Human Resources Generalist also reviewed parts of the session and made suggestions for editing purposes. After editing, the completed manual was once again given to the Training Manager for final approval. Once the sessions (employee and management) were approved, a disk containing both sessions and the PowerPoint Presentation was sent to Spokane, Washington where another Johnson Matthey Electronics site is located. The division in Spokane was also starting to develop a sexual harassment awareness-training program and wanted to utilize the Chippewa Falls' program as a guide.

A pilot run of the training program was given to the Human Resources Department in October of 1997. The results of the evaluations were reviewed and minor changes were made to the program.

Two four hour sessions were then implemented in the month of November to groups of 10 supervisors and/or managers. The training was well received by the trainees. Unfortunately, due to the ramp up in production for the company, this training was put on hold. The researcher left the company before any more sessions were delivered, however, two members of the Human Resource Department were designated to continue the training in February of 1998.

Timeline

The following illustrates the timeline for designing the training manual and

training sessions:

- February 26, 1997 Received preliminary information concerning project.
- March 4, 1997 Conducted informal interview with Human Resource Generalist to gather information needed for project.
- March 6, 1997 Began research on topic utilizing the Internet, videos, and existing manuals.
- March 18, 1997 Delivered first training session (for employees) to Training Manager for suggestions.
- March 24, 1997 Began editing employee training session.
- March 27, 1997 Delivered revisions to Training Manager for approval.
- April 14, 1997 Delivered second training session (for management) to Training Manager for suggestions.
- April 22, 1997 Began editing second section of employee training.
- April 24, 1997 Delivered revisions to Training Manager for approval.
- April 28, 1997 Final approval was given by Training Manager and Human Resource Generalist.
- April 29, 1997 Began developing presentation on PowerPoint.
- May 5, 1997 Final product was sent to Spokane, Washington.

Chapter IV

Results

The following chapter includes an outline of the management training session, a course description for the management session and the management training manual. The employee training manual is not included due to the fact

that the management session includes everything that is in the employee session plus additional information for managers. This session is supplemented by video excerpts provided by Anderson-Davis (1988) *Myths vs. Facts*.

Outline of Management Training

- I. Learner Objectives and Introduction
 - A. Pre-test for management
 - B. Personal Objectives test
- II. Definitions Relating to Sexual harassment

- A. Tie Scenario Video
 - a. discuss video
 - B. The Negligee Video
 - a. discuss video
- III. Myths and Facts about Sexual Harassment
- IV. Recognizing Sexual Harassment
- A. Physical
 - B. Verbal
 - C. Non-Verbal
 - D. The Hallway Scenario Video
 - a. discuss video
- V. Intent vs. Impact
- A. Third Party Scenario Video
 - a. discuss video
 - B. The Gift Scenario Video
 - a. discuss video
-
- C. The Water Fountain Scenario Video
 - a. discuss video
- VI. Common Questions and Answers
- VII. What Can You Do?
- A. Johnson Matthey Electronics policy

B. Confronting Subtle Sexual Harassment Scenario Video

a. discuss video

VIII. Why Some People Hesitate

IX. Legal Rights and Standards

A. Title VII of the 1964 Civil Rights Act

B. The Reasonable Woman Standard

X. Management's Liability

A. Know About

B. Should Know About

XI. Handling a Complaint

A. Common Reactions of Victims

B. Goals Regarding complaints

C. Proper Questions

D. What Not to Ask

E. Information to Give Employees

F. Important Tips

XII. What if the Employee Doesn't Want You to Say Anything?

XIII. Talking With the Alleged Harasser

XIV. Common Management Mistakes

XV. Cost of Sexual Harassment

XVI. Impact of Sexual Harassment

XVII. Summary

A. Learner Objective Evaluation

B. Post-Test for Management

Course Description

Course Title: Sexual Harassment Awareness Training for Management

Course Length: 4 Hours

Course Description: This course is designed to provide information about awareness of sexual harassment in the workplace and how to properly manage

sexual harassment situations.

Target Audience: Managers, Supervisors and Support staff at Johnson

Matthey Electronics

Course Contents:

1. Learner objectives
2. Definitions relating to sexual harassment
3. Myths and facts about sexual harassment
4. Recognizing sexual harassment
5. Intent vs. impact
6. Common questions and answers
7. What can you (manager) do?
8. Why some people hesitate
9. Legal rights and standards
10. Management's liability
11. Handling a complaint
12. What if the employee doesn't want you to do anything?
13. Talking with the alleged harasser
14. Common management mistakes
15. Cost of sexual harassment
16. Impact of sexual harassment
17. Summary

Objectives: Upon completion of this training the learner will have a working knowledge and awareness of sexual harassment in the workplace and

understand the responsibility as a manager in regards to sexual harassment situations.

**Sexual Harassment
Awareness Training
(Management)
Johnson Matthey, Inc.**



Outline of Sexual Harassment Management Training

I. Learner Objectives and Introduction ②

- group discussion about their expectations
- have group fill out personal objectives and write down questions they might have that need to be answered during training (be sure to state that if they don't feel comfortable asking a question in front of the class, to see you during the break or after class)

- A. Pre-test for management ❶
 - B. Personal objectives test ❶
- II. Definitions Relating to Sexual Harassment ❶ ❷
- find out what trainees know about sexual harassment
 - ask for examples of each definition and be sure to stress the differences between each type of harassment and non-harassment
- Note:** *After watching each scenario fast forward to the next scenario, the dialogue in between is covered in the training.*
- A. Tie Scenario ❸
 - discuss the scenario (Is it harassment? Why or Why not?)
 - B. The Negligee Scenario ❸
 - discuss scenario
- III. Myths and Facts about Sexual Harassment ❷
- discuss each myth and ask how many trainees have heard these myths
 - after each myth, ask what makes it a myth
 - discuss each fact and ask how many were aware of them
- IV. Recognizing Sexual Harassment ❶
- discuss overhead
 - A. Physical ❷
 - B. Verbal ❷
 - C. Non-Verbal ❷
 - D. The Hallway Scenario ❸
 - discuss scenario
- V. Intent vs. Impact ❷
- discuss guidelines for behavior ❷
 - A. Third Party Scenario ❸
 - discuss scenario

- B. The Gift Scenario ③
 - discuss scenario
 - C. The Water Fountain Scenario ③
 - discuss scenario
- VI. Common Questions and Answers ②
- show the question
 - ask what the trainees think
 - discuss the answer
- VII. What Can You Do? ②
- discuss overhead
 - A. JME policy ①
 - B. Confronting Subtle Sexual Harassment Scenario ③
 - discuss scenario
- VIII. Why Some People Hesitate ① ②
- before showing overhead, ask trainees for their opinions
 - discuss overhead
- IX. Legal Rights and Standards
- discuss overheads and make sure everyone understands them
 - A. Title VII of the 1964 Civil Rights Act ① ②
 - B. The Reasonable Woman Standard ① ②
- X. Management's Liability ①
- discuss overheads
 - A. Know about ②
 - B. Should know about ②

XI. Handling a Complaint ①

- discuss overheads
- before showing complete overhead, ask the trainees what they think are proper and improper questions to ask and why

- A. Common reactions of victims ②
- B. Goals regarding complaints ②
- C. Proper questions ②
- D. What not to ask ②
- E. Information to give employees ②
- F. Important tips ②

XII. What if the Employee doesn't want you to do anything? ① ②

- before showing overhead, brainstorm with trainees about why an employee wouldn't want anything done
- after that, ask the trainees if they still have to do something if an employee doesn't want them to (Why? or Why not?)
- discuss overheads

XIII. Talking with the Alleged Harasser ① ②

- challenge the trainees by giving improper scenarios and asking if it is a good or bad way to approach the alleged harasser (i.e., confronting in front of other employees, him-hawing around the subject before asking about the alleged incident, give the alleged victims name right away)
- discuss overhead

XIV. Common Management Mistakes ① ②

- before showing overhead, get trainees opinions about what some mistakes may be
- discuss overhead

XV. Cost of Sexual Harassment ②

- before showing overhead, get some figures from trainees about how much sexual harassment costs
- discuss overhead

XVI. Impact of Sexual Harassment ②

- brainstorm from trainees before showing overhead
- discuss overhead

XVII. Summary

- hand out evaluation sheets
- go over personal objectives again to make sure it is all covered
- A. Learner objective evaluation ①
- B. Post-test ①

- ① Handout
- ② Overhead
- ③ Video

Sexual Harassment Awareness Training

Why is this training necessary?

What is sexual harassment?
 sexual discrimination?
 a hostile environment?
 quid pro quo?

Who is susceptible to it?

Who is affected by it?

When should it be addressed?

Where does it occur?

How can one prevent it in the workplace?

What do I, as a supervisor need to do?

How so I handle a sexual harassment complaint?

How does sexual harassment affect our company?

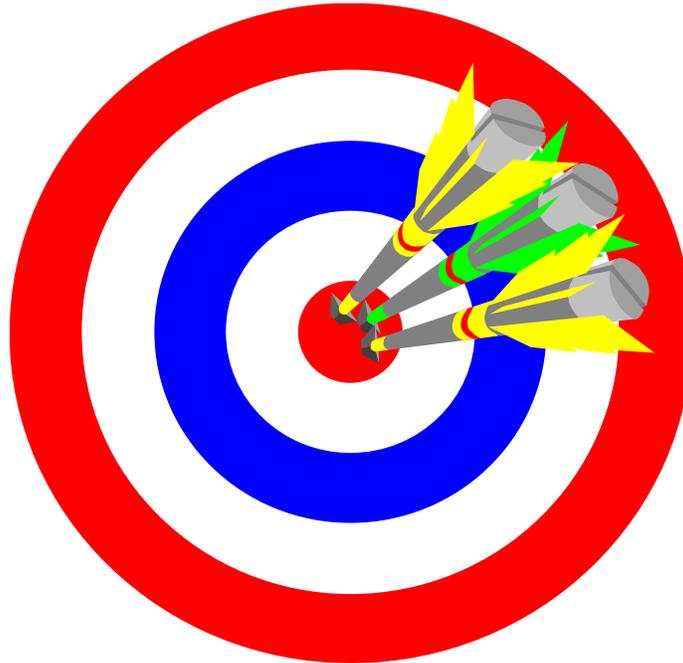


Sexual Harassment Awareness -- Learner Objectives

Upon completion of this training you will be able to:

- ⊙ accurately describe the difference between sexual harassment and sexual discrimination
- ⊙ define quid pro quo and hostile environment
- ⊙ explain the difference between intent and impact
- ⊙ give specific examples of sexual harassment
- ⊙ give specific examples of how to avoid situations that may be construed as sexual harassment
- ⊙ demonstrate skills you can use to resolve a sexual harassment complaint

- ⊙ explain the “Reasonable Woman” standard
- ⊙ list methods to personally stop subtle sexual harassment
- ⊙ know how sexual harassment costs JME money



PRE - TEST FOR MANAGEMENT

Please circle the following statements **TRUE** or **FALSE**.
(Answers are highlighted for thesis purposes)

1. The intent behind employee A's sexual behavior is more important than the impact of that behavior on employee B when determining if sexual harassment occurred.

TRUE

FALSE

2. An employer is not liable for the sexual harassment of one of its employees unless that employee lost specific job benefits or was fired.

TRUE

FALSE

3. A court can require a sexual harasser to pay part of the judgment to the

sexual behavior if he or she thinks that the employee is misunderstanding the behavior.

TRUE

FALSE

PERSONAL LEARNING OBJECTIVES

1. I don't understand the following about sexual harassment:

2. I would like to learn the following about sexual harassment:

Introduction to Sexual Harassment Training **Management Training**

Sexual harassment is not an imagined or exaggerated problem. It's a serious problem that has affected the lives of many people. This training is designed to help you recognize and discourage sexual harassment. It will also answer many common questions about sexual harassment in the workplace. Before the training begins, let's define sexual harassment and what is associated with it.

Sexual Harassment

Any unwanted or unwelcome sexual attention or sexual expression from someone else in the work community that makes the person who experiences it uncomfortable. It is harmful to employees and employers and is illegal.

There are two kinds of sexual harassment:

“Quid Pro Quo”

which means “something for something.” This kind of sexual harassment usually involves a supervisor that uses threats or rewards accompanied by sexual advances.

Can you give an example of “quid pro quo”?

and

“Hostile Environment”

which covers regular and repeated actions, or things displayed around the workplace that “unreasonably interfere” with job performance or create an “intimidating, hostile, or offensive” work environment.

Can you give an example of a “hostile work environment”?

Sex Discrimination

This is a behavior that occurs when employment decisions are based on an employee’s sex or when an employee is treated differently because of his or her sex.

Can you differentiate between sex discrimination and sexual harassment?

Sexism

This is an attitude of a person of one sex that he or she is superior to a person of the other sex.

Can you give an example of sexism?

Sex-based Harassment

Behavior that denigrates or ridicules an employee, or is abuse because of his/her sex.

Can you give an example of sex-based harassment?

Subtle Sexual Harassment

Unwelcome sexual or sex-based behavior that, is allowed to continue, could create legal liability for the organization. Subtle sexual harassment is **not** a legal but a practical term that can be used to recognize the early stages of sexual harassment.

Third Party Sexual Harassment

Unwelcome sexual behavior that is not directed at an employee but occurs when that employee is around.

This terminology will help you understand sexual harassment and what is involved with it. If you have any questions during the training, feel free to ask. If you are not comfortable asking in front of the group, speak to me after the session.

Myths about Sexual Harassment

(Anderson – Davis, 1988)

There are many myths surrounding sexual harassment. Listed below are some of them.

Myth: Sexual harassment only happens to women.

Myth: Sexual harassment is harmless fun. People who object to it have no sense of humor.

Myth: Sexual harassment is usually caused by the recipient's clothing or behavior.

Myth: It'll go away or correct itself.

Myth: Women who wait to report being sexually harassed are not seriously affected by the sexual harassment or liked the sexual behavior.

Myth: An employer who does not receive sexual harassment complaints does not have sexual harassment incidents.

Note: *The lack of complaints is the most inaccurate indicator that employers can use to determine if sexual harassment situations exist within their organization.*

Myth: Sexual harassment is not a management problem - it's a woman's problem.

Myth: If an employer trains employees about sexual harassment, it will polarize males and females, create problems where no problems exist, and encourage employees to file false charges.



Facts about Sexual Harassment

(Anderson – Davis, 1988)

There are many known and unknown facts about sexual harassment. Listed below are some of them.

Fact: Sexual harassment can happen to anyone, regardless of gender or sexual preference.

Fact: Harassment is degrading and humiliating. It can hurt professional careers. No one should have to endure harassment with a smile.

Fact: People are sexually harassed because they are perceived as vulnerable and/or a threat to members in their work group. Sexual harassment is an issue of power. People are sexually harassed by persons who have greater power by virtue of their position, seniority, numerosness, physical size, etc.

Fact: Men and women usually perceive sexual harassment differently, i.e., what behaviors are sexual harassment, when friendly behavior crosses the line and becomes sexual harassment, and how much sexual harassment actually is occurring in the workplace.

Fact: Employers who take swift and appropriate corrective actions to stop

sexual harassment situations and insure that its recipients are not retaliated against may win the confidence of all employees and reduce their legal and financial liabilities in the process.

Fact: It is management's responsibility (**not** that of the employee being sexually harassed) to correct sexual harassment when it knows about it.

Fact: It is management's responsibility to correct sexual harassment situations that it **should know** about (i.e., hears rumors or receives an anonymous letter that says sexual harassment is occurring).

Fact: Effective sexual harassment education programs and complaint procedures encourage sexually harassed employees to resolve their sexual harassment situations informally within their organization.

Recognizing Sexual Harassment

(BLR, 1995)

Sexual harassment can be blatant or subtle. So how do you identify what is sexual harassment? There are three ways sexual harassment can occur.

→Physically

→Verbally

→Nonverbally

Examples of each are:

Physical:

- Giving a massage around the neck or shoulders
- Touching the person's clothing, hair, or body
- Hanging around a person
- Hugging, kissing, patting, or stroking
- Touching or rubbing oneself sexually around another person
- Standing close or brushing up against a person
- Actual or attempted rape or sexual assault
- "Accidental" collisions / brushing up against someone

Verbal:

- Referring to an adult as a girl, hunk, doll, babe, or honey
- Whistling at someone, cat calls
- Making sexual comments about a person's body
- Making sexual comments or innuendoes
- Turning work discussions to sexual topics
- Telling sexual jokes or stories

- Asking about sexual fantasies, preferences, or history
- Asking personal questions about social or sexual life
- Making sexual comments about a person's clothing, anatomy, or looks
- Repeatedly asking out a person who is not interested
- Making kissing sounds, howling, and smacking lips
- Telling lies or spreading rumors about a person's personal sex life

Non-Verbal:

- Looking a person up and down (elevator eyes)
- Staring at someone
- Blocking a person's path
- Following the person
- Giving letters, gifts, and/or materials of a sexual nature
- Displaying sexually suggestive visuals (coffee mugs, hats, clothing, etc.)
- Making facial expressions such as winking, throwing kisses, or licking lips
- Making sexual gestures with hands or through body movements
- Invading a person's body space; standing closer than necessary

Intent vs. Impact

(Anderson-Davis, 1988)

To determine if your behavior could be unwelcome to another person, remember that “unwelcome” is decided by the recipient of the behavior, not the person doing the behavior. therefore, it is the **impact** of behavior, not the **intent** of the person who did the behavior, that determines if sexual harassment has occurred.

So, how can you determine if your behavior is “unwelcome” ? Ask yourself the following questions...

1. Would I want any of those behaviors to be the subject of a column in my organization's newsletter or to appear on the evening news?
2. Is there equal power between me and the person that I'm interacting with?
3. Would I behave the same way if the person I'm in a relationship with were standing next to me?
4. Would I want someone else to act this way toward a person that I'm in a relationship with?
5. Is there equal initiation and participation between me and the person I'm interacting with?

If you answered “no” to 1,2,3, and 4, your sexual behavior is **probably** unwanted by the recipients of your behavior.

If you answered “no” to 5, your sexual behavior is **very likely** unwanted.

Guidelines for Behavior

To know the difference between behavior that is okay and behavior that constitutes sexual harassment, remember these guidelines:

- ⇒ Be aware of the difference between the *intent* of your behavior and the *impact* of your behavior.
- ⇒ Ensure that there is *equal initiation and participation* when you interact with others.
- ⇒ Treat people as they would *like* to be treated, not as you *think* they would like to be treated.

Common Q. and A. about identifying sexual harassment

(Anderson-Davis, 1988)

Question: Can sexy calendars and pinups on the walls of a warehouse or office be considered sexual harassment?

Answer: Yes, they can. They may contribute to a hostile work environment.

Question: Can I ask a co-worker out on a date?

Answer: Yes, but if the co-worker refuses, you'd best take no for an answer and not pursue the person.

Question: Can men be victims of sexual harassment?

Answer: Yes. And they have equal protections under the law.

Question: I work in a respected professional organization. Can sexual harassment happen here?

Answer: Yes. Sexual harassment is an abuse of power that happens in all types of jobs and all types of companies.

Question: Aren't women too sensitive--making a big deal out of nothing?

Answer: No. Sexual harassment is a clear and direct threat--it can affect everything about a woman's job, which she needs, wants, and enjoys.

Question: How can sexual harassment be a problem in our workplace? No one's complaining.

Answer: That may be because people are too afraid to complain.

Question: One of our co-workers wears very short skirts. Isn't she asking for trouble?

Answer: No. Everyone has the right to do his or her job in a harassment-free workplace. What someone chooses to wear doesn't change that.

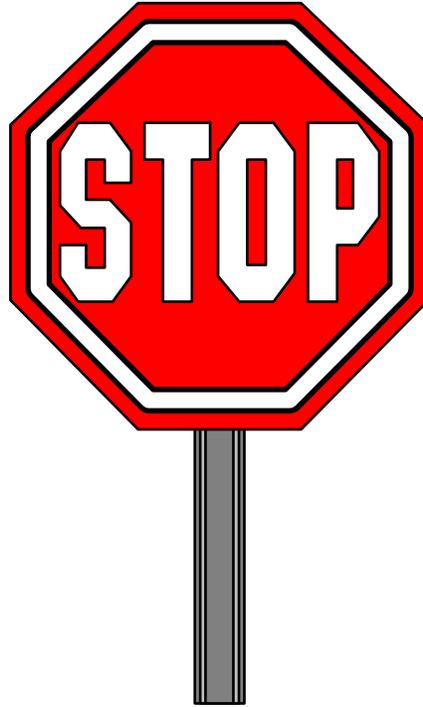
What can you do ?

(Anderson-Davis, 1988)

Every employee is legally protected against sexual harassment. So how can you stop sexual harassment? What can you do if you have been sexually harassed?

Below are some guidelines to follow:

- ✓ **Don't** blame yourself.
- ✓ **Determine** what specific behavior is unwelcome.
- ✓ **Respond** to the problem. Make your feelings absolutely clear. Sometimes people don't realize that they're being offensive.
- ✓ **Restate** (if not taken seriously)--Don't apologize for how you feel, you have a right not to be treated that way.
- ✓ **Record** the times, places and specifics of each incident, including other people who might have observed the incident or your reactions. Consider writing a confidential letter to the harasser identifying how the incident made you feel and what you would like to happen next. Keep a copy of the letter for your records.
- ✓ **Report** continuing harassment according to JME policy. Your complaint will be treated seriously and sensitively.



(Discuss JME Policy)

Why some people hesitate to talk about sexual harassment

(Anderson-Davis, 1988)

(BLR, 1995)

- ◆ Often recipients of sexual harassment are very embarrassed and don't want to talk about it with anyone.
- ◆ They fear that, if they talk about it, nothing will be done or the complaint won't be taken seriously.
- ◆ They fear reprisal from the harasser, especially if that person is their boss or a representative of management.
- ◆ They may be concerned about being labeled a troublemaker, especially if they are new on the job.
- ◆ They are afraid of being told that they "asked for it."
- ◆ They are afraid of being fired, demoted, not promoted, or transferred.
- ◆ They blame themselves.
- ◆ Someone tells them that they should be flattered.
- ◆ They're afraid of being blamed or laughed at.
- ◆ Many may fear for their personal safety.
- ◆ Some women are told, "Be a good sport," "Can't you take a joke?" "Boys will be boys," or "You've got to expect that in a traditionally male job."
- ◆ They fear getting a bad reputation.
- ◆ They're told to be woman or man enough to handle it themselves.
- ◆ They don't want the sexual harasser to get in trouble.
- ◆ The employees may be unaware of the organization's policy on sexual harassment.

- ◆ The sexual harassment resource person has a reputation for being a sexual harasser.
- ◆ They don't want to get an industry-wide reputation as a complainer.
- ◆ They are reluctant to talk to someone because no one else seems to mind the harasser's behavior.
- ◆ They just don't know how to deal with the situation or whom to talk to.
- ◆ Some men are told, when harassed by a woman, "Go for it, you should be flattered!" or "What's wrong with you?"
- ◆ Men or women, when harassed by someone of the same gender, may be told, "Maybe you really like the same sex," or "Why do you think he or she picked you out?"

Legal Rights and Standards

(Jones, 1996)

Sexual harassment is a legal issue.

Title VII of the 1964 Civil Rights Act, as Amended in 1972

Sexual harassment is a violation of federal law. Title VII specifically prohibits employment discrimination based on religion, color, national origin, race, and sex. The Equal Employment Opportunity Commission (EEOC), a federal agency, enforces sexual harassment guidelines. The EEOC defines sexual harassment as

unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature.

These behaviors constitute sexual harassment when certain criteria are met:

CRITERIA I:

Submission to such conduct is made either implicitly or explicitly a term or condition of employment.

CRITERIA II:

Submission to or refecton of such conduct by an individual is used as the basis for employment decisions affecting such individual.

CRITERIA III:

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.

Criteria II and I are examples of quid pro quo or conditional sexual harassment. The third criterion is an example of hostile work environment.

The Reasonable Woman Standard for Hostile Work Environment

(Jones, 1996)

In 1991, the *Elison vs. Brady* case in the 9th Circuit Court of Appeals identified an additional standard for determining when unwelcome sexual behavior can create a hostile work environment: Would a reasonable person of the victim's sex find that behavior hostile, offensive, or intimidating and adversely affect her/his ability to do her/his work? Previously, the standard was a reasonable person; i.e., would a reasonable person find the unwelcome sexual behavior to be hostile, intimidating, or offensive; and would it adversely affect his or her ability to do his or her job.

The "reasonable woman" standard acknowledges that what a reasonable man and a reasonable woman would find intimidating are often different. A "reasonable man" seldom avoids walking past a construction site and does not usually look in his back seat before entering his car at night. However, a "reasonable woman" often avoids walking past a construction site and usually looks in her back seat before getting into her car at night. Though the same situations may exist for men and women, they often react to them differently.

This new standard increases the importance of all employees and management personnel being able to understand the line between friendly behavior and subtle sexual harassment.



Management's Liability

(Anderson-Davis, 1988)

Management is responsible for resolving sexual harassment situations when it **knows about** or **should know about** them. Management can be personally liable if it does not take appropriate corrective actions to resolve those situations.

So, what do we mean when we say **know about** and **should know about**?

KNOW ABOUT: The employee complains directly to her/his supervisor about sexual harassment. The supervisor does not take the complaint, doesn't notify the resource person, or doesn't make sure the complaint is not investigated.

SHOULD KNOW ABOUT: Courts have held employers liable for sexual harassment situations that they should have known existed and did not take action on to determine if sexual harassment was occurring and did not stop it when it was.

So, how does an employer get knowledge of potential sexual harassment situations that would meet the **should have known** standard? Below are some examples:

- An anonymous letter is mailed to the president of the organization that states a certain supervisor sexually harasses his employees.
- An employee tells his manager that he has heard rumors that a certain sales manager makes sexual advances towards all of the new male sales

representatives.

- A supervisor sees sexual visuals and hears sexual jokes and comments that are derogatory about women in his workplace.

Remember... it is management's responsibility to resolve sexual harassment complaints. It is not a situation that can be overlooked and eventually forgotten. It is your responsibility to make your company a safe, comfortable, non-threatening place to work for all of the employees, and yourself.

Handling a Sexual Harassment Complaint

(Anderson-Davis, 1988)

(Coastal, 1998)

Sexual harassment is a sensitive issue to the person receiving the harassment and the employer handling the situation. When an employee comes to you with a sexual harassment complaint, take the situation seriously. Remember that there are **no stereotypical recipients** of sexual harassment and there are **no stereotypical sexual harassers**. Their ages range from young to old. They include females and males.

Remember, victims of sexual harassment are usually concerned with many things. The four most common reactions of victims are:

- ◆ Fear the loss of privacy
- ◆ Fear of reprisal and retaliation
- ◆ Fear the lack of evidence or conclusive proof
- ◆ All the victim wants is the unwanted behavior to stop

As an employer there are certain things you must keep in mind when handling a sexual harassment complaint. These pointers are described below:

Have Goals Regarding Complaints

- ◆ Be receptive to all complaints
- ◆ React in a timely and appropriate manner
- ◆ Maintain consistency regarding resolutions

Ask Proper Questions

Encourage the alleged recipient of sexual harassment to talk specifically. Ask:

- ◆ “What brought you here?”
- ◆ “Please describe the last situation.”
- ◆ “Where did the behavior occur?”
- ◆ “Who was involved?”
- ◆ “Were there any witnesses?”
- ◆ “Did you talk with anybody else about what happened?”
- ◆ “Has this happened before?”
- ◆ “How long has this been going on?”
- ◆ “Was the person told that the behavior was unwelcome?”
- ◆ “What was the person’s reaction when informed that his or her behavior was unwelcome?”
- ◆ “Is there anything else that the person has done that we’ve not talked about?”

What Not to Ask

Just as there are proper questions, there are also improper questions.

- ◆ “Why” questions (i.e., “Why didn’t you do something about this before?”)
 - Alleged recipients perceive “why” questions as being judgmental, implying they did something wrong.
- ◆ Leading questions (i.e., “Would you want to continue working here if he/she continues his/her behavior?”)
- ◆ Multiple Choice questions (i.e., “Did he touch you on the arm, the shoulder, or the face?”)
 - Instead ask, “Where did the person touch you?” or “Can you be more specific about how the person touched you?”

Remember, how a supervisor initially receives a sexual harassment complaint can either encourage or discourage the informal resolution of that alleged sexual harassment situation.

Inform the Employee of His/Her Rights and Options

- ◆ Find out what the employee wants to have happen. It is important to remember that you must take action to make sure the alleged unwelcome behavior stops even if the employee says that he or she doesn’t want you to.
- ◆ Explain how the complaint procedure works, i.e., time lines, who is contacted, who will know about the complaint, what happens next, etc.
- ◆ Determine how the alleged recipient feels about going back into her/his workplace.
- ◆ Determine how the alleged recipient feels about her/his complaint being referred to the employer’s sexual harassment resource person/department.

- ◆ Explain how documentation works within your organization, have the alleged recipient review the documentation of her/his interview, and have him/her verify that it is accurate.

Important Tips

- ◆ Be sensitive to the emotions of the complainant
- ◆ Avoid being impatient
- ◆ Listen
- ◆ Do not let the complaint procedure (“Let’s solve this problem!”) get in the way of understanding what happened

What if the Employee Does Not Want You to do Anything?

(Anderson-Davis, 1988)

First of all, why wouldn’t an employee want you to do anything?

- ◆ afraid he/she will get a reputation as a trouble maker
- ◆ afraid he/she will be perceived as not having a sense of humor
- ◆ he/she does not want the alleged harasser to get into trouble
- ◆ afraid it will make matters worse

Do you still have to do something even if the employee doesn’t want you to?

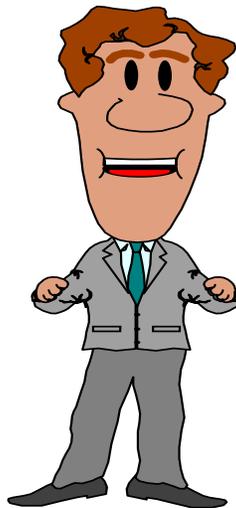
YES! But why?

- ◆ the alleged recipient wants help but is unsure of how to get it
- ◆ the situation, if occurring, will seldom stop by itself
- ◆ management personnel are responsible for stopping sexual harassment when aware of it
- ◆ the alleged recipient’s trust in the supervisor is enhanced when he/she assists in resolving the sexual harassment situation

Note: *A supervisor may be personally liable for sexual harassment that occurs even though the recipient insists that nothing be done.*

Here are some key points to remember if the alleged recipient wants no action taken to resolve her/his allegation of sexual harassment:

- ◆ Ask, “What reasons do you have for not wanting anything done?”
- ◆ Explain how confidentiality is maintained to the extent possible.
- ◆ Stress that the organization will not tolerate reprisals against employees who use the complaint procedure.
- ◆ Explain how the supervisor will proceed to resolve the situation.
- ◆ Emphasize that the supervisor will work closely with the alleged recipient.



Talking with the Alleged Harasser

(Anderson-Davis, 1988)

(BLR, 1995)

When you talk to the alleged harasser, keep these points in mind:

- ◆ Do not initially reveal the identity of the person who brought the complaint. Instead, describe the circumstances surrounding the complaint. For example, “Did you touch the back of a female who was standing by the water fountain around ten this morning?”
- ◆ Be serious and to the point. Begin with, “The purpose of this meeting is to talk about an allegation of sexual harassment.” Focus on the behavior, not the intention of the alleged harasser.
- ◆ Be unbiased.
- ◆ Stay on the topic.
- ◆ Ask the person to respond to each allegation separately.
- ◆ If the person admits to the behavior, tell the person that the behavior must stop.
- ◆ When dealing with an alleged harasser, who denies the allegation, explain that you have two sides of the story and that you will be doing additional fact finding before making a determination.
- ◆ Document the meeting with the alleged harasser.
- ◆ Take appropriate corrective action based on your findings of the investigation and based on your organization’s policies.
- ◆ Follow up with the person who brought the complaint to indicate that the unwelcome behavior will stop, if it was occurring, and give assurances that no reprisal actions will be taken for bringing the complaint in the first place.



Common Management Mistakes

(Anderson-Davis, 1988)

These are common mistakes that some management personnel have made when dealing with sexual harassment situations:

- ❌ Management does not consult with the internal resource person/department before taking action and/or when it is aware of actual or potential sexual harassment situations.
- ❌ Management dissuades the alleged recipient from complaining about her/his sexual harassment situation.
- ❌ Management overreacts by taking action before the investigation is completed.
- ❌ Management does not tell the alleged harasser the specific allegations.
- ❌ Management does not provide the alleged harasser an opportunity to respond to each allegation.
- ❌ Management interferes with the investigation.
- ❌ Management lets preconceived beliefs and prejudices negatively influence the investigation process.

- ⊗ Management believes that because its workplace is naturally sexual, the woman/man who finds that behavior to be unwelcome is going to have to put up with it in order to continue working there.
- ⊗ Management resents the complaint and/or sees it as a nuisance.
- ⊗ Management doesn't take it seriously.
- ⊗ Management doesn't take action unless a complaint is received.

Cost of Sexual Harassment

Sexual harassment costs companies in many different ways. According to a 1997 Training and Development study (Allerton, 1997 P.12), sexual harassment cost a typical Fortune 500 company **\$6.7 million per year** - a cost of \$282.53 per employee; meaningful preventative steps can be taken for \$200,000 - a cost of \$8.41 per employee. It is **34 times** more expensive to ignore the problem!! Monetary awards for sexual harassment claims reached **\$49.5 million in 1997** – an **increase of 597 percent** since 1991 – and that doesn't include awards obtained through litigation.

Why so expensive? Below are some items that are included in that figure:

- ◆ Under Title VII
 - Back Pay and Front Pay
 - Benefits
 - Attorney Fees
 - Punitive Damages
- ◆ Workers Compensation
- ◆ Unemployment Benefits
- ◆ Productivity and Reputation
- ◆ Public Sector



Impact of Sexual Harassment

(Anderson-Davis, 1988)

On the Recipient

- Stress-related illness
- Decreased quality of work
- Deterioration of personal relationships
- Refusal to talk about incident
- Verbal expressions, loss of sleep
- Absenteeism (avoidance)
- Request for a transfer
- Lowered self-esteem
- Lowered self-image
- Self-loathing/hate for not doing anything to stop harasser
- Feeling of powerlessness
- Fear of personal safety and/or going to certain workplaces alone
- Anger

On the Workplace

- High turnover rate
- Productivity

- Absenteeism
- Safety violations
- Lower concentration on job-related tasks
- Lowered morale
- Divisiveness - creates a “them vs. us” atmosphere
- Lowered cooperation/teamwork
- Perception that flirtation, not work, gets recognition
- Sabotage of work
- Time spent on sexual harassment instead of doing job
- Resentment of women/men who do not go along with sexual behavior in their workplace

SUMMARY

Remember...

- ⊗ there is a BIG difference between good-natured fun and sexual harassment
- ⊗ it all depends on how the other person feels
- ⊗ the law says that what the victim feels is most important
- ⊗ remarks or actions may not be intended to hurt anyone, but if they have that effect, they are harassment
- ⊗ if you're offended, don't hesitate to make that clear

to the harasser and to your employer

- always think about how others may feel before you speak or act
- people do not like being touched, hugged, told sexual jokes, or subjected to sexual comments from people with whom they only have a typical work relationship

POST - TEST FOR MANAGEMENT

Please circle the following statements **TRUE** or **FALSE**.

1. It is appropriate for the supervisor, when receiving a sexual harassment complaint and believing that the alleged harasser is only being flirtations, to advise the alleged recipient to personally resolve that situation.

TRUE	FALSE
-------------	--------------

2. A management person would not usually be personally legally liable for sexual harassment done by one of its employees to another unless he or she knew about that behavior, it created a hostile work environment for the sexually harassed employee, and the management person allowed it to continue.

TRUE	FALSE
-------------	--------------

3. An alleged recipient who is complaining about unwelcome sexual behavior and is upset says, "That's sexual harassment, isn't it?" It is appropriate for the supervisor to show his/her empathy by responding with, "It could be sexual harassment, but I need to do an investigation before making a final determination."

TRUE**FALSE**

4. If the alleged recipient is uncomfortable with verbally describing what allegedly happened to her/him, the supervisor can suggest that she/he write down what happened.

TRUE**FALSE**

5. It is important for the supervisor to ask the alleged recipient, "Is there anything else that happened that you have not talked with me about?" before ending the interview.

TRUE**FALSE**

6. The supervisor is dealing appropriately with a sexual harassment complaint when he/she tells an alleged recipient who wants to personally resolve the alleged sexual harassment, "Get back to me if what you do doesn't resolve your situation."

TRUE**FALSE**

7. If an alleged recipient insists that the supervisor do nothing about his/her alleged sexual harassment situation, it is appropriate for the supervisor to ask him/her, "Why do you not want me to do anything?"

TRUE**FALSE**

8. If the alleged recipient of sexual harassment insists that nothing be done, it is appropriate to make the following commitment to that employee: "At this time I will not take any action about this situation except to talk with my resource person. I, that person, or both of us will talk with you before the alleged harasser is talked with."

TRUE**FALSE**

9. Many of the reasons that management personnel have for not taking or hesitating to take action to deal with sexual harassment situations are similar to the reasons given by alleged recipients for not complaining.

TRUE**FALSE**

10. The alleged harasser has a right to know the name of the person(s) that he/she allegedly sexually harassed, when initially told the allegations.

TRUE**FALSE**

11. If the alleged harasser acknowledges the behavior and wants to apologize to the recipient, the harasser should not be allowed to do that unless the recipient specifically requested that as a part of the resolution.

TRUE**FALSE**

12. Most women like men to look them slowly up and down and take that behavior as a compliment.

TRUE**FALSE**

13. A supervisor knows that an employee is subtly sexually harassing another employee. The reason the supervisor does not take action to stop that behavior is to give the harasser time to personally recognize and stop that harassment. The supervisor who uses this approach to stop subtle sexual harassment is usually doing the harasser a favor.

TRUE**FALSE**

ANSWERS TO POST-TEST AND REASONS

1. **FALSE** - When receiving a sexual harassment complaint, the supervisor should not make a judgment about the seriousness of or intent of the alleged harasser's behavior. The supervisor should ask the alleged recipient, "How would you like the situation resolved?" If the employee says that she/he wants to resolve it personally, it may be appropriate. But, the supervisor should not advise the alleged recipient that that is how she/he should resolve it.
2. **TRUE** - If management has knowledge of the sexual harassment and (this is key) allows it to continue, then it would have personal legal liability.
3. **FALSE** - The supervisor should not say whether the alleged behavior is or is not sexual harassment. It is appropriate to say, "I see that you are upset about what you say happened, but, until an investigation is completed, I cannot determine what happened. It is important that I am neutral so that I protect the rights of all parties involved."
4. **TRUE** - But, the alleged recipient is not required to write down what happened. In situations where the alleged behavior is very sexual or embarrassing for the alleged receiver to talk about, writing it down is an appropriate option.
5. **TRUE** - This question assures the supervisor that she/he probably got all of the information relevant to the allegation.
6. **FALSE** - The supervisor should take responsibility to follow-up with the alleged recipient to discuss her/his conversation with the alleged harasser. The supervisor should contact the resource department, document actions

taken, follow-up with the alleged recipient to ensure that the behavior stopped (if occurring) and ensure that no reprisals occur. There should also be follow-up with the alleged harasser to verify that the alleged recipient talked with him/her.

7. **FALSE** - "Why" questions are often perceived by the alleged recipient as judgment, i.e., "I did something wrong; I shouldn't feel this way." Instead, the supervisor can ask, "What are your reasons for not wanting me to assist you in resolving this situation: I'd like to talk about your reason for not wanting anything done about this situation."
8. **TRUE** - The supervisor must take action. This action does not usually create any risk for the alleged recipient. The supervisor ensures that he/she is taking the correct steps to follow her/his organization's complaint procedure.
9. **TRUE** - It is uncomfortable to deal with conflict. But, very few of management's reasons for not taking action would provide a legal defense if sued for allowing sexual harassment to continue to occur in its workplace.
10. **FALSE** - The alleged harasser does not have a right to know the complainant's name(s) when initially being told the allegations. If the alleged harasser is grieving disciplinary action taken against him/her as a result of the sexual harassment complaint and subsequent investigation, he/she has a right to the information used to take disciplinary action against him/her.
11. **TRUE** - Unless the recipient specifically requests that the harasser apologizes, the harasser should not talk with the recipient about the situation unless the supervisor or resource person is present. The supervisor should inform the recipient that the harasser wanted to apologize. The recipient can determine what should be done about the harasser's offer.
12. **FALSE** - If they are in a personal relationship with the man, then that behavior may be welcome. But, very few women welcome that type of behavior from men that they don't know or with whom they only have a work relationship. This answer is based on conversations with thousands of women in different companies from all over the United States.
13. **FALSE** - Because (a) unless the recipient tells the harasser that his/her behavior is unwelcome, he/she won't recognize the impact of his/her behavior; (b) the subtle sexual harassment often escalates to more serious sexual harassment; (c) if the recipient knows that the supervisor is aware of that behavior and is not stopping it, trust in that supervisor is diminished; (d) the supervisor's and employer's liability are increased; (e) the recipient of the sexual harassment is injured more by their ongoing sexual harassment; and, (f) the delayed resolution of that situation often harms the career and

personal life of the harasser.

TRAINER'S NOTE: When answering these questions, ask the trainee's first, why they think the answer is true or false before giving the reasons. This may bring up issues that need to be addressed.

Feedback for Learner Objectives

The two main points I learned from today's training are:

A. _____

B. _____

Chapter V

Summary, Conclusions and Recommendations

Restatement of the Problem

Sexual harassment in the workplace can be extremely costly to both the organization and its employees. Costs to the organization include damage to the company's reputation, lower morale, a decrease in productivity levels, an increase in turnover, absenteeism and potential legal costs. (Coastal, 1998 P.2) It is a very important factor in business and social settings. The researcher was assigned to complete a training session for the employees and management staff at the Johnson Matthey Electronics division in Chippewa Falls, Wisconsin. The employees were recognized as a large group of diverse people with a variety of educational backgrounds. The management staff included a diverse group with an educational background ranging from two-year technical schools to four-year degrees, and a power level from medium to very high in the company.

The employee training was to be 2 hours long and the manager training was slotted for 4 hours, to provide enough time to go over the proper procedures for handling sexual harassment complaints. The staff consists of approximately

1226 full-time employees and 400 temporary employees, all of which would attend this training. The assembly department (production staff) consists of approximately 30% male and 70% female. The out-of-assembly department (management, support staff) consists of approximately 60% male and 40% female.

Although Johnson Matthey Electronics recognized the need for sexual harassment training, the existing program was not designed to cover different aspects for employees and management. The purpose of this study was to design a complete sexual harassment training program for Johnson Matthey employees, including management and supervisors, at the Chippewa Falls plant. On account of the nation-wide increase in legal issues surrounding sexual harassment in the workplace, Johnson Matthey Electronics decided to update their training concerning sexual harassment for its employees. The problem was to update the current training and produce a training session. The existing information was not used as a separate training module. It consisted of a handout that was given to new employees at orientation. The training was designed in hopes of increasing employee and management awareness of sexual harassment in order to reduce the risk of future legal problems.

Methods and Procedures

This study was designed around extensive literature research. The research also included informal discussions with Human Resource personnel that put together the previous sexual harassment handout. The literature research was helpful in obtaining information that related to sexual harassment. It was

also helpful in discovering examples and trends that were occurring in the manufacturing industry. The results of the literature review, discussions with Human Resources, and previously used materials were combined and incorporated into developing the training session for Johnson Matthey. A newly purchased video was also reviewed and the researcher developed portions of the training around the existing video.

Conclusions

Upon completing the sexual harassment sessions for employees and management of Johnson Matthey Electronics the researcher identified several key elements. The first element dealt with the significance of the study. It was determined early on that there was a problem with the previous company, from which a lot of Johnson Matthey Electronics employees transferred. Because of this preconceived notion, some ground rules needed to be set right away. Another element was that the target audience came from diverse backgrounds with different experiences and levels of education, energy, and power. The sessions needed to be designed around those factors. A final element was that the audience was comprised of males and females so the training had to be gender neutral. The key elements of the training program needed to include the recognition of sexual harassment, definitions, and proper procedure for dealing with potential harassment situations.

Recommendations

Although the program was approved by the Training Director and Human Resources Generalist, it was not implemented into the work place. It is

recommended that after it is implemented, it should be evaluated and discussed. The evaluation should include all four levels of Kirkpatrick's evaluation (Kirkpatrick, D.L. (1998)). The first level, reaction, can be completed with an immediate survey type evaluation form that addresses the perceptions of the participants as far as liking the program, the facilities, the materials and the trainer's style and/or knowledge. Having participants take a pre-test and post-test regarding the cases, facts and definitions around sexual harassment can complete the second level, learning. Random questions and case studies done to selected groups at various times in the future – possibly every 3 to 6 months – may be done to measure the transfer of training. The fourth level, results, can be accomplished by measuring the frequency of alleged cases reported, amount of time spent on handling alleged cases and any dollar amount that is impacted by sexual harassment situations.

The target audience of Johnson Matthey Electronics should conduct the evaluation process. Once the audience has received feedback, the training can be altered accordingly. It is also recommended that the training be updated periodically to cater to the changing times of the workforce and the demographics of the employees and managers.

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