

## Respect Legal/Ethical Issues

Much has been written and reported about legal and ethical issues in the workplace over the past several years. Sexual harassment lawsuits have plagued the news ranging from military scandals, big company settlements, political resignations, and teacher/student accusations. Many have resulted in ruined careers, large cash settlements, devastated families, and dramatic changes in laws. Likewise, the unfair treatment of a person or group of people because of who they are or what they are has resulted in the same action. What was acceptable twenty years ago may not be acceptable today.

Our workforce has changed also. There has been an increase in the number of women and minorities working. More employees have technical training or a college education. A wider range of age groups is in the workforce, too. Because of this, we now have a distinct cultural/racial diversity among our working Americans. So that we all may live and work together in harmony, we must increase our awareness and respect for the differences we each possess (or our cultural diversity). Educators and employers alike have shifted to a standard of NON-offensive behavior in every situation – every time! No one is immune from being measured by this standard – **no one**.

### Important Terms to Understand

Sexist	Refers to the attitude of a person toward others of the opposite sex. Example: When a man thinks that women are too emotional.
Sex Discrimination	When employment decisions are based on an employee's sex, or when an employee is treated differently because of his or her sex. Example: Declining to hire a woman because she might have child care problems.
Sexual Harassment	Unwelcome behavior of a sexual nature. Example: A woman telling a man that he looks <i>hot</i> in a new pair of jeans.
Quid Pro Quo	Means "this for that." When employment benefits and/or working conditions are based on an employee's acceptance or rejection of unwelcome sexual behavior. Example: A supervisor or manager says to an employee whom he or she supervises: "I will promote you and give you a raise if you have sex with me."
Hostile Environment	When unwelcome sexual behavior, which is offensive, hostile, and/or intimidating, adversely affects an employee's (or group of employees') ability to perform his or her job. Example: Continual use of profanity and obscenities.

Unlawful sexual harassment is unwelcome conduct that does one of the following:

- Makes granting sexual favors a condition of employment
- Retaliates against a person who refuses to grant sexual favors
- Creates a hostile, offensive, threatening, or intimidating work environment that impacts the victim's ability to perform his or her job

Unlawful harassment includes but is not limited to:

- Verbal harassment: epithets, derogatory comments, or slurs
- Physical harassment: assault, impeding or blocking movement, or any physical interference with normal movement when directed at an individual
- Visual forms of harassment: posters, cartoons, or drawings that are sexual in nature
- Requests for sexual favors: unwanted sexual advances that condition an employment benefit or working condition upon an exchange for sexual favors

The Equal Employment Opportunity Commission (EEOC) Sexual Harassment Guidelines state:

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

- 1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's 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 an individual's work performance or creating an intimidating, hostile, or offensive working environment.

29 CFR P 1604.11(a)(2)(1993)

Some examples of conduct that may be considered hostile environment harassment include (but are not limited to):

#### PHYSICAL

- Giving a neck or shoulder massage
- Touching a person's hair, clothing or body
- Hugging, kissing, or patting
- Standing close to or brushing up against a person
- Touching or rubbing oneself sexually around another person
- Unwanted deliberate touching, leaning over, cornering, or pinching

#### 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, clothes, looks, anatomy, manner of walking, etc.
- Making sexual comments or innuendoes
- Turning work discussions to sexual topics
- Telling sexual jokes or stories face to face or online such as emails etc.
- Asking about sexual fantasies, preferences, or history
- Repeatedly asking out a person who is not interested
- Making kissing sounds, howling, smacking lips
- Telling lies or spreading rumors about a person’s sex life

#### NON-VERBAL

- Looking a person up or down
- Staring at someone
- Blocking a person’s path or standing close
- Following a person around
- Giving personal gifts
- Displaying sexually suggestive items (calendars, photographs, comics, food displays, sexual novelty items, etc.)
- Making sexual gestures with hands or through body movements
- Making facial expressions such as winking, throwing kisses, or licking lips

#### HARASSMENT INCLUDES (but is not limited to):

- Unsolicited/unwelcome written, oral, physical, or visual contact with sexual, racial, or other discriminatory overtones
- Continuing to express personal interest after being informed that such interest is unwelcome, e.g., asking for dates after initial request declined, etc.
- Engaging in explicit, implicit, or inferred coercive behavior which can be used to control, influence, or affect the career, salary, or work environment of another employee
- Making actual, implied, or inferred threats or reprisal after a negative response to actions or statements
- Offering employment advantages or benefits in exchange for sexual favors
- Making any statement or comment, written or oral, to or concerning another employee which can be considered to be sexist, demeaning, derogatory, or offensive

#### **REMEMBER:**

- Conduct that may not be offensive to one person may be offensive to another.
- Even if harassment is not intended, your actions may be perceived that way.

- Respect cultural differences. What may be complimentary in one culture could be offensive in another. Recognize the diversity that exists in the classroom or workplace.

Georgia's technical institutes do not tolerate harassing behavior. The school grievance procedure for reporting a sexual harassment complaint may be found in your student handbook or school catalog. If you have any questions about this policy, please refer them to your instructor.

