

SEXUAL HARASSMENT PREVENTION (ALL OTHER OFFICES)

OBJECTIVES

- Staff will understand that sexual harassment is illegal
- Staff will understand definition of sexual harassment
- Staff will learn the county's sexual harassment reporting procedures

Everyone has the right to be judged and rewarded for their work based on their accomplishments and abilities, and work in an environment free of intimidating, hostile or offensive comments or gestures of a sexual nature.

Sexual harassment is unwanted sexual attention that harms the victim and often the general morale of the county. Sexual harassment is usually intended to make a person feel uncomfortable or to embarrass that person. Unfortunately, sexual harassment is a common occurrence, and claims are on the rise. The cost of sexual harassment cuts across all aspects of the organization, from employee retention to expensive litigation.

The consequences of sexual harassment in the workplace are costly and damaging to staff:

- Generally, judgments are paid by county, not insurance
- County may have to lay off employees, cut back on work hours, reduce operating budgets, or turn to the public to pay for judgments
- Creates bad publicity
- Affects employee morale and productivity

LEGAL BASIS

Title VII of the 1964 and 1991 Civil Rights Act and the New Mexico Human Rights Act prohibit employment discrimination based on sex, sexual orientation and gender identity. Sexual harassment is a type of sex discrimination. Sexual harassment is defined as, "Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature."

Sexual harassment is illegal if:

- Submission is a term or condition of employment;
- Submission or rejection is basis for an employment decision; or
- It unreasonably interferes with work and creates an intimidating, hostile, or offensive environment.

SEXUAL HARASSMENT TYPES

There are two types of illegal sexual harassment: quid pro quo and hostile work environment:

Quid pro quo usually involves a supervisor who threatens an employee with a tangible job action, e.g., termination, blocking promotions, transferring, giving a bad evaluation, etc., if the employee does not go along with the sexual advances. Quid pro quo means, something for something or this for that, e.g., “You have sex with me, I’ll give you the promotion.” If you don’t, there are negative consequences.

Hostile work environment is unwelcome sexual or sex-based behavior that creates an offensive, hostile, or intimidating work environment. This behavior must be severe and pervasive enough to adversely affect an employee’s ability to work. Examples include verbal, non-verbal, and physical conduct, e.g., sexual comments, sexual material in office, pressure for dates, suggestive gestures or looks, looking a person up and down, unwanted hugs, massages, etc.

Sexual harassment can occur in a variety of circumstances, including but not limited to the following:

- Man harassing a woman
- Woman harassing a man
- Woman harassing a woman
- Man harassing a man
- Harasser can be the victim’s supervisor, employer agent, another supervisor, co-worker, citizen, or non-employee
- Victim does not have to be the harassed person, but can be anyone affected by the offensive conduct
- Harasser’s conduct must be unwelcome
- Sexual harassment depends on how the victim is affected, not on the harasser’s intent

POLICY

Discuss the county’s Sexual Harassment policy, particularly employee responsibilities and reporting requirements.

CLOSING

- *Discuss presentation and negative impact sexual harassment has on an office and staff.*
- *Remind staff that sexual harassment is strictly prohibited.*