



#2030StopGenderViolence

dianova |

Sexual Harassment at Work

How to identify
and prevent
sexual
harassment and
help maintain a
healthy and
productive work
environment



UNITE, a 16-Day Campaign to End Gender-based Violence

As an employer, you have a responsibility to ensure that **your work environment is free of sexual harassment**. In many countries, it is a legal obligation, but it also makes good business sense. If you allow sexual harassment to develop in your workplace, you will soon pay a high price in poor performance, poisoned work environment, and lawsuits.

What is Sexual Harassment at Work?

Sexual harassment at work is any **unsolicited sexual advance or conduct on the job** that creates an unpleasant, intimidating, or hostile working environment. This is a very broad definition that may cover many forms of behaviours, including for example:

- A supervisor suggests to an employee that she must sleep with him to keep her job
- A sales clerk makes demeaning sexual comments about female customers to his colleagues
- A secretary is made uncomfortable by co-workers who regularly tell sexually explicit jokes
- Employees regularly post sexually explicit photos or jokes on the company's intranet bulletin board
- A trainee is constantly pinched, fondled, caressed, or given names such as "baby", "sweetheart", "honey bunny", etc., by her male supervisor.
- A salesperson suffers invasive flirtation attempts or multiple unwelcome requests to go out for a drink, or to "relax somewhere and forget the job"

Everyone Can Be Harassed

Sexual harassment at work can affect both men and women. At least in theory. However, statistics show that **the overwhelming majority of sexual harassment claims are brought by women who report that they were allegedly harassed by men**.

Same-sex people can also sexually harass each other; in many cases, however, this type of conduct is based on sexual orientation rather than sex. For example, a gay male employee who is intimidated by his homophobic supervisor: it may not be sexual harassment *per se*, but it still is a conduct that is not only inappropriate but also illegal in many countries.

Avoiding Sexual Harassment

As an employee or supervisor, one may not always be sure whether or not one's behaviour or conduct is likely to embarrass one's colleague. We believe that if you follow the list below **you will never be faced with a sexual harassment allegation:**

- Do not comment on a woman's body or appearance, whether she is a co-worker or a client
- Do not touch your female co-workers, with the exception of professional handshakes (in some cultures a kiss on the cheeks can be acceptable, but one should make sure not to impose it or make it systematic)
- Do not stare at women's breasts, crotch or butt
- Do not have sex with someone you supervise
- Do not send co-workers sexist videos or photos, do not watch porn at work
- Do not talk about your sex life at work
- Do not make any sexual jokes or innuendos at work
- Do not give pet names to female co-workers, including: babe, kitten, baby doll, honey bunny, cuddle bug, etc.
- Never call women abusive, crude or lewd names
- Never ask a woman to smile - and forever banish the words "you're prettier when you smile"

Adapted from St. Cloud University Women's Center (Minnesota, USA)

As a man, some of these behaviours may seem trivial or even professionally rewarding for women, such as complimenting a woman on her outfit. Besides, many women will agree with you, after all, we live in a patriarchal culture where women have always learned that their value is in their looks.

Do not do it, period. Because it can make some people feel uncomfortable. After all, if you're a man, would you make that kind of compliment to another man: *"This shirt suits you perfectly, and the colour of your tie brings out your eyes"*?... No? Well, then.



Implementing a Prevention Strategy

As an employer, there are a number of steps that you can take to **reduce the risk of sexual harassment occurring in your workplace**:

Adopt a Clear Sexual Harassment Policy

Your employee handbook should include a **policy dedicated to sexual harassment**. That policy should:

- Define sexual harassment at work
- State in no uncertain terms that sexual harassment will not be tolerated
- State that any wrongdoers will be disciplined or even fired for serious misconduct
- Set out a clear procedure for filing harassment complaints and ensure that all employees know that procedure
- State that no retaliation against anyone filing a sexual harassment complaint will be tolerated

Train Your Employees

Set up **at least once a year a training session** for your employees. This session should teach employees what sexual harassment is and explain that they all have a right to a workplace free of sexual harassment. This session should also be an opportunity to review your complaint procedure, and encourage employees to use it, or at least to talk about a potential harassment situation with a colleague whom they trust.

Train Your Supervisors and Managers

Depending on the size of your business, you can also conduct separate training sessions for supervisors and managers. These sessions should be based on the same themes as the general training sessions for employees and include additional aspects on **how to deal with sexual harassment complaints**.



Dealing with an Employee Harassment Complaint

Many employers are anxious when faced with harassment complaints, and with good reason. Such complaints can lead to tension in the workplace, police investigation, and legal battles, not to mention a potential damage for your corporate image. Here are some **basic rules that you should follow when dealing with a harassment complaint.**

Keep an Open Mind

As an employer or supervisor, we are often the last to know about a harassment situation, or we simply didn't want to see it. As a result, we may fail to investigate complaints thoroughly because we think that the person is "making a fuss about nothing" and that the alleged wrongdoer "could never do that". In short, **investigate every complaint you receive** and don't come to any conclusions until your investigation is complete!

Treat the Complainer with Respect

People often find it extremely difficult to complain about sexual harassment at work. They feel vulnerable and they may fear for their careers. **Be understanding and compassionate.** An employee who sees that you are taking the problem seriously is less likely to escalate the issue to the relevant authorities (of course, they still have the right to do it).

Interview the People Involved

You must interview both parties, and get as much details as possible: what was said or done, when and where, in whose presence, and so on. Take notes of all your interviews with the parties involved. Harassment complaints often offer the classic example of "he said/she said" and conflicting stories, which is why **you must look for elements likely to corroborate or conflict with those two versions.** You must also interview potential witnesses, including colleagues, friends, or even customers. Lastly, look for the documents, emails, photos or records that will prove one side right.

Keep it Confidential

A sexual harassment complaint can polarize your workplace. Some workers will likely side with either the complaining employee or the accused employee, and the rumour mill will start grinding at full speed. Even worse, if too many details are leaked, you may be accused of damaging the reputation of the alleged victim or harasser, which may turn into a defamation complaint. **Avoid these problems by emphasizing the importance of keeping the investigation and procedures confidential.**

Take Swift and Appropriate Action

Once you have gathered all the information available, it is up to you to decide whether or not the facts are true and some sort of discrimination or harassment occurred. If you are positive that it did, you must figure out how to discipline the wrongdoer adequately. **Termination may be warranted for the gravest situations** and cases involving threats, stalking, or repeated and unwanted physical contact. Less serious cases which may have arisen out of a misunderstanding (a blundered attempt to ask a female colleague on a date for example, without physical contact or intimidation) should warrant lesser discipline, such a warning or counselling. Once you have decided on which course of action, take it quickly, document your decision and notify both parties.

Sexual harassment can ruin your work environment
and your business

Take appropriate action now to prevent it
and deal with it

UNITE

***Click here to access Dianova's campaign
against gender-based violence***

