

AT A GLANCE:

SEXUAL HARASSMENT IN THE WORKPLACE: IT'S NOT JUST A DIRTY JOKE

Sexual harassment violates Title VII of the Civil Rights Act.

The EEOC is responsible for enforcing Title VII.

Sexual harassment includes both physical or verbal behavior.

Quid pro quo sexual harassment is a coercive tradeoff in which job benefits are exchanged for sexual favors.

Unwelcome sexual conduct that creates a hostile working environment may also constitute sexual harassment.

Sexual harassment is a violation of federal law—specifically, Title VII of the Civil Rights Act of 1964—that carries harsh legal and financial penalties. According to recent statistics from the Equal Employment Opportunity Commission (EEOC), over 10,000 sexual harassment charges were filed, resulting in the payment of millions of dollars in monetary benefits to victims (not including money obtained through litigation). And while only a small percentage of these claims is determined by the EEOC to have “reasonable cause,” that’s little comfort to the employers and businesses forced to defend against even spurious sexual harassment claims.

Despite the fact that the issue of sexual harassment is widely publicized, too few people in today’s workplace understand what actually constitutes sexual harassment. They continue to regard only the most egregious forms of behavior as sexual harassment while discounting more subtle but no less offensive sexually-based conduct. In fact, the EEOC’s definition of sexual harassment is intentionally broad. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and either verbal or physical conduct of a sexual nature when:

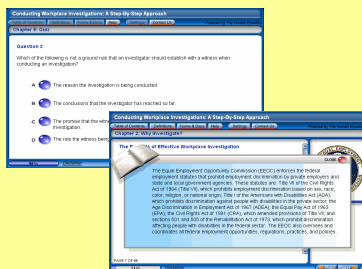
- submission to or rejection of this conduct explicitly or implicitly affects an individual’s employment;
- the conduct unreasonably interferes with the individual’s work performance; or
- the conduct creates an intimidating, hostile, or offensive work environment.

Such an expansive definition underscores the wide range of behaviors that may constitute sexual harassment. So what should an employer do to avoid costly litigation that damages a business’s reputation and saps employee morale? As stated in relevant case law, one necessary element in any successful legal defense to a sexual harassment charge is proof that the employer “exercised reasonable care to prevent and correct promptly any sexually harassing behavior.” Of course, the cornerstone of any preventative measures is a comprehensive and systematic education program that teaches managers and supervisors to recognize even the most subtle forms of sexual harassment and take immediate corrective action when it occurs.

Effective sexual harassment training should include the following elements:

- an explanation of the relevant provisions of Title VII, the federal law that prohibits sexual harassment in the workplace;
- definitions and examples of the different types of sexual harassment and the behaviors associated with them;
- the duties of managers and supervisors in preventing, identifying, and responding to incidents of workplace sexual harassment; and
- designing effective policies to prevent sexual harassment in the workplace.

Inappropriate and unwelcome sexual conduct is illegal, regardless of who engages in it. That’s why managers and supervisors must do more than merely enforce workplace rules; they also have to model the conduct they expect from their employees. But first, managers and supervisors themselves must know what *is* and what *is not* acceptable behavior. Training in sexual harassment prevention is an employer’s best defense against the potentially devastating consequences of Title VII violations, and The Human Equation’s online course can serve as the foundation of that defense.



COURSE FEATURES INCLUDE:

- Self-paced learning
- Clear, concise explanations of sexual harassment law, with specific examples and case studies
- Links to definitions, questions and answers, case law, and documents
- Appealing graphics

