

Sexual Harassment Prevention and Response
Local Government Supervisor Training



Presented by the
Housatonic Valley Council of Elected Officials
Cheryl D. Reedy, Trainer

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TRAINING OBJECTIVES

At the end of this training, municipal supervisors should understand:

- What sexual harassment is
- That sexual harassment is against the law
- Municipal responsibilities and liabilities in regard to sexual harassment
- Supervisor responsibilities for preventing and responding to sexual harassment
- Remedies available for victims of sexual harassment

STATISTICS

- 12,679 – Number of sexual harassment complaints filed with the federal EEOC in 2005
- 14.3% - Percentage of those complaints that were filed by males
- \$47.9 million – Monetary benefits paid to victims to settle EEOC sexual harassment claims in 2005, NOT including settlements obtained through litigation.

WHAT IS SEXUAL HARASSMENT?

Definition:

Unwelcome

Sexual advances, or
Requests for sexual favors, or
Conduct of a sexual nature,

When submission to such is either explicitly or implicitly

A term or condition of employment, or
Used as a basis for employment decisions, or
Substantially interferes with work performance, or
Creates an intimidating, hostile or offensive working environment.

Sexual harassment is defined from the point of view of the victim.

Two Types of Sexual Harassment :

Quid Pro Quo – Latin phrase meaning “this for that.” Sexual harassment in which failure to submit to harassing behaviors results in negative employment consequences.

Hostile Environment – Sexual harassment behavior which so permeates the work space that it substantially interferes with work performance and/or creates an intimidating, hostile or offensive working environment.

KEY CONCEPTS IN UNDERSTANDING SEXUAL HARASSMENT

- The victim as well as the harasser may be a woman or a man.
- The victim does not have to be of the opposite sex.
- The harasser can be the victim's supervisor, an agent of the employer, a supervisor in another area, a co-worker, a vendor, an elected or appointed official, a taxpayer, or any non-employee.
- The victim does not have to be the person who was harassed, but could be someone else who is affected by the offensive conduct.
- Unlawful sexual harassment may occur without economic injury to or discharge of the victim from employment.
- Retaliation against an individual for making a sexual harassment complaint or for assisting in the investigation of a complaint is unlawful.
- Courts look at sexual harassment complaints from the point of view of the victim, using a reasonable woman or reasonable man standard.
- For conduct to be sexual harassment, it must be unwelcome.

SEXUAL HARASSMENT IS AGAINST THE LAW

Connecticut General Statutes 46a-60(a)(8):

- Defines sexual harassment as any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature 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 substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.
- CT law prohibits an employer, or employer's agent, or an employment agency or any labor organization from sexually harassing any employee, person seeking employment or member

Federal Law:

- Title VII of the Civil Rights Act of 1964
- The Equal Employment Opportunity Commission (EEOC) Guidelines
- Civil Rights Act of 1991

IS THIS SEXUAL HARASSMENT?

Yes . . . No . . . Maybe?

1. A worker tells a sexually explicit joke to a group of co-workers, including men and women.
2. An employee receives a bad evaluation after she turns down the sexual proposition of her supervisor.
3. A co-worker working with a woman on a project grabs her and kisses her several times until she pushes him away.
4. An employee constantly makes remarks about the way the department secretary looks and dresses.
5. A supervisor constantly “jokes” with an employee in his department that he could make thing a lot easier for her if she were just a “little friendlier.”
6. A supervisor consistently asks an employee whom he supervises to meet him at restaurants, bars or his home to discuss her work.
7. A supervisor asks an employee whom she supervises for dates.
8. During staff meetings, a supervisor makes remarks about women that some employees find offensive.
9. A supervisor of a 2-person unit repeatedly criticizes the female employee’s work while praising the male employee’s work.
10. An employee passes along the e-mail jokes he receives, including those of a sexual nature, to everyone else in the office so that all can enjoy them.
11. The Police Department has separate locker rooms for male and female officers. One of the women posts several sexy pictures of Brad Pitt on the inside of her locker door.
12. A manager believes that an employee is dressing too seductively for the office, and tells her so.

13. ABC Tool Company advertises on calendars that it distributes to customers. The calendars feature pictures of women in string bikinis, popularly known as the “ABC Tool Girls”. The company posts the calendar photographs around the plant as examples of its advertising campaign.
14. In an office that is predominantly female, several women hire a male stripper for the retirement party of one of their female colleagues. One of the men in the office is uncomfortable with this, and the women tease him about it.
15. An employee uses the town-owned computers during his lunch hour. After checking his stock quotes and the weather, he visits a few racy web sites.

MUNICIPAL RESPONSIBILITIES

- Adopt a Sexual Harassment Policy
- Regularly review and update the policy
- Post the Sexual Harassment Policy in every municipal workplace
- Provide a copy of the policy to all employees
- Train employees on the provisions of the policy
- Provide at least 2 hours of training and education on sexual harassment prevention and response to employees who supervise others within six months of assuming supervisory responsibilities
- Keep a record of policy adoption, updates, dissemination, supervisory and employee training
- Establish a local complaint procedure for employees who believe they have been subjected to sexual harassment
- Provide multiple points of access to the complaint procedure

MUNICIPAL LIABILITIES

- Courts have found employers, including municipalities, liable for damages as a result of sexual harassment by their employees, even if the municipality (employer) didn't know the sexual harassment was occurring
- In some instances, courts have found supervisors personally liable for damages as a result of a failure to reasonably address sexual harassment behavior and complaints
- Retaliation against an employee for making a sexual harassment complaint is illegal and can result in added liability.

SUPERVISOR RESPONSIBILITIES

1. Prior to a complaint

- a. Insure that your municipality's sexual harassment policy is posted and clearly communicated to all employees on a regular basis
- b. Model respectful behavior and professionalism in the work place
- c. Initiate action if you observe inappropriate behavior that could be sexual harassment, and ask the individual involved to stop
- d. Maintain accessibility, open door/open mind, so that employees have the opportunity to make a complaint if needed.
- e. Get training from Human Resources on how to handle complaints

2. When a complaint is made

- a. Follow your municipality's complaint procedure.
- b. Report the complaint to Human Resources
- c. Investigate the complaint.
- d. Interview the complainant, alleged harasser and any witnesses. If advisable, get written, signed statements from all involved.
- e. Take notes; ask questions; keep an open mind; get all the facts.
- f. Document all your meetings and actions in writing. Keep good notes.
- g. Ask the complainant what she or he wants done.

3. After a complaint is investigated and verified

- a. Tell the harasser to stop.
- b. Put documentation in harasser's file
- c. Take disciplinary action up to and including termination, as the circumstances warrant

4. If a complaint cannot be verified

- a. Re-affirm to all parties that you take sexual harassment seriously
- b. Provide a training session for the entire department
- c. Document your actions
- d. Check back on the situation in 4-6 weeks and again in 6 months

SEXUAL HARASSMENT REMEDIES

1. **If possible, the victim should inform the harasser directly that the conduct is unwelcome and must stop.**
2. Municipal complaint procedure set forth in local sexual harassment policy
3. CT Commission on Human Rights and Opportunities (CHRO)
 - a. Telephone Number: 1-800-477-5737
 - b. Formal written complaint must be filed with the commission within 180 days of the date when the alleged harassment occurred.
 - c. Additional information is available at <http://www.state.ct.us/chro/>
4. Equal Employment Opportunity Commission (EEOC)
 - a. Telephone Number: 1-800-669-4000 or 1-800-669-6820 (TTY).
 - b. EEOC will not usually review a complaint until the CHRO completes its work or 60 days has passed without a CHRO determination.
 - c. Complaints not filed with CHRO, must be filed with the EEOC within 300 days of the date the alleged harassment occurred.
 - d. Filing with both the EEOC and the State in a timely fashion protects the right to sue in federal court
 - e. Additional information is available at http://www.eeoc.gov/types/sexual_harassment.html
5. Private Attorney
 - a. Complainants do not need an attorney to file with the CHRO or EEOC.
 - b. If the EEOC dismisses a claim or has not ruled on the claim within 180 days, a complainant is entitled to receive a “right to sue” letter from the EEOC which gives the complainant 90 days in which to file a private lawsuit.

PRACTICE SCENARIOS

Case Study #1

Betty is the Town's Assessor. As part of her job, she has to make onsite visits to various residential and commercial buildings in town. This afternoon, Betty is inspecting the house of a homeowner new to town. The homeowner, Mr. Johnson, was born and raised abroad and has just become an American citizen. During Betty's visit, Mr. Johnson looks her up and down, "checking out" her breasts and legs. He also repeatedly brushes up against her and makes kissing noises with his mouth. As Betty gets up to leave, Mr. Johnson comes up behind her and pinches her on the buttocks. When Betty pushes away his hand and tells him to stop, he laughs and says, "But, it is the custom of my country to appreciate beautiful women." Betty returns to the town hall and is very upset about this incident. She reports it to you, her supervisor. How would you handle this incident?

Case Study #2

Peter is a supervising lieutenant at the Police Department. Peter is a big guy—over six feet tall and about 200 pounds. He is generally well-liked and known as a hard worker who gets the job done and always comes in under budget each year. During "crunch times" Peter gets stressed out. He drinks too much coffee and gets too little sleep. He also tends to take out his frustrations on the employees in his department. He has been known to curse and yell obscenities, to stamp his feet, to throw papers and to slam doors in the presence of both male and female employees. This past week Peter grabbed one of the female employees by the arm and pushed another male employee out of his office. A third female employee who is pregnant went home early and in tears after he yelled at her in public for doing a "sh-ty job." All three employees complain to you, the supervisor. How would you handle this situation?

Case Study #3

Janice is a reserved, quiet kind of person. This afternoon, as she's returning from lunch, she pauses to tell Mary the new joke she's heard, which, uncharacteristically for Janice, has a rather bawdy theme. Mary claims to know every tasteless joke ever written, but Janice is pretty sure she hasn't heard this one yet. Unfortunately, Robert walks by just as Janice is delivering the risqué punch line. He stops dead in his tracks and turns beet red as the ladies laugh together at the joke. Robert is so upset that he tells a coworker about the incident. You are the supervisor and hear through the grapevine about the incident. How would you respond?

Case Study #4

Gloria is the most beautiful woman that Luther has ever seen. She works in his department. He's been trying to get her to go out with him for about three months. She even had her boyfriend call Luther up and threaten him. But Luther is not deterred. He believes in love at first sight and knows that he and Gloria are destined to be together. Luther starts sending Gloria notes via e-mail. This week's is probably the best one ever. He writes of his eternal love for her, offers glowing compliments about her many desirable physical features, and describes the pleasure he knows he can give her. Luther is now using her direct fax line to communicate his passion. Gloria is nervous and unsure of how to respond. She has no interest in Luther. You, the supervisor, hear of this situation through the grapevine. How would you respond?

Case Study #5

Susan is a new teacher at the high school and is very attractive. She tends to wear revealing clothes to school and social events, and it has started to make many of the other staff members uncomfortable. The culture of the school is very conservative. Mr. Jones has been working at the school for 10 years. He is very attracted to Susan, and they have started to date. During many different school events, they can be spotted touching each other, kissing and doing other inappropriate behaviors. Three other teachers are disgusted and uncomfortable with their display of affect and the way Susan dresses. They have all come to you, their supervisor, to initiate a complaint. How are you going to respond?