

Kylie is 16-years-old and recently started a summer job at a hamburger/hot dog take-out restaurant. She works mostly with other teens, and her manager, Jason, is 23-years-old.



During her first week of work, Jason would sometimes wink or smile at Kylie, and she found it exciting to be noticed by someone attractive and older. Now, into Kylie's second week, Jason whistles at her when she arrives for her shift every day and regularly jokes that she must get a lot of dates with a mature body like hers. He also tells her that she should consider going on a date with him because "older guys are more experienced than high school boys."

Kylie has no interest in dating Jason, and these comments make her uncomfortable. But she has noticed him saying similar things to other female workers who go along with it, so she worries she is overreacting. Kylie is also afraid to say something because Jason is the manager, and she needs the work to save money over the summer.

Dave is 17-years-old and works at a cell-phone retailer after school. He usually works with Kristen, the Assistant Manager of the store, and another female sales assistant. Kristen is often overly friendly to Dave, but has never made him feel uncomfortable before.



This changed the other day when Kristen asked Dave to lift her up by her waist to reach a product on the top shelf in the store. Dave politely refused because there was a step-stool nearby, and he felt the request was inappropriate. Kristen got upset when Dave said no and called him a “wimp.” She told him that he “shouldn’t disobey the manager.” The other female sales assistant overheard the conversation and laughed it off.

Dave feels very uncomfortable now because he doesn’t think that Kristen was joking about disobeying her, even though he feels what she asked him was wrong.

What is sexual harassment?

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when this conduct explicitly or implicitly affects:

- An individual's employment,
- Unreasonably interferes with an individual's work performance, or
- Creates an intimidating, hostile, or offensive working environment. (EEOC)

In other words, workplace sexual harassment is...

Any unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature.

Sexual harassment is conduct that is:

- Unwanted
- Unwelcome
- Repeated

Sexual harassment can be:

- Visual
- Verbal
- Physical

Sexual Harassment

Harassers can be:

- Co-workers
- Supervisors
- People from outside the company (e.g., clients or customers)

Sexual harassment can happen to anyone and by anyone, including those of the same gender.

Effects of Sexual Harassment

Interferes with job performance

- Avoid going to work, call in sick, be late, or want to quit
- May create a hostile work environment

Causes emotional distress

- Feelings of confusion, anger, stress, anxiety, fear that the behavior will continue
- Feelings of loss of control over life, drop in self-esteem
- Feelings of blame, and/or feeling responsible for the harassment

Negatively affects academic/school performance

Types of Sexual Harassment

Quid Pro Quo



means

This for That

This usually involves a

- supervisor,
- employer, or
- co-worker

who **uses threats or promises rewards in exchange for sexual favors.**

Quid Pro Quo Examples

Examples of Threats

- Getting fired
- Getting a bad evaluation
- Not getting a raise or promotion
- Being excluded from a group
- Not getting a preferred work schedule
- Reduced work hours

Examples of Rewards

- Getting hired
- Getting a promotion
- Getting a raise or other special treatment
- Getting a preferred work schedule
- Being included as part of a group
- Getting a better grade or review on an evaluation

Types of Sexual Harassment

Hostile Work Environment

It is caused by
**repeated actions,
comments, or
objects**
that create an
**intimidating,
hostile, or
offensive work environment.**

The behavior does not have to be repeated to be considered sexual harassment if it is a severe incident.

Hostile Work Environment Examples

- Regular use of sexually offensive language
- Sexual jokes
- Sexual gestures
- Sexual pictures or graphic calendars
- Lewd notes
- Sexual graffiti
- Screen saver with nude or scantily clad bodies
- Emails with sexual jokes, pictures, or comments
- One incident of sexual assault

Sexual Harassment

Flirting vs. Sexual Harassment

What Flirting Feels Like

- Silly, good-natured, playful
- Feels nice to be noticed, boosts self-esteem
- I feel attracted to this person
- Exciting, feels good
- I feel in control, it is wanted, it is mutual

What Sexual Harassment Feels Like

- Threatening, scary
- Uncomfortable, uneasy, embarrassing
- I can't believe this just happened
- Disgusting or demeaning, feels bad
- Other person seems in control, it is unwanted, not mutual

Sexual Harassment Examples

Visual	Verbal	Physical
<ul style="list-style-type: none"> • Posting pictures of nude or scantily clad people • Passing notes with lewd drawings • Hanging a calendar with nude pictures • Drawings of a sexual nature in bathrooms or locker rooms, especially when targeting a specific person • Wearing a t-shirt with sexually explicit pictures or graphics 	<ul style="list-style-type: none"> • Calling someone degrading names of a sexual nature • Spreading sexual rumors, making fun of a person's sexual orientation • Commenting on someone's sexual abilities, body parts or clothing • Telling or emailing jokes of a sexual nature • Howling, catcalling or whistling 	<ul style="list-style-type: none"> • Making lewd gestures (licking lips suggestively, gyrating hips, etc.) • Following someone or blocking his or her way so a person can't get away • Unwanted grabbing pinching, kissing, or pressing up against someone • Exposing private body parts • Pulling off clothing, flipping up skirts, bra snapping

What can you do?

If you are a victim of sexual harassment, you can do the following:

Tell someone.

Document the harassment.

Report it.

Act promptly.

What can you do?

Tell Someone

Multiple people may be able to help stop the harassment:

- Tell the harasser to stop.
- Tell your supervisor, If you feel uncomfortable talking to your harasser.
- Inform your employer, if you or your supervisor tells the harasser to stop and the behavior continues.
- Tell a parent, teacher, co-workers or trusted adult for support.

What can you do?

Document the Harassment

Keep a written record of the incident(s) that occurred, including:

- What happened;
- When did it happen (dates and times);
- Where did it occur;
- Other witnesses or co-workers that may have been present;
- How it made you feel.

What can you do?

Report it

Find out your employer's sexual harassment policy and identify who is responsible for handling complaints.

- If there is no policy, report it to a manager in the company for appropriate action.
- Once your employer knows harassment is occurring, it is their responsibility to stop it.

What can you do?

Act promptly

You can also file a formal claim through EEOC or MCAD. This could prevent harassment from happening to others and make your workplace safer and more comfortable for you.

There are time limits for filing these claims:

- MCAD-300 days from the last incident
- EEOC-180 (or more) from the last incident

It is always best to file as soon as you decide that is what you want to do.

Sexual Harassment Laws

Federal Law

1964 Civil Rights Act Title VII

SEC. 2000e-2: Prohibits employer discrimination on the basis of race, color, religion, sex, or national origin. This includes sexual harassment, which targets one sex only.

SEC. 2000e-3: Protects you from further discrimination or retaliation if you file a complaint or participate in an investigation or lawsuit about discrimination.

Sexual Harassment Laws

Massachusetts State Laws

Chapter 151B

Section 3A:

- (a) employers must “promote a workplace free of sexual harassment”
- (b) mandates employers to adopt a policy against sexual harassment and provide copies of the policy to all employees; encourages an education and training program for employees

Section 4: It is unlawful to discriminate because of race, color, religion, national origin, ancestry, sex, sexual orientation, or gender identity.

Sexual Harassment Laws

Massachusetts State Laws

Executive Order 491

The policy in MA to have zero tolerance for sexual assault (domestic violence, or stalking) at any place, including the workplace.