



Company Name: _____ Job Site Location: _____

Date: _____ Start Time: _____ Finish Time: _____ Foreman/Supervisor: _____

Topic 285: Sexual Harassment in the Workplace

Introduction: Sexual harassment is a form of sex discrimination that violates Title VII of the Civil Rights Act of 1964. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when submission to, or rejection of, 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 work environment.

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

- 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, or a non-employee.
- The victim does not have to be the person harassed but could be anyone affected by the offensive conduct.
- Unlawful sexual harassment may occur without economic injury to, or discharge of, the victim.
- The harasser's conduct must be unwelcome.



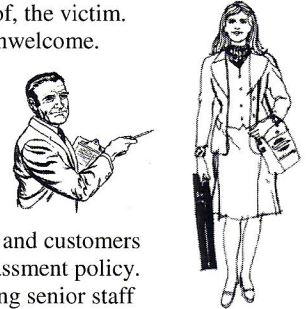
It is important for the victim to directly inform the harasser that the conduct is unwelcome and must stop.

The victim should use any employer complaint process or grievance system available.

When investigating allegations of sexual harassment, the U. S. Equal Employment Opportunity Commission (EEOC) looks at the whole record. The circumstances, such as the nature of the sexual advances, and the context in which the alleged incidents occurred. A determination on the allegations is made from the facts on a case-by-case basis.

Following are guidelines and factors EEOC considers relevant to sexual harassment:

- **Workers must understand** what sexual harassment is and appreciate that employers and employees can be held liable if any personnel are engaged in sexual harassment.
- **Know that any unwelcome** sexual activity tied to employment decisions or benefits is sexual harassment.
- **Recognize that sexual harassment** may include jokes, vulgar language, sexual innuendoes, pornographic pictures, sexual gestures, physical grabbing or pinching, and other unwelcome or offensive physical touching or contact.
- **Remember that every** sexual harassment charge is extremely serious.
- **Understand that employees** who comply with unwelcome sexual advances can still be victims of sexual harassment.
- **Realize that men** as well as women may be sexually harassed.
- **Understand that employees** may wait a while before lodging sexual harassment charges.
- **Issue and communicate** a strong company policy from the CEO/President against sexual harassment.
- **Provide a clear definition** of sexual harassment using examples of inappropriate behavior.
- **Review the policy** with all company personnel on a regular basis.
- **Discuss the policy** with all new employees.
- **Ensure that third-party** suppliers and customers are aware of company sexual harassment policy.
- **Establish procedures** by appointing senior staff personnel to oversee the implementation of the policy.
- **Supervisors and managers must** be trained to recognize and prevent sexual harassment.
- **Clearly outline procedures** to use in reporting sexual harassment.
- **Designate appropriate managers**, rather than a direct supervisor, to receive sexual harassment complaints.
- **Provide alternative routes** for filing complaints.
- **Company sexual harassment policy** must be enforced and employees who do bring charges are free from the threat of retaliation.
- **Investigate all** sexual harassment charges quickly and thoroughly and safeguard the rights of the accused.
- **Accurate records** of the investigation and findings must be maintained and immediate action must be taken when sexual harassment is suspected or discovered.
- **Ensure that any employee** found to have engaged in sexual harassment is disciplined appropriately.
- **Employees shall be safeguarded** from third-party, work-related sexual harassment.



Conclusion: Sexual harassment in the workplace presents an ongoing and growing risk to businesses. Prevention is the best tool to eliminate sexual harassment in the workplace. This requires an investment of time and personnel. Employers must take the steps necessary to prevent sexual harassment from occurring by clearly communicating to employees that sexual harassment will not be tolerated. This can be done by establishing an effective complaint or grievance process and taking immediate and appropriate action when an employee complains. In the end, however, these costs will be offset by significant savings in legal fees and health-care costs. Benefits include higher worker morale and increased productivity. A company only stands to gain if it takes a no-nonsense, hard-line position on sexual harassment. Follow these guidelines to avoid sexual harassment related situations.

Work Site Review

Work-Site Hazards and Safety Suggestions: _____

Personnel Safety Violations: _____

Employee Signatures:

(My signature attests and verifies my understanding of and agreement to comply with, all company safety policies and regulations, and that I have not suffered, experienced, or sustained any recent job-related injury or illness.)

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Foreman/Supervisor's Signature: _____

These guidelines do not supercede local, state, or federal regulations and must not be construed as a substitute for, or legal interpretation of, any OSHA regulations.