

NEW YORK STATE
Sexual Harassment
Prevention Training

JULY 2018 EDITION



Combating
Sexual Harassment

Introduction



**Combating
Sexual Harassment**

Sexual Harassment in the Workplace



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Sexual Harassment in the Workplace

Sexual harassment will not be tolerated.

Today's training will:

- Help you better understand what is considered sexual harassment
- Show you how to report sexual harassment
- Show you external reporting options



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What is Harassment?

Harassment is discrimination that consists of words, signs, jokes, pranks, intimidation, physical actions or violence directed at an employee due to any protected characteristic.

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Zero Tolerance

- Any harassing behavior will be investigated.
- Disciplinary action may be taken, including termination.
- Repeated behavior will be dealt with accordingly.

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Sexual Harassment Overview

Sex discrimination includes:

- Any type of bias on the basis of sex
- Sexual harassment
- Sex stereotyping
- Discrimination on the basis of gender identity or the status of being transgender
- Discrimination on the basis of pregnancy



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What is Sexual Harassment?

Unwanted verbal or physical advance, sexually explicit or derogatory statement, or sexually discriminatory remark that is offensive or objectionable to the recipient, or which interferes with his or her job performance.

Some Types:

- Hostile Environment
- Quid Pro Quo



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Hostile Environment

Sexual or discriminatory displays or publications anywhere in the workplace

Hostile actions taken against an individual because of that individual's sex

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Quid Pro Quo Sexual Harassment

Occurs when a person in authority trades, or tries to trade, job benefits for sexual favors.

Occurs between an employee and someone with authority, who has the ability to grant or withhold job benefits.

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Who can be the Target?

Sexual harassment can occur between males and females, or between persons of the same sex.

The law protects employees, unpaid interns, and non-employees who work in the workplace.

Who can be the Perpetrator?

Anyone in the workplace:

- A coworker
- A supervisor or manager
- Any third-party (non-employee, intern, vendor, customer, etc.)



Where Can Workplace Sexual Harassment Occur?

Whenever and wherever employees are fulfilling their work responsibilities, including:

- Employer-sponsored event
- Conferences
- Office parties



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Sex Stereotyping

Harassing a person because that person does not conform to gender stereotypes is sexual harassment.

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Retaliation



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Protected Activities

Any employee engaged in “protected activity” is protected by law from being retaliated against.

Protected activities include:

- Making a complaint about harassment or suspected harassment
- Providing information during an investigation
- Testifying in connection with complaint



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What is Retaliation?

Any action to alter an employee's terms and conditions of employment *because* that individual engaged in protected activities.

Examples:

- Sudden change in work schedule or work location
- Demotion



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What is Not Retaliation

A negative employment action is not retaliatory merely because it occurs after the employee engages in protected activity.

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Supervisor's Responsibility



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The Supervisor's Responsibility

Supervisors and managers are held to a high standard of behavior. They are:

- Required to report any harassment reported to them or which they observe.
- Responsible for any harassment or discrimination they should have known about.
- Expected to model appropriate behavior.



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Mandatory Reporting

Supervisors must report any harassment that they observe or know of, even if no one is objecting to it.

- Harassment must be promptly reported to the employer.
- Supervisors and managers will be subject to discipline for failing to report suspected sexual harassment.
- Supervisors and managers will also be subject to discipline for engaging in retaliation.



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What Should I Do If I Am Harassed?



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What Should I Do If I Am Harassed?

We will provide you with a complaint form to report harassment and file complaints. Submit it to:

[Person or office designated]

[Contact information for designee or office]

[How the Complaint Form can be submitted]

Verbal complaints will also be investigated.

What Should I Do If I Witness Sexual Harassment?

Anyone who witnesses or becomes aware of potential instances of sexual harassment should report it to a supervisor, manager or designee.

It is unlawful for an employer to retaliate against you for reporting suspected sexual harassment or assisting in any investigation.

Investigation and Corrective Action

- Anyone who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action.
- An investigation of any complaint should be completed within a reasonable timeframe.
- The investigation will also be confidential to the extent possible.
- Any employee may be required to cooperate as needed in an investigation.



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Investigation Process

- [*Person or office designated*] will conduct an immediate review of the allegations, and take any interim actions
- Relevant documents, emails or phone records will be requested, preserved and obtained.
- Interviews will be conducted
- The individual who complained and the individual(s) accused of sexual harassment are notified of final determination and that appropriate administrative action has been taken.

Additional Protections and Remedies



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NYS Division of Human Rights (DHR)

A complaint alleging violation of the Human Rights Law may be filed either with DHR or in NYS Supreme Court.

- Complaints may be filed with DHR any time **within one year** of the alleged discrimination.
- You do not need to have an attorney to file.
- More information: **www.DHR.ny.gov**



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United States Equal Employment Opportunity Commission (EEOC)

- An individual can file a complaint with the EEOC anytime **within 300 days** from the alleged discrimination.
- You do not need to have an attorney to file.
- A complaint must be filed with the EEOC before you can file in federal court.
- More information: www.EEOC.gov.



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Local Protections

Many localities enforce laws protecting individuals from sexual harassment and discrimination.

- Contact your county, city or town to find out if laws exist.

Harassment may constitute a crime if it involves things like physical touching, coerced physical confinement or coerced sex acts.

- Contact the local police department.



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Summary



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Other Types of Workplace Harassment

Any harassment based on a protected characteristic is prohibited in the workplace and may lead to disciplinary action.

- Age, race, creed, color, national origin, sexual orientation, military status, sex, disability, marital status, domestic violence victim status, gender identity and criminal history.

Much of the information presented in this training applies to all types of workplace harassment.

Summary

- How to recognize harassment as inappropriate behavior.
- Harassment because of any protected characteristic is prohibited.
- Why workplace harassment is employment discrimination.
- All harassment should be reported.
- Supervisors and managers have a special responsibility to report harassment.



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Important Resources

Find the Complaint Form:

[insert information here]

For additional information, visit:

www.ny.gov/combating-sexual-harassment-workplace



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