

From In-Person Taunting to Online Bullying:

How to Halt Harassment in Today's
Changing Workplace

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What We'll Cover

- The different types of workplace harassment
- What your no-harassment policy must include – and how to communicate it to all employees
- The surge in states requiring employers to conduct anti-harassment training
- Practical tips to prevent remote workplace harassment
- An effective training solution for employees and managers

UNDERSTANDING HARASSMENT

What Is Harassment?

Harassment occurs when someone shows hostility toward another based on:

- Sex (including pregnancy)
- Gender identity
- Age
- Race or color
- National origin
- Religion
- Disability
- Sexual orientation
- Genetic information

Physical Harassment

Common examples of physical harassment include:

- Unwelcome physical contact
- Invading someone's personal space
- Damaging someone's property
- Making offensive gestures
- Any other offensive or demeaning act directed at someone because of his/her protected class

Verbal/Visual Harassment

Common examples of verbal/visual harassment include:

- Unwelcome comments
- Offensive jokes
- Threats or insults
- Name-calling
- Negative stereotyping
- Possession or display of derogatory pictures

When Is Conduct Illegal?

1. The conduct occurred because of a person's legally protected characteristic
2. The conduct was uninvited or unwelcome **AND**
3. The conduct was sufficiently severe or pervasive

Sexual Harassment

One type of sexual harassment is **hostile environment**. Common examples include:

- Telling dirty jokes or using sexual innuendo
- Unwelcome touching, such as hugs or pinching
- Sexual propositions or repeated requests for dates
- Practical jokes of a sexual nature

Sexual Harassment

- **Quid pro quo** (“this for that” in Latin) sexual harassment is a more serious form of harassment
- It occurs when a manager threatens or takes employment action based on an employee’s willingness – or unwillingness – to participate in a sexual relationship
- The perpetrator can be anyone in a position of authority who can influence the employee’s job

PREVENTING HARASSMENT

Anti-Harassment Policy

Your policy should:

- Include an explanation of harassment and specific types of prohibited conduct
- Encourage employees to report harassment immediately
- Explain the internal complaint procedure
- Designate at least two contacts within your company who can receive harassment complaints

Anti-Harassment Policy

- Every company should have an anti-harassment policy
- You should have acknowledgment that every employee received it and read it
- Policies can be distributed by paper or electronically – or both
- In addition, policies can be posted on your intranet

Harassment Prevention

Employees should be told to:

- Report any incidents of harassing behavior immediately
- Go to the designated individuals listed on the policy or talk to their manager to report incidents
- Ask him or her to stop – or simply disengage – if they are uncomfortable with someone’s behavior
- Change the subject or end the conversation if they are uncomfortable with a topic

Anti-Harassment Training

Training should address all types of harassment (race, religion, age, sex, sexual orientation, etc.) In addition, it should also:

- Reinforce that harassment will not be tolerated
- Highlight specific examples of unacceptable behavior
- Explain that it is the employee's responsibility to avoid questionable behavior and to report any incidents
- Cover all types of harassment – not just sexual

Anti-Harassment Training

Many states now require anti-harassment training. For example:

- CA now requires businesses with 5 or more employees to provide sexual harassment training to employees and supervisors
- CT requires training for employers with 3 or more employees
- DE employers with 50 or more employees must provide training
- IL employers must provide training at least once a year
- ME employers must provide training at the start of employment
- NY requires all employers to provide sexual harassment prevention training to all employees
- Other states (MA, RI, VT) strongly encourage employers to provide training
- Many other states have laws pending

HALTING HARASSMENT IN THE REMOTE WORK ENVIRONMENT

Remote Work Harassment

- Decentralized workplaces – and workspaces that are isolated or remote – are at an increased risk for harassment, according to the EEOC
- Employees may feel that workplace policies are more relaxed, and don't really apply, since they are at home
- Remote workers can easily become a little too comfortable and share things that they normally wouldn't in the more formal work environment

Remote Work Harassment

- Remote work harassment usually happens online by sharing inappropriate jokes or comments via email, chat or text messages
- It can also happen during teleconferencing (e.g., intentionally muting someone during meetings)
- Sharing offensive gifs, photos, or memes is another common example

Remote Work Harassment

- Remote workers must understand that all workplace protocols and policies still apply
- This should be clearly stated in your remote workplace policy, and managers should reinforce this rule
- Regular check-ins with individual remote workers can help you spot troubling issues early
- In addition to illegal harassing behaviors, your company policies should forbid bullying, intimidating or disrespectful behavior

HARASSMENT TRAINING TO PROTECT YOUR BUSINESS

Solutions to Protect Your Business

The Harassment Training Smart App

- An online tool that allows employees to complete self-guided training anytime, anywhere
- This attorney-approved training program contains six modules and is designed for employees *and* managers
- To complete each module, employees answer a few questions to help ensure the material is understood
- The app allows you to track which employees have completed training and when it was completed
- The material can also be presented in a group setting

Solutions to Protect Your Business

- Online Sexual Harassment Training (50-State Compliant)



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Thank You!