Sexual harassment: What managers need to know

If you’re a supervisor in any capacity, you serve as the “eyes and ears” for your organization. That means you have a legal responsibility to be on the lookout for misconduct—and that includes sexual harassment. Business Management Daily’s Editorial Director Pat DiDomenico talks about what’s considered sexual harassment in American workplaces ... and how to react if you see it or hear about it.

Sexual harassment occurs in the workplace when one person attempts to exert power over another through sexual intimidation. Legally speaking, it’s a form of sexual discrimination, which violates the Title VII of the federal Civil Rights Act.

The EEOC, which governs that federal law, says sexual harassment occurs when “unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature ... affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile or offensive work environment.”

You need to be aware that there are two kinds of sexual harassment:

1. **Quid Pro Quo harassment:** Literally means “this for that.” And it’s usually the most blatant kind. This occurs when a boss uses a job reward (such as a raise or promotion) or punishment (such as a firing) to force an employee into a sexual relationship.

2. **Hostile Environment harassment:** Much more subtle. Employees who claim a hostile environment are arguing that the workplace is so sexually charged that it affects their job performance.

Be alert to any of the following things that could trigger a hostile environment claim:

1. Repeated sexual innuendo, obscene jokes, lewd remarks or whistling. Sexually offensive content in email messages, notes and graffiti.
2. Persistent unwanted sexual propositions.
3. Displaying pornographic pictures, video or other sexual material at work.
4. Coerced or unwelcome touching.
5. Subtle or overt pressure for sexual favors.

If you’re a supervisor, the main message to you is this:

First, be aware of what could be deemed unlawful sexual harassment. Review the points I’ve just described. Second, if you hear about potential harassment—whether it’s from the victim directly or through the grapevine—don’t sit on that information. Contact HR to discuss appropriate next steps or discipline.
If you’re in a position to direct employees on sexual harassment issues, advise them to follow these four basic rules:

1. Avoid unwelcome physical contact with co-workers or customers.
2. Never demean others. Such behavior is considered a hostile environment if it’s aimed at a specific gender.
3. Don’t make suggestive comments. The workplace isn’t the place for sexual banter.
4. Keep the door open. It’s much easier for employees to claim misconduct if it’s behind closed doors. If you expect trouble, bring a witness.

**One final tip:** If an employee ever does voice a complaint of sexual harassment, never retaliate against that person for the complaint. Federal law makes it illegal to retaliate against employees who file legal complaints.