

Preventing Sexual Harassment



Illinois Department of Central Management Services



Policy

It is the responsibility of each individual employee to refrain from sexual harassment, and it is the right of each individual employee to work in an environment free from sexual harassment.

CMS Policy Manual Chapter 2, Section 21



Responsibility of Individual Employees

- Each individual employee has the responsibility to refrain from sexual harassment in the workplace.
- An individual employee who sexually harasses a fellow worker is, of course, liable for his or her individual conduct.
- The harassing employee will be subject to disciplinary action up to and including discharge...

CMS Policy Manual Chapter 2, Section 21



What is Sexual Harassment

According to the Illinois Human Rights Act, sexual harassment is defined as any unwelcome advances or requests for sexual favors or any conduct of a sexual nature when:

- Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual;

OR

- Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

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What is Sexual Harassment

Sexual harassment is disrespectful behavior toward others - specifically harassment of a sexual nature.

Sexual harassment is a behavior; adults are responsible for their own behavior and also for the consequences of that behavior.

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Question #1



A supervisor who touches an employee in a sexual manner only once, is guilty of sexual harassment.





Answer #1



TRUE– Even a single incident can be sufficient to begin a sexual harassment charge





Question #2

An employer who has a sexual harassment policy will avoid liability for harassment committed by the victim's co-worker.





Answer #2

FALSE – A policy is essential, but a policy alone does not keep the employer from liability.





Question #3

“Same gender” sexual harassment (male to male, female to female) can occur.





Answer #3

TRUE – Same sex harassment is also a violation of the law.





Question #4

An employer may set higher standards for employee conduct than the law requires.





Answer #4

TRUE – Not only can the employer set high standards, the employer should.



Types of Sexual Harassment

Quid Pro Quo

In Latin, “This for that”. Employment decisions based upon an employee’s willingness to grant sexual favors in exchange for working benefits (promotions, increases, preferred assignments)

According to federal guidelines, a single “quid pro quo” advance may be considered as harassment if it is linked to an employment benefit.



Types of Sexual Harassment

Hostile Work Environment

Any conduct of a sexual nature that creates an intimidating, hostile or offensive work environment.

Conduct includes:

1. Verbal
2. Non-verbal
3. Visual
4. Physical

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Verbal Hostile Work Environment

- Sexual innuendoes
- Suggestive comments
- Insults
- Humor & jokes about sex, anatomy or gender specific traits
- Sexual propositions
- Threats
- Repeated requests for dates
- Statements of a sexual nature about other employees, even outside of their presence

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Non-Verbal Hostile Work Environment



- Suggestive or insulting sounds
- Leering
- Suggestive body gestures
- Catcalls/smacking/kissing noises
- Elevator eyes

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Visual Hostile Work Environment

- Posters
- Signs
- Pin-ups
- Slogans

of a sexual nature, regardless of the intent
(Sports magazines for the articles, calendars
for the charitable contribution, etc.)

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Physical Hostile Work Environment

- Unwelcome touching
- Unwelcome hugging or kissing
- Pinching
- Brushing the body
- Coerced sexual contact
- Assault



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Unwelcome – What is it?

Much of sexual harassment is based on what is considered as “unwelcome” behavior. Unwelcome behavior is behavior that is not solicited or wanted by the offended person.

The intent of the behavior is not important, the perception of the behavior by the offended person is. Regardless of the intent, “I didn’t mean anything by it” does not justify or validate the perceived harassing behavior.



Did You Know?

- 2/3 of sexual harassment complaints are brought against a supervisor/manager
- Victims of harassment can be male or female, and the harasser can be of the same gender.
- According to multiple surveys, over 60% of all employees have witnessed sexual harassment in the workplace.



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Sexual Harassment May Involve:

- Victim – The recipient of the unwelcomed and unwanted attention. The victim does not have to be the person harassed, but can be anyone offended and affected by the behavior.
- Harasser: Can be a supervisor/manager, co-worker, or anyone the victim is offended by during the course of the business day.
- Supervisor/Manager: Has multiple roles: a) prevent the harassment; b) address incidents; c) document/report the incident/incidents



For Supervisors

- Courts have found that organizations, as well as supervisors, can be held liable for damages related to sexual harassment.
- Liability is based on an organization's responsibility to maintain a certain level of order and discipline, or on the supervisor acting as an agent of the organization.





Question #5

An employee reports sexual harassment to his or her supervisor, but says, “I don’t want you to do anything, I just want to let you know”.

The supervisor has no need to do anything.





Answer #5

FALSE – A supervisor must address an incident with seriousness, take prompt action to investigate it, report it and end it, implement appropriate disciplinary action, and observe strict confidentiality.





Question #6

A copy repair technician, during multiple service calls, makes obscene comments and tells dirty jokes when she is on-site. The supervisor should document it and report it.





Answer #6



TRUE – Each supervisor is responsible for maintaining a workplace free of sexual harassment which includes third party individuals (contractors, customers sales representative and repair people).





“Reasonable Person” standard What is it?

The “Reasonable Person” standard is used by the courts to assess whether particular conduct is illegal by determining whether a reasonable person would find it severely or pervasively offensive under similar circumstances.



Filing a Complaint

“An employee, who either observes or believes herself/himself to be the object of sexual harassment, should deal with the incident(s) as directly and firmly as possible by clearly communicating his/her position to the supervisor, EEO Officer and offending employee. It is not necessary for sexual harassment to be directed at the person making a complaint.”

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