



Office of Financial Management
State Human Resources

WORKPLACE ENVIRONMENT

EXECUTIVE ASSISTANTS GROUP

November 7, 2018

Objectives

- Refresher of key components and responsibilities.
- Communicate ideas for leaders.
- Provide space for conversation.

Initial Observations

- Employee perception of likelihood of change if they speak up.
- Broader than just a question of legality.
- Do employees see a broader approach to a welcoming workplace?

Employee Perspective

About three out of four employees who experience sexual harassment do not report the instance. Frequent reasons for not reporting include fear of disbelief, inaction, blame, or social or professional retaliation.

Common responses by victims of workplace harassment:

- Up to 75% avoid the harasser.
- Up to 73% deny or downplay the gravity of the situation.
- Up to 70% attempt to ignore, forget or endure the behavior.

Impacts of Harassment

- Employee welfare
- Negative impact to employee engagement
- Productivity
- Organization reputation
- Turnover
- Culture of agency

Source: U.S. Equal Employment Opportunity Commission, Select Task Force on the Study of Harassment in the Workplace. June 2016

Definition of Sexual Harassment

Sexual Harassment Defined

The Federal Equal Employment Opportunity Commission defines sexual harassment as:

- Unwelcome sexual advances,
- Requests for sexual favors, and/or
- Other verbal or physical conduct of a sexual nature;

AND any one of following three criteria are present:

Sexual Harassment Defined Cont.

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

Sexual harassment can be in the form of:

- Verbal behavior - unwanted sexual comments, suggestions, jokes, or requests for sexual favors (*this can include social media*).
- Non-verbal behavior - gestures, leering, pictures, or cartoons.
- Physical behavior - touching, repeated brushing against a person's body, assault, molestation.

Quid Pro Quo

- Occurs when an individual is required to choose between suffering a detriment to their employment or submitting to sexual advances or conduct.
- Harassment committed by a supervisor because of power relationship.

Hostile Work Environment Harassment

- Harassment is unwelcome (i.e., not solicited or invited and is undesirable or offensive); AND
- Harassment is based on protected status; AND
- Harassment affects the terms or conditions of employment. It is severe or pervasive so as to create a hostile or abusive work environment.

Harassment Can Occur Between Various Roles in an Organization

- Supervisor and Employee
- Co-worker and Co-worker
- Stakeholder/Customer and Employee
- Vendor and Employee
- Individuals that identify as different gender
- Individuals that identify as the same gender

Retaliation

- Agencies must have provisions to protect complainants and reporters.
- Intent to ensure people are not dissuaded from complaining/reporting.
- Critical to monitor work environment after complaint is made.

Addressing Harassment

- Action taken should be designed to stop the harassment and prevent further harassment.
- Corrective action includes discipline that is proportional to the seriousness of the offense.
- Remedial measures to address the harassment should not adversely impact the complainant.

Opportunities for Leadership to Address Harassment Prevention

Prevention Through Leadership

- Listen with an open mind and understanding.
- Examine your own behavior.
- Be proactive— one role of a leader is to remain engaged with employees and be approachable, truly embrace an open door policy.
- Catch and reward employees engaging in positive behaviors.

Prevention Through Leadership Cont.

- Get beyond the basics of legal or risk mitigation in policies, training and workplace expectations.
- Clearly communicate the agency's anti-harassment, complaint, investigation and anti-retaliation policies.
- Ensure people in a position of power and influence in the organization attend and are engaged in training.

Prevention Through Leadership Cont.

- Remind all employees of the important role each employee can play as a bystander who observes but is not the target of harassing behavior.

Administrative Requirements

- General government employees must complete sexual harassment awareness and prevention training at least every 5 years and within 6 months of employment.
- Managers and supervisors are also required to complete training on leaders' responsibility regarding sexual harassment awareness and prevention every three years.
- Waiver from requirements in limited circumstances.
- All agencies must have policies addressing unlawful harassment and specified reporting procedures.



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