Sexual Harassment: Understanding Unwelcome and Unwanted Behavior



What's at Stake?

It is not uncommon to hear employees say things like this, "We can't even give someone a compliment around here without being accused of sexual harassment." Or, "I was just joking, she's way too sensitive. There's no way that was harassment." No doubt you have several other phrases you could add to the list.

But it's not that hard to understand what is and what is not considered sexual harassment when you look at in terms of a behavior being unwelcome and unwanted.

What You Should Know

Supervisors and employees must have a clear understanding of what might be considered unwanted and unwelcome conduct. Here are some examples of unwelcome and unwanted behaviors.

1. Sharing sexually inappropriate images or videos, such as pornography, with co-workers.
2. Sending suggestive letters, notes, or e-mails.
3. Displaying inappropriate sexual images or posters in the workplace.
4. Telling lewd jokes, or sharing sexual anecdotes.
5. Making inappropriate sexual gestures.
6. Staring in a sexually suggestive or offensive manner, or whistling.
7. Making sexual comments about appearance, clothing, or body parts.
8. Inappropriate touching, including pinching, patting, rubbing, or purposefully brushing up against another person.
9. Asking sexual questions, such as questions about someone's sexual history or their sexual orientation.
10. Making offensive comments about someone's sexual orientation or gender identity.

Keep in mind, these and other behaviors, don't have to be directed at a person to be considered harassment.

What You Should Do

- Train supervisors and employees on the behaviors listed above and explain how and why they could be considered harassment.
- Clearly define and communicate unacceptable behaviors through policies and

actions.
    - Employees likely have differing viewpoints about what behaviors they consider harassing – so educate them on behavior standards so there's no question.
- Expect possible push-back and have a procedure in place for addressing these types of behaviors.
    - How to address an employee who has put up potentially questionable images in their work area.
- Explain that the following does not mean the conduct was welcomed or wanted:
    - The victim did not complain to the harasser or to others about the behavior.
    - The victim engaged in coarse or lewd conduct outside the workplace on their own time.
    - The victim was heard to use curse words from time to time.
- Set a good example and ensure your top-level executives and managers are setting a good example.
    - You can imagine, if a manager exhibits harassing behaviors, their employees could take that as a sign it's okay for them to do the same.

Final Word

Sharing these guidelines with your employees can go a long way to communicating what is and what is not considered harassment. And in doing so, setting expectations for what behaviors will be tolerated – and which ones won't.