

Preventing Workplace Harassment

Key Points About Harassment:

- It has no place at the Hospital and is prohibited by Hospital policy
- You should never accept it from others
- You are encouraged to, and protected, when you report it
- You don't ever want to be seen as a harasser

Laws Prohibiting Harassment

- [Title VII of the Civil Rights Act of 1964](#) (race, sex, religion, nationality, pregnancy)
- [Age Discrimination in Employment Act](#) (individuals 40 or older)
- [Americans with Disabilities Act](#)
- [State and Local Laws](#)
- NMH Policy
- Licensure Requirements

Types of Workplace Harassment

- Quid Pro Quo – "something for something" – a form of sex harassment - applies where one employee (typically a manager) offers some job-related benefit in exchange for sexual-related favors
- Hostile Environment – a form of harassment that applies not only to sex – but to all protected classes (sex, race, national origin, religion, disability, age, etc.) – by far, the most prevalent form of unlawful harassment

Elements of a Hostile Work Environment Claim

- Victim was subjected to unwelcome conduct
- The conduct was severe or pervasive
- The conduct negatively affected the terms, conditions or privileges of the victim's work
- The harassment would detrimentally affect a reasonable person in the same class
- Management knew or should have known about the harassment; or, the harasser was a supervisor and the victim suffered adverse action (strict liability)

What Can Constitute Harassment?

Hostile environment gender harassment can take many forms, including:

- Physical contact – touching, grabbing, caressing
- Frequent non-sexual physical contact
- Staring, leering, taunting
- Talking about sex or telling "dirty" jokes
- Repeated requests for dates (whether in person, by text, e-mail, or phone)

Hostile environment harassment based on personal characteristics (gender or otherwise) can include:

- Making/forwarding jokes, pictures or cartoons
- Commenting about others' personal characteristics within earshot of others
- Text messages, Facebook posts, etc. about others' personal characteristics, even if done outside of work hours
- Persistent unwanted attention, such as teasing
- Potentially, any action or comment if the purpose or effect may be to intimidate, embarrass, or denigrate on the basis of a personal/cultural trait

NOTE: The perpetrator's harmless intent makes absolutely no difference—the issue is whether a reasonable person in the victim's position would find the behavior unwelcome

Who Is Involved?

Who Can Experience Harassment?	Who Can Be Accused of Harassment?
◆ Direct targets of harassment	◆ Co-workers
◆ Bystanders/witnesses	◆ Supervisors
◆ Men/women	◆ Subordinates
◆ Employees	◆ Patients
◆ Supervisors	◆ Vendors
◆ Patients/Visitors	◆ Visitors

How Do We Prevent Harassment?

- Educate employees and management on policies and values
- Empower bystanders to intervene
- Take prompt remedial action when required

Empower the Team

- Create a culture of intervention
- "If you see something, say something"
- Behave respectfully and insist others do the same

Take It Seriously!

- Create a civil and respectful culture
- Bring any concern to HR swiftly
- Take prompt, effective remedial action
- Communicate with your team often about our values and expectations

Learning from #MeToo

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