



Workplace Harassment

Supervisors and Managers

VERBAL ABUSE

Workplace Harassment

Workplace **harassment** is any unwelcome **verbal** or **physical** conduct that is based on one of the protected EEO bases and that is so objectively offensive that it alters the conditions of the victim's employment.

PHYSICAL ABUSE

Unwelcome Conduct

Conduct is "unwelcome" when the employee did not invite it and regarded it as undesirable.

The victim determines "unwelcomeness."

Did the employee explicitly or implicitly communicate that the conduct was unwelcome?

Submission does not mean the conduct was welcome
Active participation may defeat the claim.

Harassment Based on Sex or Gender

1. **Comments** or conduct of a sexual nature.
2. **Comments** or conduct based on gender, even if not sexual.
3. **Comments** or conduct based on social expectations about how men and women should act.

**'Men can harass women or other men
Women can harass men or other women'**

Who Can be Considered a Harasser

- A Management Official or Supervisor
- A Co-Worker
- A Non-employee

Unwelcome Conduct Alters the Conditions of Employment

Unlawful workplace harassment is any unwelcome verbal or physical conduct based on one of the protected EEO bases and that is so objectively offensive, intimidating, hostile or abusive that it alters the conditions of the victim's employment.

Harassment Affects the Workplace

1. **High** legal costs and damage awards
2. **Poor** public image
3. **Lower** productivity and morale
4. **Higher** costs for hiring and training new employees



Protected EEO Bases



Hostile Work Environment

-Conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, offensive, abusive or hostile.

Can be supervisory official, co-worker or non-employee.

-Employer is liable if it knew or should have known of the harassment and failed to take immediate and appropriate corrective action.

-Employer is liable even if management did not know, unless both elements of an affirmative defense are met

Tangible Employment Action

-Harassment that culminates in a significant change in employment status. Can only be carried out by a someone with supervisory or managerial authority.

-If a tangible employment action results from harassment by a supervisory official, the employer is automatically liable.



FOR ADDITIONAL INFORMATION

Compliance Manual Section 8: Retaliation
<http://www.eeoc.gov/policy/docs/retal.pdf>