



## Strategies in Addressing Harassment in the Workplace



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## Today's Goals

- o Develop an awareness of what harassment is and is not
- o Review and discuss actual examples of harassment situations
- o Develop strategies and protocols to effectively confront incidents of harassment



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## Some of What's (Who's) In the News – post Weinstein: Why should you care???

- Mario Batali, Chef: fired by ABC, stepped down from businesses
- Alex Kozinski, Federal appeals court judge, retired
- Charlie Rose, TV host, fired
- Matt Lauer, TV anchor, fired
- Russell Simmons, Co-founder Def Jam records, stepped down
- Al Franken, US Senator, resigned
- Matt Zimmerman, Sr. VP, NBC, fired
- Stephen Wynn, Casino magnate, resigned
- Omeed Malik, Managing director, BofA, resigned
- James Levine, Metropolitan Opera conductor, suspended
- Morgan Freeman, actor, under fire
- Asia Argento, actor, under fire

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## Why should you care???

- 1.
- 2.
- 3.
- 4.

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## *True or False: Shades of Gray*

1. Someone can only illegally harass a person of the opposite sex, or of a different race.
2. Your major concern when it comes to harassment should be with the possibility of a lawsuit.
3. Any time someone says they're offended or harassed, you need to do an investigation.

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4. One person can find your behavior objectionable and consider it harassment but find the same behavior from someone else just fine.
5. If you find out there's a romantic relationship between an employee and a supervisor, you need to fire one of them.
6. A workplace romance between equals, that both people want, is not sexual harassment.

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7. Making on-line sexual comments about work colleagues on your own time and on your own devices can't result in sexual harassment complaints.

8. Management is not liable for employee behavior it does not know about, but is immediately liable once it knows.

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9. Retaliation in response to a complaint, if it's unfounded, is ok.

10. Talking, writing, texting, e-mailing, posting online, etc. about another employee can be considered harassment just as much as talking, writing, texting, e-mailing, posting online, etc. to another employee.

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11. If managers see behavior that could be harassing, they must deal with it even if no one's complained and those involved are not their subordinates.



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This is complicated,  
fuzzy, often **GRAY** stuff.  
**DO NOT** wait for **CLARITY**  
before acting, asking  
questions or getting help!

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## What is Sexual Harassment?

● ● ● Behavior toward someone of the same or opposite sex that includes

○ Unwelcome sexual advances

○ Requests for sexual favors

○ Other verbal or physical conduct of a sexual nature



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## When it ...

...is implicitly or explicitly a term or condition of employment, or of employment decisions

...has the purpose or effect of substantially interfering with a person's work performance

...creates an intimidating, hostile, or offensive working environment.

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# Examples

of what NOT to do...

Verbal

Non-verbal

Visual

Physical

Electronic

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## Verbal harassment can include:



- Inappropriately talking with one person about another - spreading sexual rumors.
- Continuing to pursue a relationship with someone at work after they've told you - even once - they're not interested.
- Teasing someone about their body, ethnicity, religion, age, sexual orientation, etc.
- Telling racial, sexual or dirty jokes.
- Discussing sexual topics at work (even on break).

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● ● ● | **Non-verbal harassment can include:**

- Obscene gestures
- Whistling
- Leering or staring
- Looking at someone in a way that makes them uncomfortable



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 | **Visual harassment can include:**

- Displaying pictures of nude or partially nude people
- Writing obscene or suggestive letters, notes, texts, tweets, e-mails...
- Graffiti of a sexual, racial or religious nature
- Obscene, racist, religiously biased or suggestive pictures, cartoons, etc.
- Inappropriate screensavers

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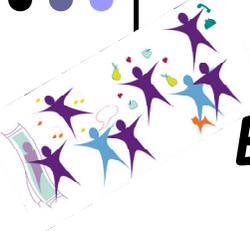
● ● ● | *Physical harassment can include:*

- Unwanted hugs
- Sexually brushing up against someone
- Intentionally blocking someone's way
- Pulling at another person's clothing
- "Friendly" pats, pinches, grabs, holds, kisses



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● ● ● | **Is it harassment or just fun?**



***Being playful feels good to everyone involved. Harassment feels bad.***



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## If you see or experience harassment:

- o Respond immediately and assertively, and stay safe.
- o Tell the harasser to stop the behavior.
- o Stand in support of the person being harassed.
- o Escort the person being harassed away from the situation, and ensure they are safe.
- o If you were a witness, speak privately with the harasser (or their supervisor, or HR, ...)
- o Check back with the person who was harassed.

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## Some words to use with a harasser:

- o Don't say/do that.
- o That's not appropriate.
- o Stop what you are doing/saying.
- o I'm sure you didn't mean anything by that, but...
- o Stop touching me/him/her, and don't do it again.
- o That's not funny. It's offensive.
- o Please don't tell any more jokes.
- o Don't show any more pictures like that.
- o I know you think this is funny, but I don't. Please stop.

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## ● ● ● | If you're in charge of dealing with a situation...

- ❖ Always meet privately with the complainant, respondent and witnesses.
- ❖ Be clear about your role (Boss? Investigator? Friend?)
- ❖ Listen, with empathy but without judgment.
- ❖ Take good notes (no editorializing).
- ❖ Get specifics (who, what, when, where).
- ❖ Identify main issues.
- ❖ Follow-up (Need to investigate? To hire an investigator? To go to HR? To circle back to the complainant? Decide next steps...)



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## ● ● ● | Finally,



- NEVER agree to confidentiality if someone tells you they have been harassed or have been a witness.
- Model the behavior you want to see in others.
- Ensure everyone in your workplace understands the anti-harassment policy, and follows it.
- Don't touch others, except with a standard business handshake, high-five, fist bump - if appropriate.
- Make sure comments, jokes and stories in the workplace are rated G or PG.
- Don't say or do anything at an off-hours or off-site meeting or event that would be unacceptable during work hours at work.

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