

## WEST CARROLL HEALTH SYSTEMS

### INSERVICE EDUCATION

#### *UNDERSTANDING SEXUAL HARASSMENT*

#### ***IT AFFECTS THE WHOLE TEAM***

Reports of sexual harassment in the healthcare industry are on the rise. Most reports involve claims of a “hostile environment”, and most formal charges are brought against co-workers.

**A “hostile environment” occurs when sexual behavior causes the victim to feel uncomfortable, threatened or intimidated while at work.**

Many people are surprised to learn that there is a *fine line* between friendly joking and creating a hostile work environment.

**Some experts estimate that as many as 75% of working women will experience sexual harassment on the job.**

Men can become victims of sexual harassment too, but in small numbers.

When sexual harassment occurs, it doesn't just affect the victim, it affects the whole team. You may notice co-workers seem unhappy with their job, or a high turnover in staff or a problem with absenteeism. These problems may stem from sexual harassment. Client care and the facility's reputation may suffer when there is team conflict because of a hostile environment.

#### ***THE LEGAL DEFINITION OF SEXUAL HARASSMENT***

U.S. laws and EEOC Guidelines define sexual harassment as “illegal discrimination” in the workplace. For someone's behavior to be against the law, the behavior must be both *unwelcome* and *considered* offensive by the victim. Offensive behavior might include sexual gestures and expressions, suggestive jokes, comments about sexual orientation, offensive pictures or unwelcomed touching and/or fondling.

There are two legal categories of sexual harassment – (1) **quid pro quo** and (2) **hostile environment**.

(1) **QUID PRO QUO** is a Latin term meaning “something for something” or “this for that”.

- Sexual harassment is considered quid pro quo when a supervisor or department head offers job benefits to an employee – if that employee gives into sexual advances. In other words that employee *gets* something when he or she *gives* something.
- For example, Susie is a CNA in a long term care facility. Frequently, her boss, Mr. Smith, tells her that she's pretty and stares at her while she works. It makes Susie a little uncomfortable but she

just tries to ignore it. Then, one day, when Susie asks Mr. Smith for some vacation time, he tells her that he'll give it to her if she lets him watch her while she removes her top.

- Remember....people who commit this type of sexual harassment might come right out and ask for sex, or they might just "hint" at it. It is still quid pro quo.

(2) **HOSTILE ENVIRONMENT** harassment is when the unwelcome sexual behavior causes the victim to have major problems at work – including poor job performance.

- Often, the harassing behavior creates such a negative, offensive work environment that it affects not only the victim, but also the victim's co-workers.
- Usually, the goal of hostile environment harassment is to make the victim's work life as *miserable* as possible. This type of harassment could be going on between *any* two people at work, not just between a boss and an employee.

## **THE BEHAVIORAL DEFINITION OF SEXUAL HARASSMENT**

The *behavioral* definition is a common sense, easy way to think about sexual harassment. This definition states that the sexual harassment is:

1. "**Sexual in nature or sex-based**": The harassment behavior has to have some sort of *sexual* basis, either related to sexual activity or to someone's gender (male or female).
2. "**Deliberate and/or repeated**": The behavior must be done *on purpose*, not by accident, and it must be repeated several times before "normal" or "reasonable" people find it offensive.
3. "**Not welcome, not asked for, and not returned**": Sexual harassment isn't pleasant for the victims. They have not asked for it and they don't respond to the behavior by acting inappropriately in return.

**REMEMBER:** Behavior considered sexual harassment must be:

- \*Sexual in nature or sex-based
- \*Unwelcome, unwanted, and not returned by the victim
- \*Done on purpose and/or repeated over and over again

## FOUR LEVELS OF SEXUAL HARASSMENT

### 1. **COULD** BE SEXUAL HARASSMENT

- This level of behavior is mild enough so that some people might consider it socially acceptable.
- Most people would consider the behavior to be *out-of-line* or *inappropriate*, but they probably wouldn't call it sexual harassment.

### 2. **MILD** SEXUAL HARASSMENT

- Mild sexual harassment behaviors still might be considered socially acceptable to a few people.
- However, most people would consider the behavior offensive. The behavior is *bothersome* and definitely worth mentioning, but it usually doesn't call for a formal complaint.

### 3. **MODERATE** SEXUAL HARASSMENT

- This level of behavior is *not* socially acceptable and most people would consider it *offensive* and would want the behavior stopped.
- The behavior is *serious* enough that some action should be taken against the person doing it. This action could be in the form of warnings, reprimands, etc. It calls for a *formal complaint* to be filed with your department head.

### 4. **SEVERE** SEXUAL HARASSMENT

- Severe sexual harassment behaviors are *never* socially acceptable.
  - This level of behavior is so *graphic* and so *severe* that even if it just happens once, it calls for major action against the offending person, such as probation, suspension or termination.
  - Behavior included in this category is attempted or actual rape and sexual assault. Obviously, these offenses can involve criminal charges as well.
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## LET'S TALK ABOUT IT!

Identifying sexual harassment in your workplace can be confusing and you may feel like you are all alone. However, the best way to get the behavior to stop is to talk about it! If you are uncomfortable talking to the person who is doing the harassing.....talk to your department head about how to handle the problem.

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## THREE TYPES OF SEXUAL HARASSMENT

### 1. **VERBAL** SEXUAL HARASSMENT

- This is probably the most common form of sexual harassment.
- It can include: Humor and jokes about sex, name calling, negative comments and/or remarks, whistling at someone, cat calls, telling lies or spreading rumors about a person's sex life.
- EXAMPLE: A male department head says to one of his female employees, "*You know, honey, with a great body like yours, you'll get a promotion in no time!*"

### 2. **NON-VERBAL** SEXUAL HARASSMENT

- This is just as serious as verbal sexual harassment.
- It can include: certain suggestive looks (looking a person up and down, staring at someone), gestures, ogling, making facial expressions like throwing kisses or licking lips, leering, sexual advances, showing "dirty" photographs, pictures or cartoons, blocking a person's path and giving personal gifts.

### 3. PHYSICAL SEXUAL HARASSMENT

- This behavior can be the most severe form of sexual harassment.
- It includes: intentional touching, pinching, rubbing, brushing against someone's breast or buttocks, inappropriate display of a part of one's body and forced sexual acts.
- EXAMPLE: A male LPN works in a hospital. One of his jobs is to help the nurses transfer patients from bed to chair, bed to bed, etc. Whenever he helps this one particular female nurse, she always rubs her hands along his arms and brushes her breasts against him. This makes him feel very uncomfortable.

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### **APPLY WHAT YOU KNOW**

Read the following situations and take a guess on whether you think sexual harassment has taken place.

1. Ben and Cindy are co-workers and have dinner one night after work. Now, Ben keeps calling and asking Cindy to go out again. Cindy isn't interested in seeing Ben socially, and she has told him so. Is Ben harassing Cindy? \_\_\_\_\_
2. Mike and Larry are in the cafeteria of the hospital telling each other crude jokes. Lucy walks by on her way to get her lunch tray and overhears one of the jokes and she is offended. Did Mike and Larry sexually harass Lucy? \_\_\_\_\_
3. Linda is very attracted to her supervisor, Kerwin. Since they are both single, she asked him out to dinner and a movie. They had a great time and ended up spending the night together. Could this be considered sexual harassment? \_\_\_\_\_

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### **ACCIDENTAL SEXUAL HARASSMENT**

Let's face it, accidents do happen and misunderstandings do occur. At one time or another, most people have said the wrong thing at the wrong time or acted inappropriately for a moment. These accidental "slip-ups" are called social blunders. Examples of inappropriate social blunders include:

- Jerri and Clara are coworkers and friends. At work one day, Clara stops Jerri in the hallway to tell her some "juicy" secrets about what she and her boyfriend did over the weekend. Fred is walking down the hallway and can't help overhearing their sexual conversation. Clara can tell he is offended and wishes she had waited until after work to tell Jerri about her private life.
- Sam is helping his supervisor unpack some boxes of supplies. He accidentally brushes his hand against her breast. Sam is very embarrassed and doesn't know what to say.
- Jeff and Hannah are both RN's. Hannah is new and Jeff is helping her get oriented to the job. To get to know her a little better, Jeff asks her if she has a boyfriend. Hannah blushes and gets very quiet. Jeff realizes that she thought he was "coming on" to her. Now, things are tense between them.

*The best thing to do in these "accidental" situations is to apologize to the offended person and promise not to do it again. Most of us have said things without thinking that we later regret. Remember, a behavior that happens only once isn't necessarily considered sexual harassment, especially if it was accidental.*

**Keep in mind that certain illnesses may cause your clients to behave in an inappropriate sexual manner.**

- For example, people with Alzheimer’s disease or dementia may do inappropriate things such as undressing or touching their “private parts” in public, touching or grabbing other people in a sexual way, making inappropriate comments and masturbating.
- These behaviors are not necessarily about sex. Many times, the behavior is the patient’s way of communicating some need. For example, a confused patient may take off her blouse because she is too hot or because she wants to get ready for bed. A patient with Alzheimer’s may take off his pants because they are too tight or because he has to urinate.

It’s important to remember that these situations are *not* considered sexual harassment.



***MAKE IT STOP!***

Think back to the definitions of sexual harassment, and to the *types* and *levels* of sexual harassment. If you think someone’s behavior is sexual harassment, then you need to do something to stop the behavior right away.

Here are the steps to take to make it stop.....

1. **Speak up** to the person doing the harassment. Let him or her know right away that you are offended by the behavior or action. Be direct! Make sure the person understands you.
2. **Get help** if the behavior or action does not stop. Let your supervisor know about the situation immediately. Do not ignore the problem since it will probably get worse as time goes on. If you do not get any help from your supervisor, go to the COO.
3. **Find out** about the workplace policy and follow the procedure outlined.
4. **File** a formal complaint if the behavior or action does not stop, and you have tried steps 2 and 3. Remember, if it isn’t documented, then it didn’t happen!

*“Some people are very sensitive to sexual harassment, and some are a little more used to it. But when you feel that prickling feeling across the back of your neck, you know that some boundary has been crossed.”*

~ Jan Johnson

***PREVENTING SEXUAL HARASSMENT***

Remember that sexual harassment is a form of discrimination. Keep this in mind while reviewing the following ways that may help prevent sexual harassment in the workplace.

**EDUCATE YOURSELF:** The more you know about sexual harassment, the better off you are. Your employer cannot protect you if you don’t let someone know what is going on. Don’t let anything slide. If someone or something bothers you, speak up, even if you are not the victim.

**COMMUNICATE:** Talk to the person who is bothering you. Let him or her know that you are unhappy and offended by the behavior or action. A person will not know that you are offended if you stay silent.

- Be direct. Tell it like it is, that the behavior is not welcome, not wanted, and will not be returned by you.

- Likewise, if you are told *you* offended someone, be considerate. Change the offending behavior. Remember, sexual harassment has consequences.
- If talking to the person bothering you does not make the behavior stop, tell your supervisor.

LEARN MORE: There may be a cultural and social difference among your coworkers. Remember that everyone does not have the same belief and value system. Keep in mind that this is not an excuse for unacceptable behavior. Just because something is acceptable in one culture does not mean it should be excused in another.

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*think outside the box!*

Working with patients can require coming up with creative solutions to uncommon problems.

- **THE PROBLEM:** You are caring for a 72-year-old man who is bedbound but still has a sharp mind. Every time you bathe him, he makes sexual comments and ask you if you would do special “sexual favors” for him.
- **WHAT WOULD YOU DO?**

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## ***YOUR SUPERVISOR’S RESPONSIBILITY***

Your supervisor is responsible for making sure that every employee in your department knows that harassment of any kind is not acceptable and will not be tolerated.

If you go to your supervisor with a harassment complaint, he or she has a responsibility to take action to stop the problem and prevent it from happening again in the future.

Supervisors should:

- **Listen** to what you say about the problem and then follow up with the offender.
- **Follow** the sexual harassment policy and procedure.
- **Direct** to the appropriate person to handle the complaint (if it is not their job).

You should expect:

- An **investigation** in a timely manner.
- A commitment to **confidentiality**.
- A promise of appropriate corrective action, which could include termination of the offender.
- **No tolerance for revenge** taken by either party.

## **KEY POINTS TO REMEMBER**

### **Do:**

- Admit there is a problem
- Tell the offender that the behavior is bothering you
- Tell the offender **exactly** what offends you
- State specifically what you want or don't want to happen, such as *"please call me by my name, not honey,"* or *"please don't tell that kind of joke in front of me."*

### **Don't:**

- Blame yourself
- Ignore the behavior
- Try to handle any severe or recurring sexual harassment problems by yourself....get help!

## **FINAL TIPS FOR HANDLING SEXUAL HARASSMENT**

- When telling the person who is bothering you that you are offended, try to start your sentence with the word "I", not the word "you". For example, compare these two approaches: (1) *"I don't like it when you call me "Babe" instead of calling me by my name. I do not consider it very professional. Please don't do it anymore!"* or (2) *"You really need to shape up and start acting like a professional. You can start by calling me by my name!"* You have a better chance of being heard if you use the first approach!
- Sometimes you may need to repeat your statement to the offender to be sure that he or she gets the point.
- Remember that a person overhearing an off-color joke or comment can claim harassment, if it's something that happens over and over.
- If a behavior and/or action isn't appropriate in front of your daughter, wife, mother or grandmother, then it's probably not appropriate in front of your co-workers.
- Keep in mind that the person being harassed is a victim, but so is anyone else in the workplace who is bothered by the offensive behavior and/or action.
- If you are being harassed, keep a record of each incident with a *date, time, place* and *description* of *exactly* what happened. Please make sure you are communicating with your supervisor.
- When the offender is a patient, visitor or family member, it is still important to document the incident.
- Keep in mind that sexual harassment is a very serious charge to make against someone. By careful! Don't make a false complaint. You could be disciplined for it.

***WHAT I KNOW NOW***

Now that you have been inserviced on sexual harassment, take a moment to jot down a few things you learned that you didn't know before:

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## WEST CARROLL HEALTH SYSTEMS

DATE: December 7, 2017

POLICY: Sexual Harassment

PROCEDURE: West Carroll Health Systems is committed to maintain a workplace that is free from harassment. Intimidation, humiliation or sabotaging others in our workplace will not be tolerated.

This policy applies to all employees of West Carroll Health Systems and those working for the company at all locations. All workers, including supervisors, will be subject to discipline, up to and including discharge, for any act of sexual harassment they commit.

"Sexual harassment" is unwelcome conduct of a sexual nature that is sufficiently persistent or offensive to unreasonably interfere with an employee's job performance or create an intimidating, hostile or offensive working environment. Sexual harassment is defined by the Equal Employment Opportunity Commission Guidelines as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when, for example: a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, b) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or c) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Under Title VII of the Civil Rights Act of 1964, there are two types of sexual harassment: a) quid pro quo and 2) hostile work environment. Sexual harassment can be physical and psychological in nature. An aggregation of a series of incidents can constitute sexual harassment even if one of the incidents considered on its own would not be harassing. Employees are prohibited from harassing other employees whether or not the incidents of harassment occur on employer premises and whether or not the incidents occur during working hours.

Though sexual harassment encompasses a wide range of conduct, some examples of specifically prohibited conduct include the following:

Physical assaults of a sexual nature, such as rape, sexual battery, molestation or attempts to commit these assaults, and intentional physical conduct that is sexual in nature, such as touching, pinching, patting, grabbing, brushing against another employee's body or poking another employee's body.

Unwelcome sexual advances, propositions or other sexual comments, such as sexually oriented gestures, noises, remarks, jokes or comments about a person's sexuality or sexual experience.

Preferential treatment or promises of preferential treatment to an employee for submitting to sexual conduct, including soliciting or attempting to solicit any employee to engage in sexual activity for compensation or reward.

Subjecting, or threats of subjecting, an employee to unwelcome sexual attention or conduct or intentionally making performance of the employee's job more difficult because of that employee's sex.

Sexual or discriminatory displays or publications anywhere on the premises of West Carroll Health Systems, including public areas as well as employee-only areas.

Retaliation for sexual harassment complaints.

If an employee believes that he or she has been subject to sexual harassment or any unwelcome sexual attention, he or she may address the situation directly and immediately to the harasser, if possible. If the inappropriate conduct does not cease, or if the employee is unable to or uncomfortable with addressing the alleged harasser directly, he or she should report the incident to his or her own supervisor. If possible, a written record of the date, time and nature of the incident(s) and the names of any witnesses should be given to the supervisor.

It is important to report any and all concerns of sexual harassment or inappropriate sexual conduct to your supervisor as soon as possible. Your supervisor must be made aware of the situation so that they can conduct an immediate and impartial investigation and take appropriate action to remediate or prevent the prohibited conduct from continuing.

Supervisors must deal expeditiously and fairly with allegations of sexual harassment within their departments whether or not there has been a written or formal complaint. All supervisors should immediately report complaints to their administrator. The supervisor must:

Take all complaints or concerns of alleged or possible harassment or discrimination seriously no matter how minor or who is involved.

Ensure that harassment or inappropriate sexually oriented conduct is immediately reported to the administrator so that a prompt investigation can occur. The supervisor should assist the employee in filling out the appropriate form.

Take any appropriate action to prevent retaliation or prohibited conduct from recurring during and after any investigations or complaints.

Supervisors who knowingly allow or tolerate sexual harassment or retaliation, including the failure to immediately report such misconduct to the administrator, are in violation of this policy and subject to discipline.

Administration is responsible for:

Ensuring that both the individual filing the complaint (hereafter referred to as the "complainant") and the accused individual (hereafter referred to as the "respondent") are aware of the seriousness of a sexual harassment complaint.

Explaining West Carroll Health Systems' sexual harassment policy and investigation procedures to the complainant and the respondent.

Exploring informal means of resolving sexual harassment complaints.

Notifying the police if criminal activities are alleged.

Arranging for an investigation of the alleged harassment and the preparation of a written report.

Preparing a written report summarizing the results of the investigation and making recommendations as needed.

Notifying the complainant and the respondent of the corrective actions to be taken, if any, and administering those actions.

Employees who violate this policy are subject to appropriate discipline. If an investigation results in a finding that this policy has been violated, the mandatory minimum discipline is a written reprimand. The discipline for very serious or repeat violations is termination of employment. Persons who violate this policy may also be subject to civil damages or criminal penalties.

All inquiries, complaints and investigations are treated confidentially. Information is revealed strictly on a need-to-know basis. Information contained in a formal complaint is kept as confidential as possible. However, the identity of the complainant is usually revealed to the respondent and witnesses. The supervisor and administrator will take adequate steps to ensure that the complainant is protected from retaliation during the period of the investigation. All information pertaining to a sexual harassment complaint or investigation is maintained in the secure personnel records. The administrator can answer any questions relating to the procedures for handling information related to sexual harassment complaints and investigations to complainants and respondents.

**WEST CARROLL HEALTH SYSTEMS**  
***Sexual Harassment Complaint Form***

Date of Complaint: \_\_\_\_\_

Employee/Department/Job Title: \_\_\_\_\_

Alleged Harasser/Department/Job Title: \_\_\_\_\_

Witnesses: \_\_\_\_\_

Incident occurred on the following dates/times: \_\_\_\_\_

Location(s) of incident: \_\_\_\_\_

Description of the incident: \_\_\_\_\_

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Steps taken by employee to stop harassment: \_\_\_\_\_

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Effect offending behavior has had on employee: \_\_\_\_\_

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Investigation: \_\_\_\_\_

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Supervisor: \_\_\_\_\_

Date

COO: \_\_\_\_\_

Date

