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**Sexual Harassment Prevention Training
for Local Agency Officials (AB 1661)**

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Obtaining California MCLE Credit

- Sign in on the sign-in sheet
- Take a certificate

2



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What We Will Cover

- Prevalence, Cost and Effect of Workplace Harassment
- Unconscious Bias
- Defining Workplace Harassment and Discrimination
- Liability for Workplace Harassment
- Retaliation and How to Prevent It
- Abusive Conduct
- Workplace Culture

3

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**PREVALENCE, COST
AND EFFECT
OF WORKPLACE
HARASSMENT**



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Prevalence of Sexual Harassment

- What percentage of women report they have been subjected to unwanted work-related sexual advances?
 - 30-40%
 - 40-50%
 - 50-60%
 - 60-70%
 - 80-90%

5

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Prevalence of Sexual Harassment

- Answer:
 - 80-90%

6



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Prevalence of Sexual Harassment

- What percentage of men report they have been subjected to unwanted work-related sexual advances?
 - 30-40%
 - 40-50%
 - 50-60%
 - 60-70%
 - 80-90%

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Prevalence of Sexual Harassment

- Answer:
 - 40-50%

8



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Prevalence of Sexual Harassment

Charges filed with the EEOC alleging sex-based harassment between 2010 and 2021:

FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
12,461	12,569	12,379	12,146	12,573	12,860	12,428	13,055	12,739	11,497	10,035

9

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Prevalence of Sexual Harassment

- Employees who experience harassment commonly respond by:
 - Avoiding the harasser
 - Denying or downplaying the gravity of the situation
 - Attempting to ignore, forget or endure the behavior

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Prevalence of Sexual Harassment

- The least common response is to take some formal action
 - Roughly 75% of individuals who have experienced harassment never report the conduct
 - Approximately 90% of individuals who have experienced harassment never file an administrative charge or a complaint

11

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Why do employees commonly fail to report harassing behavior?

- Fear of:
 - Disbelief of their claim
 - Inaction on their claim
 - Receipt of blame for causing the conduct
 - Social retaliation
 - Professional retaliation
- Feelings of shame



12

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Effects of Sexual Harassment

- Workplace harassment affects not only those who suffer it, but also others in the workplace, leading to:
 - Emotional and physical harm
 - Reduced productivity
 - Performance issues
 - Decreased professional advancement
 - Diminished employee morale
 - Increased absences and turnover

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Why Harassment Allegations Should Matter to Systems & Board Members

- Direct financial costs to the business related to litigation defense, settlements and/or judgments
 - In 2020, the EEOC alone recovered over \$65 million for workers alleging sexual harassment



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Why Harassment Allegations Should Matter to Systems & Board Members

- Indirect financial costs, including:
 - Negative media coverage
 - Reputational damage
 - Recruitment and retention issues
 - Organizational shifts
 - Damage to long-term goals



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Do You Know...?

- Your system's harassment prevention policies?
- When an employer should be informed of any complaints?
- Who handles complaints?

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OVERCOMING UNCONSCIOUS BIAS


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What is Bias?

- Bias is a prejudice in favor of or against one thing, person, or group compared with another, usually in a way considered to be unfair



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Sources of Bias

- Culture
- Environment
- Trauma
- Media
- Marketing

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What is Explicit Bias?

- Explicit bias consists of attitudes and beliefs we have about a person or group on a conscious level
- Intentional, verbally endorsed




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What is Unconscious Bias?

- Implicit or unconscious bias is bias in judgment, assessments, and/or behavior that results from subtle cognitive processes (e.g., implicit attitudes and implicit stereotypes) and is absorbed or influenced by background and experience

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Impact of Unconscious Bias & Diversity on the Workplace

- Studies have shown how unconscious bias impacts business decisions
 - Who gets hired, promoted
 - Compensation
- Research demonstrates that inclusive workplaces reap benefits
 - Higher revenue
 - Greater employee productivity and retention

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Combating Unconscious Bias

- Recognize that you (like all of us) have biases
- Be well informed and continue educating yourself
- Be motivated – identify and challenge your biases through critical reflection
- Seek diverse contacts, support inclusion, expand your circle
- Avoid stereotypes, practice perspective

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DEFINING WORKPLACE HARASSMENT



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What Is Sexual Harassment?

- Sexual harassment is unwelcome sex-based conduct or advances in the workplace

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What Is Sexual Harassment?

- Sexual harassment is a form of discrimination based on sex or gender, which is unlawful under Title VII of the Civil Rights Act of 1964 (Title VII) and the California Fair Employment and Housing Act (FEHA)

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What Is Sexual Harassment?

- Under California law, sexual harassment includes harassment based on sex (including pregnancy, childbirth or related medical conditions), gender (including gender stereotypes), gender identity, gender expression and sexual orientation

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What Is Sexual Harassment?

- Individuals of any gender may be the target of sexual harassment



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What Is Sexual Harassment?

- Harassment may involve harassment by a person of the same gender as the harasser, regardless of either person's sexual orientation or gender identity
- Sexual harassment does not have to be motivated by sexual desire to be unlawful

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What Is Sexual Harassment?

- There are two forms of actionable sexual harassment:
 - Quid pro quo harassment
 - Hostile work environment harassment

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Quid Pro Quo Harassment

- Quid pro quo harassment occurs when the grant or denial of job benefits – for example, getting or retaining a job, receiving a promotion, transfer or raise – is implicitly or explicitly conditioned on submission to conduct of a sexual nature

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Quid Pro Quo Harassment

- Examples:
 - “Sleep with me and you’ll be promoted”
 - “Unless you sleep with me, you’ll be demoted”



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Hostile Work Environment Harassment

- Occurs where unwelcome comments or conduct based on sex is so severe or pervasive that it unreasonably interferes with a victim’s work performance or creates an intimidating, hostile, or offensive work environment

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Hostile Work Environment Harassment

- The offensive comments or conduct may be:
 - Directed at a specific employee
 - Directed at others
 - Widespread sexual favoritism

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Hostile Work Environment Harassment

- Offensive conduct by a supervisor – such as shouting, using foul language, ridiculing, invading personal space, making threatening gestures – may constitute sexual harassment if directed at one group more than another, even if the conduct is not sexual in nature

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Unwelcome Conduct

- Conduct is not invited and is regarded as undesirable or offensive by the victim
- Subjective standard
 - Remember, different people have different sensibilities informed by their background and experiences

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Unwelcome Conduct

- Individuals do not have to verbally object or tell the harasser to stop for the conduct to be unlawful sexual harassment
 - Remember, people may be afraid or too embarrassed to object
 - Be alert for non-verbal signals that a person is uncomfortable or that the conduct is unwelcome

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Severe or Pervasive Requirement

- Objective and subjective standard
- Determined by looking at all of the circumstances, including:
 - Nature, frequency, and severity of the conduct;
 - Context;
 - Whether it is physically threatening or humiliating; and
 - Whether it unreasonably interferes with an employee's work performance
- No single factor is required

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Framework for Assessing Risk of Liability

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Work-Related Conduct

- The conduct complained of must be workplace related, even if it involves acts occurring elsewhere
- Even while working from home, employees are entitled to a workplace free of discrimination and harassment



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Who Is Protected?

- Under California law, anti-harassment laws apply to all workplace relationships, including:
 - Employees
 - Applicants for jobs
 - Volunteers
 - Paid or unpaid interns
 - Independent contractors
 - Customers
 - Vendors

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Harassment by Third Parties

- Employers may be responsible for harassing conduct of third parties with whom employees have a work-related relationship, if the employer knew or should have known about the harassment and failed to take prompt corrective action to stop the harassment

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Other Types of Harassment

- California law prohibits harassment on the basis of:
 - Race, including traits historically associated with race
 - Religious creed, including religious dress and grooming practices
 - Color
 - National origin
 - Ancestry
 - Physical or mental disability
 - Medical condition
 - Genetic information
 - Marital status
 - Sex
 - Gender
 - Gender identity
 - Gender expression
 - Sexual orientation
 - Military or veteran status
 - Age
 - Pregnancy, childbirth, breastfeeding or related medical conditions

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Possible Remedies

- Economic damages*: lost wages, medical expenses, job search expenses
- Non-economic damages*: emotional distress, loss of enjoyment
- Punitive damages*: award of monetary damages intended to punish the offender
- Injunctive relief*: training; changes to policies, procedures




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Hypothetical

- Tim, a supervisor, constantly yells at his staff and calls them incompetent. This occurs in front of other employees, causing the employee being yelled at great embarrassment. Sharon, one of Tim's subordinates, complains that she is the victim of "harassment" and demands that the company do something.

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Could this be unlawful harassment?

- Yes
- No
- Maybe


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Hypothetical

- Answer: No, this is not likely unlawful harassment.
 - Harassment is only unlawful if it is based on gender or some other protected characteristic.
 - Best practice: Take action to remedy the situation, even though the conduct may not be unlawful.
 - However, possible disparate impact.

47

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Hypothetical

- Dan is recently widowed. A co-worker, an attractive woman named Linda, asks him out on a date. He declines. Linda persists, sending Dan notes of an increasingly sexual nature, despite his requests that she stop. Dan complains to the manager, who does ask Linda to stop, but she continues. Dan then sues the company for sexual harassment.

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Could Dan establish a claim for sexual harassment?

- Yes
- No
- Maybe

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Hypothetical

- Answer: Likely, yes.
 - A man is entitled to protection from sexual harassment by a woman. In this case, it is improper to presume that a reasonable man would necessarily welcome overtures from an attractive woman.
 - Best practices: Avoid making judgments based on stereotypes.

50




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Hypothetical

- Alan is a manager with a strange sense of humor. He frequently tells offensive jokes to all of his subordinates, including a couple who are husband and wife. The husband and wife sue for sexual harassment. The company argues that because Alan is equally offensive to men and women, the alleged harassment is not “because of” gender, and therefore it is not unlawful.


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Is there a defense because Alan was equally offensive to men and women?

- Yes
- No
- Maybe

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Hypothetical

- Answer: No.
 - Offensive conduct of a sexual nature can give rise to liability for harassment, even if it is directed at both genders. The “equal opportunity offender” is not excused.


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Hypothetical

- Monica complains of sexual harassment because of sexual jokes, comments, and actions by co-workers. However, this conduct is not directed towards Monica.


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Does Monica have a right to complain when the conduct was not directed towards her?

- Yes
- No
- Maybe


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Hypothetical

- Answer: Yes.
 - An employee can be subjected to a “hostile work environment” even if the sexual harassment is not directed at him or her.


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Hypothetical

- A company is regularly visited by a delivery person, who consistently makes inappropriate sexual comments to the receptionist. The receptionist complains to her manager, who tells her there is nothing he can do because the delivery person is not a company employee.


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Could the employer be liable to the employee for the actions of the delivery person, a non-employee?

- Yes
- No
- Maybe

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Hypothetical

- Answer: Yes.
 - An employer is liable to an employee for known sexual harassment by nonemployees such as clients, customers, contractors, vendors, or anyone with whom employees have contact as part of their job.

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Forms of Harassing Conduct

- Visual conduct
 - Making sexual gestures or bodily movements
 - Displaying sexually suggestive or lewd objects, photographs, cartoons, drawings, posters, or websites

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Forms of Harassing Conduct

- Verbal conduct
 - Derogatory comments or slurs
 - Unwelcome remarks about an individual's body, physical characteristics, or appearance
 - Sharing sexual stories or fantasies
 - Jokes or teasing about sexual matters
 - Repeated requests to date or socialize

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Forms of Harassing Conduct

- Physical conduct
 - Uninvited touching of any sort
 - Impeding or blocking movements
 - Staring or leering
 - Invading personal space
 - Assault


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What if?

- Some co-workers went for drinks after work with their boss, Adam. At the restaurant, Adam sat next to Jane, rubbed her leg under the table, and reminded her that management was doing annual reviews. Jane felt uncomfortable but did not want to say anything. Is this harassment?

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What if?

- Female staff at a retirement system make crude comments and gestures about male visitors and their bodies and talk about their own sex lives. Tom, a male employee, feels uncomfortable and asks his female co-workers to stop. His co-workers tell him to “man up” and “grow a pair.” Is this harassment? Does it matter that the comments were not about Tom?

64

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GENDER IDENTITY AND EXPRESSION, AND SEXUAL ORIENTATION

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Title VII: Sex Stereotypes

- The U.S. Supreme Court has held that discrimination based on sex stereotypes (i.e., assumptions or expectations about how persons of a certain sex should dress or behave) is unlawful sex discrimination
– *Price Waterhouse v. Hopkins*, 490 U.S. 228 (1989)

66

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Title VII: Transgender Protections

- On June 15, 2020, the United States Supreme Court held that firing an individual merely for being gay or transgender violates Title VII of the Civil Rights Act of 1964
 - Bostock v. Clayton County, Georgia*, 140 S. Ct. 1731 (2020) (discrimination on the basis of homosexuality or transgender status requires an employer to intentionally treat individual employees differently because of their sex)

67

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Title VII: Sexual Orientation

- The U.S. Supreme Court has held that same-sex harassment is actionable as sex discrimination
 - Oncale v. Sundowner Offshore Servs.*, 523 U.S. 75 (1998)


68

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FEHA: Gender Identity and Expression, and Sexual Orientation

- California's Fair Employment and Housing Act explicitly prohibits discrimination and harassment on the basis of gender identity, gender expression, and sexual orientation


69

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Definition of Gender Identity

- A person's internal understanding of their gender, or the perception of a person's gender identity, which may include male, female, a combination of male and female, neither male nor female, a gender different from the person's sex assigned at birth, or transgender

70

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Definition of Gender Expression

- A person's gender-related appearance or behavior, or the perception of such appearance or behavior, whether or not stereotypically associated with the person's sex assigned at birth

71

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Definition of Transgender

- A general term that refers to a person whose gender identity differs from the person's sex assigned at birth
- A transgender person may or may not have a gender expression that is different from the social expectations of the sex assigned at birth

72




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Gender in the Workplace

- Employees have the right to be identified by a preferred gender, name, and/or pronoun, including gender-neutral pronouns
- Employees have the right to use the restroom that identifies with their gender identity or gender expression

73




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Hypothetical

- Rachel is a transgender women. She has repeatedly asked her supervisor to call her Rachel and to refer to her with the feminine personal subject and object pronouns “she” and “her.” Rachel’s supervisor continues to refer to her as Robert and uses the masculine pronouns “him” and “he.”
 - Is this unlawful?

74



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Hypothetical

- Answer: It is evidence of a potentially hostile work environment.
 - No tangible employment action was taken against Rachel, but does this conduct, with or without other conduct, unreasonably interfere with job performance?
 - Whether liability is created or not, supervisor should be counseled and receive training.


75

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Hypothetical

- Alex is a transgender woman. Alex’s employer has a grooming policy that only permits female employees to wear makeup. Alex is written up for wearing lipstick and mascara to work.
 - Is the employer’s policy lawful? Is the employer’s treatment of Alex lawful?

76

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Hypothetical

- Answer: No.
 - California law specifically allows an employer to require adherence to reasonable workplace appearance, grooming, and dress standards as long as the employer allows employees to dress or appear consistent with the employee’s own gender identity or gender expression.
 - Gov’t Code § 12949.


77

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Hypothetical

- Michael, a gay man, works in an office. His co-workers tease him about his style of dress, mannerisms, and tell him, “You’re not a real man.” Anytime a new employee is hired, the co-workers inform the new hire that Michael is gay. This conduct makes Michael uncomfortable.
 - Is this harassment?


78

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Hypothetical

- Answer: It is evidence of a potentially hostile work environment.
 - No tangible employment action was taken against Michael, but does this conduct, with or without other conduct, unreasonably interfere with job performance?
 - Co-workers should be counseled and receive training.


79

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What if?

- Nancy has worked for a company for three years. When she first began her job, she laughed when her co-workers and supervisors shared dirty jokes. However, in the last few months, Nancy has avoided these co-workers. After overhearing a co-worker making a joke, she goes to HR and complains about harassment.
 - Does it matter that Nancy used to make jokes herself?


80

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What if?

- Answer: No.
 - Employees may have many legitimate reasons for “going along” or not complaining about conduct. That does not mean it was wanted.
 - E.g., Fear of isolation or retaliation, fear for job security especially for a new employee

81

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What if?

- Megan complains to her supervisor about sexually suggestive comments made to her by a male co-worker, but demands that the information be kept strictly “confidential.”
 - Should the supervisor promise to keep the information confidential?


82

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What if?

- Answer: No.
 - Supervisor’s are required to report complaints and observations for follow-up and possible further investigation. Once the supervisor is aware of the complaint or conduct, that information is assumed to be information that the employer now has.

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What if?

- While Megan’s supervisor ponders what to do, she knows that Megan and the male co-worker sit right next to each other. Megan’s supervisor tells Megan to move to the empty office down the hall while she sorts out Megan’s allegations.
 - Was this appropriate?
 - What else could the supervisor have done?

84




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What if?

- David complains that his male supervisor and male coworkers subjected him to extremely demeaning and sexually explicit comments (gay innuendo, profanity, rude behavior) and gestures. Comments were made both jokingly and in anger. While conduct was graphic, vulgar, and sexually explicit, the words were not an expression of actual sexual desire.
 - Does David have a basis to claim harassment?

85




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What if?

- Answer: Yes.
 - Same sex, sexual harassment is unlawful.
 - Was the conduct unwanted and if a sexual nature? Yes!
 - Was the conduct severe and pervasive enough to affect David's ability to do his job? Likely.

86



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What if?

- Bill receives from a close friend an e-mail attachment containing a sexually explicit joke. Bill forwards it to his co-worker, Josh, who he has shared such jokes with in the past. Bill knows with certainty that Josh will not be offended. Josh sees the joke and laughs. Jessica comes to Josh's desk to see what is so funny, and she is offended by the joke she sees on the computer.
 - Does Jessica have a claim for harassment? What about Josh?

87




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What if?

- Melissa tells HR that her supervisor made unwelcome sexual advances toward her while they were alone in the office. The supervisor denies the allegation and no one witnessed the alleged advances.
 - What should HR do?
 - Does Melissa's inability to produce a witness end the inquiry?

88




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What if?

- Tim is working late one evening and sees Melissa come out of her supervisor's office, looking distressed. He asks her what is wrong, and Melissa says that the supervisor "made her really uncomfortable," but she doesn't want to talk about it. Melissa's supervisor is also Tim's supervisor.
 - What should Tim do?

89




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What if?

- Amanda is passed over for a promotion, which is instead given to Beth, who is objectively less qualified than Amanda. Amanda finds out that Beth is carrying on a sexual relationship with their mutual supervisor.
 - Does Amanda have a claim for harassment?
 - Does it matter if Beth's relationship with the supervisor is consensual and she does not feel coerced?


90

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What if?

- A supervisor frequently hugs female employees chest-to-chest and kisses them on the cheek. The supervisor occasionally hugs male employees. Most employees “grin and bear it,” but one employee gets fed up and goes to HR, claiming harassment.
 - Is there any basis for the claim?
 - What should HR do?


91

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What if?

- Tom has had his eye on Bridget, a co-worker. He asks her out on a date, and Bridget says no. Not to be deterred, Tom asks her again three days later and explains that he thinks they would have a really beautiful evening and she should give him a shot because he’s a nice guy. She says no again and asks him to stop asking her. Bridget goes to HR and complains she’s being harassed.
 - What should HR do?
 - What if Tom asks Bridget out again?


92

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What if?

- Alice has been regularly working on a project with Mike, a client who is based out of town. One afternoon while they are working in Mike’s office, Mike asks Alice to have dinner with him. Alice is caught off guard by this request, which makes her uncomfortable.

93

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What if?

- Alice calls her boss and tells him she is not comfortable accepting Mike's invitation, because she thinks Mike may have a romantic interest in her. Alice's boss tells her that entertaining clients is part of the job, and that she must accept. At the dinner, Mike rubs Alice's leg, and she gets up and leaves.
 - Does Alice's company have exposure for sexual harassment?
 - Does the fact that there was a legitimate business purpose to the dinner matter?

94

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**LIABILITY FOR
WORKPLACE
HARASSMENT**

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The Employer's Liability

- Employers who fail to take action to prevent or stop harassment in the workplace can be held financially liable

96

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The Employer's Liability

- Where a supervisor engages in harassment, the employer is strictly liable
 - But, damages may be limited if the employer proves it exercised reasonable care to prevent and correct the harassment, and the employee unreasonably failed to complain or avoid the harm


97

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The Employer's Liability

- Where a non-supervisory employee or non-employee engages in harassment, the employer is liable if it knew, or should have known, about the harassment and failed to take prompt and appropriate corrective action

98

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Personal Liability for Harassment

- As an employee, you can be held personally liable for monetary damages if sued for sexual harassment, whether or not you are a supervisor

99

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Personal Liability for Harassment


- If your employer concludes that you engaged in sexual harassment, it will most likely not defend you nor pay any damages

100

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THE EMPLOYER'S OBLIGATIONS

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The Employer's Obligations

- California law requires that employers take "all reasonable steps necessary to prevent discrimination and harassment from occurring." Gov. Code § 12940(k)
 - Failure to prevent discrimination and harassment is an independent basis for legal liability

102



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The Employer's Obligations

- Employers must:
 - Have a policy
 - Have a complaint procedure
 - Post notices and distribute information
 - Train all employees (additional training for supervisors)
 - Take prompt corrective action that is reasonably calculated to end the harassment

103



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Corrective Action

- An employer's obligation to take prompt corrective action requires that the employer:
 - Take temporary steps to address the situation until the employer determines whether the complaint is justified
 - Implement permanent remedial steps to prevent future harassment once the investigation is completed

104



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Workplace Investigations

- An employer is required to promptly and thoroughly investigate claims of harassment, discrimination or retaliation, which, if true, would violate its rules or the law.

105



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Workplace Investigations

- Complaints must be:
 - Kept confidential, to the extent possible
 - Investigated impartially by qualified personnel
 - Documented and tracked for reasonable progress
 - Given appropriate options for remedial action designed to prevent future harassment
 - Closed in a timely manner
 - Results reported to complainant and respondent

106



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Non-Disparagement Provisions

- SB 331** (eff. Jan. 1, 2022) prohibits non-disparagement or other provisions that restrict an employee's ability to disclose information related to conditions in the workplace, unless the provision includes, in substantial form:
Nothing in this agreement prevents you from discussing or disclosing information about unlawful acts in the workplace, such as harassment or discrimination or any other conduct that you have reason to believe is unlawful.



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Separation Agreements

- SB 331** also requires an employer offering any agreement related to a current or former employee's separation to:
 - Notify the employee of right to consult an attorney regarding the agreement; and,
 - Provide the employee a reasonable time period (not less than five business days) to consult counsel
 - But, employee may voluntarily sign early so long as decision is "knowing and voluntary" and "not induced by the employer through fraud, misrepresentation, or threat to withdraw or alter the offer" or "by providing different terms to employees who sign" before expiration of time period








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Avoiding Retaliation Claims

- Never disparage individuals for engaging in protected activities, even as a joke
- Treat all employees fairly and equitably under the circumstances
- Hold all employees to fair, reasonable, and consistent standards
- Carefully monitor employee performance and behavior, and document your observations
- Promptly address any performance problems or misconduct and document your actions

112

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Hypothetical

- Alice is a receptionist in an office. Alice complains to the office manager that she is being harassed by Bob, her co-worker. The office manager tells Alice that he will only schedule her to work on Bob's days off so that Alice and Bob do not have to interact. However, this means Alice's hours will be significantly reduced.
 - Is this retaliation?

113

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Hypothetical

- Answer: Likely, yes.
 - The office manager changed Alice's schedule, which led in a reduction in her compensation, as a direct result of her making a complaint about sexual harassment.

114

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Hypothetical

- Adam complains to management that he believes he has been the victim of discrimination. An investigation determines that there has been no discrimination. One month later, Adam's wife is laid off. Adam's wife claims that her layoff was in retaliation for Adam's complaint.
 - Is there any basis here?


115

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Hypothetical

- Answer: Maybe.
 - Retaliation is any conduct or action that might prevent an employee from reporting a complaint or participating in an investigation.
 - One's spouse being fired after you reported a complaint might send the message to keep complaints to yourself.

116

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What if?

- Pam screwed up a major deal, losing her company tens of thousands of dollars. Knowing she is about to be written up, or worse, she tells HR that her supervisor has been making sexual advances toward her.
 - Can the company still go through with the discipline?
 - What if the supervisor admits that he has made sexual advances towards Pam?

117



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Abusive Conduct

- Abusive conduct is defined as “[c]onduct of an employer or employee in the workplace, with malice, that a reasonable person would find hostile, offensive, and unrelated to an employer’s legitimate business interests.”
 - Gov’t. Code § 12950.1.


119

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Examples of Abusive Conduct

- Language or behavior that frightens, humiliates, belittles, or degrades
 - Repeated infliction of verbal abuse
 - Verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating
 - Gratuitous sabotage or undermining of a person’s work
- A single act does not constitute abusive conduct, unless especially severe and egregious

120

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Examples of Abusive Conduct

- Behavior that undermines a person's work performance, working relationships, or perceived value in the workplace
 - Repeatedly discounting a person's opinion
 - Assigning tasks beyond a person's skill level, or setting unrealistic deadlines
 - Excluding, isolating or marginalizing a person from work activities
 - Denying access to information or resources


121

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Abusive Conduct

- However, there is a difference between abusive conduct and appropriate supervision
 - Supervisors may appropriately:
 - Provide performance appraisals and constructive feedback, and set goals
 - Monitor or restrict access to information for legitimate business reasons
 - Counsel or discipline an employee for misconduct or poor work performance
 - Remember to document interactions!

122

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Abusive Conduct

- Abusive conduct can have a negative effect on productivity and morale, as well as increase absenteeism and employee turnover
- There is a difference between tenacious management and abusive workplace conduct

123








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Workplace Culture

- What creates an organization's culture?
 - Values
 - Leadership
 - Accountability

127

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What Can You Do?

- Always be professional
- Treat your co-workers, patients, and other third parties with respect – and make sure everyone at your workplace does the same

128

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What Can You Do?

- Be aware that your remarks and conduct may be offensive and make your co-workers uncomfortable – even if you would not feel the same way yourself

129




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What Can You Do?

- It's best to keep compliments work-related at work
- If you compliment someone's appearance, make sure you are not crossing a line

130



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What Can You Do?

- Be careful and conscious of your words
- Consider what you share
- Think carefully about touching in the workplace

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What Can You Do?

- Report any conduct you believe is inappropriate or harassment, discrimination, or retaliation

132

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It's On Us

- It's on all of us to stop workplace harassment by stepping in and speaking up when we observe problematic behaviors, and to treat every employee with dignity and respect

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Questions?



134

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Thank You!



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135
