

**EMPLOYEE GUIDE TO:**

**Preventing  
Sexual Harassment  
in the  
Workplace**



**PRESENTED BY:**

**Clark County  
Office of Diversity**

**702-455-5760**

## **What is the County's Policy?**



The Clark County Board of Commissioners has a long-standing policy expressly prohibiting sexual harassment in the workplace. As an employee, you have the right to work in an environment free from all forms of unlawful discrimination, including sexual harassment. In addition, Clark County also prohibits retaliation against an employee/applicant who has filed a complaint (in good faith) or participates as a witness in the investigatory process surrounding an allegation of sexual harassment.

It should be understood that sexual harassment is against the law and **will not** be tolerated in the workplace. As Clark County recognizes the detrimental effects that sexually harassing conduct may impose to employees in the workplace, all employees are expected to refrain from engaging in inappropriate unprofessional conduct of a sexual nature, either explicitly or implied.

## **The Legal Definition of Sexual Harassment**

Sexual harassment is a form of gender discrimination that violates Title VII of the Civil Rights Act of 1964, as amended. The Equal Employment Opportunity Commission (EEOC) is the Federal agency that regulates compliance throughout the United States and enforces the Federal law.

EEOC's guidelines generally define sexual harassment as unwelcome sexual advances; requests for sexual favors; and other verbal, physical, and/or visual conduct of a sexual nature when:

- ✓ Submission to such conduct is made either explicitly or implicitly as a term or condition of an individual's employment;
- ✓ Submission to, or rejection of, such conduct is used as a basis for employment decisions affecting employment opportunities; or
- ✓ Such conduct has the purpose or effect of unreasonably interfering with an employee's work or creates an intimidating, hostile, or otherwise offensive work environment.

## **Practical Definition of Sexual Harassment**

In practical terms, there are two types of sexual harassment:

### 1) **Quid Pro Quo**

- *Always supervisor to subordinate*

Where employment decisions or expectations (e.g., hiring decisions, promotions, performance expectations, etc.) are based on an employee's willingness to grant or deny sexual favors.

### 2) **Hostile Work Environment**

- *Co-worker to co-worker*
- *Supervisor to subordinate*
- *Outside vendor/customer to employee*

This refers to sexual comments, physical touching, or the display of objects that "unreasonably interfere" with work performance or creates an "intimidating, hostile, or offensive" work environment.

## **Breaking it Down**

### 1) **Quid Pro Quo**

- A supervisor demanding sexual favors in exchange for a promotion or raise.
- Disciplining or firing of a subordinate who ends a romantic relationship with his/her supervisor.
- Changing performance expectations after a subordinate refuses repeated requests for a date from his/her supervisor.

### 2) **Hostile Work Environment**

The following are examples of behaviors that can create a hostile environment if they are unwanted and uninvited:

- Regular, persistent use of offensive language, jokes, comments, or suggestions of a sexual nature, either explicitly or implied.
- Displaying sexually suggestive calendars, objects, pictures, cartoons, graffiti, etc.
- Intentional inappropriate touching – pats, brushing up against another individual.

Sexual harassment is a form of sex discrimination, where the conduct is directed at an individual based on gender. It can be male to female, female to male, female to female, or male to male.

## **Elements of Sexual Harassment**

### **1) Unwelcomeness**

- Looked at and determined on a case-by-case basis.

### **2) Repeated Behavior**

- In most instances of reported sexual harassment, we look for a pattern of repeated behavior. Don't be misled, however, into thinking that a one-time incident can't be cause for discipline. Depending on the severity of the circumstances, it most certainly can!!

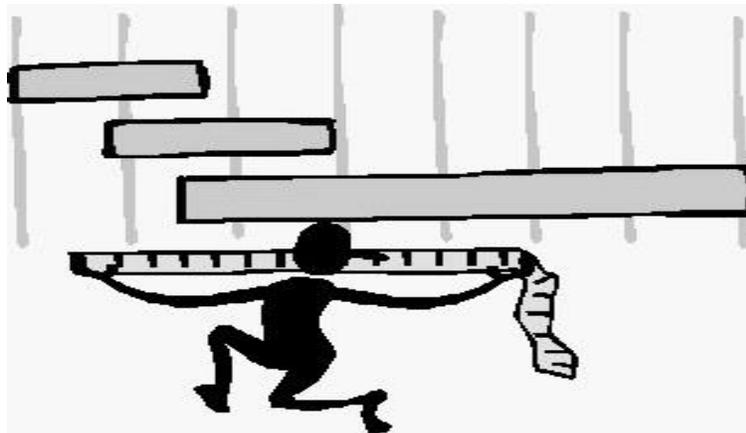
## **Other Issues to Consider**

### **1) Intent vs. Impact**

- Although the intent of your actions/comments may be taken into consideration, it is the ultimate impact of your actions that count. In other words, even if it was not your intent to harass or offend anyone in the workplace, if your behavior/conduct has the "effect" of creating an intimidating, hostile, or offensive work environment, it could be actionable.

### **2) Reasonable Person/Woman/Victim Standard**

- When considering whether a hostile work environment has been created, we measure it against a "reasonable person/woman/victim" standard.



## **Conduct That Can be Considered Sexually Harassing**

Sexually harassing conduct is misconduct of a sexual nature, which undermines the professional basis of an employment relationship.

Such conduct may include, but is not limited to:

### **Physical Conduct**

- ✓ Unwanted touching, grabbing, patting, pinching, hugging, kissing
- ✓ Constantly brushing up against another's body
- ✓ Touching an employee's clothing, hair, or body
- ✓ Shoulder rubs, massages
- ✓ Cornering
- ✓ Physical/sexual assault



### **Verbal Conduct**

- ✓ Demands for sexual favors
- ✓ Questions or comments about an employee's sexual life, fantasies, behavior
- ✓ Offensive jokes or language
- ✓ Turning work discussions into conversations filled with sexual innuendos
- ✓ Unwanted pressure for dates
- ✓ Referring to an adult as sweetie, babe, honey, etc.
- ✓ Sexual comments about a person's clothing, anatomy, or looks
- ✓ Telling lies or spreading rumors about a person's personal sex life
- ✓ Repeated cat calls, whistling
- ✓ Referring to a female or male in terms of body parts
- ✓ Use of sexually explicit language in the workplace

### **Other Miscellaneous Conduct**

- ✓ Offensive gestures or motions
- ✓ Leering at a person's body
- ✓ Leaning over someone or cornering
- ✓ Circulating materials or letters of a sexual nature
- ✓ Displaying calendars, cartoons, or pictures of a sexual or suggestive nature in the workplace.

## **Stopping Unwanted Conduct**

If you are receiving unwanted attention of a sexual nature, do not hesitate to tell that person that the behavior is unwelcome and offensive. If, however, you are uncomfortable confronting the individual directly, tell your supervisor, the Office of Diversity (OOD), or someone else in management about the situation. The longer you put it off, the more difficult it will become. Here are some suggested steps to take:

1. **Be Direct** – The individual(s) in question may not be aware that his/her actions are offensive. Let the individual(s) know, in a respectful manner, that you don't find the conduct humorous and that you expect it to stop.
2. **Be Firm** – Make sure that your message is clear. Let the individual know that, although you would prefer to resolve the issue informally, you are prepared to take it to the next level if s/he does not curb his/her behavior.
3. **Document the Situation** – Document the incident with date, time, and names of any witnesses, as well as your response and conversation with the harasser. You may even wish to let the employee know, in writing, that his/her behavior is unwelcome and explain the action you will take if it continues. Keep all documentation in a safe place.
4. **Don't be Intimidated** – Regardless of rank, if you are the victim of sexual harassment, you are entitled to your rights. Remember, this type of workplace conduct is in violation of Clark County's policies, and perpetrators are subject to discipline.
5. **Report It** – If you are unable to successfully address the situation with the harasser directly, advise your supervisor, management, and/or the OOD immediately. Remember, you have a right to meet with a representative of the OOD to discuss your concerns. You can visit the OOD office in the Government Center, Suite 5092. If you prefer, you may contact us by phone at 455-5760.
6. **Monitor Your Own Behavior** – All too often we tend to only see how another's behavior affects us. Reflect on your own communication style and keep it in check as well.

## Common Sense Guidelines/Golden Rules to Follow

These issues are really about respect and maintaining a professional and courteous work environment. It is imperative that employees understand that this is a professional business environment, and certain socially acceptable behavior has no place in a professional atmosphere.

The following are some guidelines to follow in order to ensure that you don't find yourself crossing that line while at work.

- 1) Be aware of how you communicate with co-workers, customers, and staff.
- 2) **Think before you speak!** If you have to look around to see who's within earshot or within the vicinity before saying or doing something in the workplace, don't say it AND don't do it.
- 3) Avoid using terms you know are offensive. For example, refrain from referring to women as objects or body parts.
- 4) Understand that disrespectful behavior has consequences. Employees found to have violated the County's sexual harassment policy **will be held accountable** for their harassing behavior.
- 5) Swallow your pride. If you realize, after you say or do something in the workplace, that it was inappropriate, be adult enough to swallow your pride and apologize. Doing the right thing may be all it takes to prevent a positive work relationship from turning sour.
- 6) Just because racy, sexually explicit jokes may be on television or radio, it does not make it okay to repeat these comments in the workplace.
- 7) If you are a supervisor or manager and witness inappropriate workplace conduct that could violate policy, **stop it, address it, document it, and report it.**
- 8) Treat your colleagues as you would like your parent, sibling, children, or yourself to be treated in the workplace.



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