

# EMPLOYEE HARASSMENT PREVENTION WORKSHOP

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TOWN OF  
**AMHERST**  
MASSACHUSETTS

# Objectives of this Course

Promote a workplace that is free of sexual - and all other forms of - harassment or bullying.

At the end of this course, you should be able to:

- Define Harassment (Sexual and other Unlawful Harassment)
- Know where to find the Town's Policy Against Sexual Harassment and Unlawful Harassment
- Understand who can be a victim of harassment
- Understand that "Workplace Bullying" is also prohibited by Town of Amherst Policy
- Understand Intent vs. Impact
- Understand Retaliation and its serious consequences
- Know How to Report harassment or bullying



**Harassment** is Prohibited by Federal and State Laws, as well as by Town of Amherst Policy.



# Town of Amherst “Personnel Procedures Manual (PPM).”

The PPM is a compilation of guidelines, procedures, expectations and benefits provided by the Town. Policies adopted by the Town are found in the Appendices of the PPM.

*The Town strives to provide employment practices that create a safe, fair and positive environment for staff to achieve their goals in providing services to the Town.*

*The Town expects that you will find Amherst a friendly, respectful and rewarding place to work. We take pride in assembling and retaining a high performing and motivated workforce.*



# Different Types of Unlawful Harassment

**Federal laws** currently in place include:

- [Title VII of the Civil Rights Act of 1964](#): Makes it illegal to discriminate against someone on the basis of **race, color, religion, national origin or sex**. This law also protects employees against **retaliation** for going forward with a claim regarding discrimination in the workplace.
- [The Pregnancy Discrimination Act](#): This amendment to Title VII expands the protections regarding “**sex**” to include prohibiting sex discrimination on the basis of **pregnancy, childbirth** and/or a **medical condition** related to pregnancy or childbirth.
- [The Equal Pay Act of 1963 \(EPA\)](#): Prohibits sex-based wage discrimination between men and women who perform equal work in the same workplace.
- [The Age Discrimination in Employment Act of 1967 \(ADEA\)](#): Protects employees or future employees who are **age 40 or older** from discrimination in the workplace.
- [Title I of the Americans with Disabilities Act of 1990 \(ADA\)](#): Makes it illegal to discriminate against a qualified person with a **disability** from employment or during employment.

**Massachusetts law**: race, color, religious creed, national origin, ancestry, sex, gender identity, age, criminal record (inquiries only), handicap (disability), mental illness, retaliation, sexual harassment, sexual orientation, active military personnel, and genetics.

**Town of Amherst / Town Bylaw 3:3**: No person shall be denied any rights guaranteed pursuant to local, Commonwealth, or federal law on the basis of race or color, gender, physical or mental ability, religion, socio-economic status, ethnic or national origin, affectional or sexual preference, Gender Identity or expression, Genetic Information, or age.



# What is sexual harassment?

The **EEOC** describes workplace sex-based discrimination as treating an applicant or employee unfavorably because of that person's sex.

Sexual harassment is a form of sex discrimination under Title VII.

Sexual harassment is unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, and rises to sexual harassment when submission to or rejection of this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile or offensive work environment.



# What is Harassment?

Harassment is a form of employment discrimination.

Harassment is unwelcome conduct that is based on one's particular protected class. Harassment becomes unlawful where:

- 1) enduring the offensive conduct becomes a condition of continued employment, or
- 2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.

Anti-discrimination laws also prohibit harassment against individuals in retaliation for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or lawsuit under these laws; or opposing employment practices that they reasonably believe discriminate against individuals, in violation of these laws.



# **Town of Amherst Policy Against Sexual Harassment and Unlawful Harassment**

Revised December 2017 by Town Manager

## **Policy Statement**

It is the policy of the Town of Amherst to maintain a working environment free from sexual harassment, or any other form of unlawful harassment or practice. Sexual Harassment in the work place is unlawful.

Inappropriate or disrespectful conduct and unwanted communication of a sexual nature or harassing nature is prohibited. The Town of Amherst will not tolerate conduct which creates an intimidating, hostile, humiliating, or sexual offensive work place or work environment. Sexual Harassment or any other unlawful harassment or practice by any Town employee, by another employee, a supervisor, or an officer of the town is prohibited.

The Town recognizes the importance of an employee's right to work in a non-hostile environment regarding sexual and other unlawful harassment. To that end, the Town of Amherst will take all reasonable actions to ensure that no employee be subjected to sexual or other unlawful harassment by any member of the public.

See full Policy: <https://www.amherstma.gov/1936/Sexual-Unlawful-Harassment-Policy>





# Two Types of Sexual Harassment Claims

## 1. Quid pro quo:

Quid pro quo is Latin for “this for that.”

Definition: Employee must submit to a supervisor’s request for sexual favors in exchange for a job benefit or to avoid a negative job consequence.

Example: Employee must go on a date with his or her supervisor to get a raise or is demoted for refusing.

## 2. Hostile environment:

Definition: Verbal or visual or physical conduct that relates to a protected category.

- The conduct is unwelcome.
- The conduct is severe or pervasive.
- A reasonable person would believe that the conduct creates a hostile work environment.

**Example:** An employee is repeatedly ridiculed by other employees because of his age. Even after repeated requests for the teasing to stop, the employee continues to be singled out.



# Who Can Be a Victim of Harassment?

**Anyone** can be a victim.

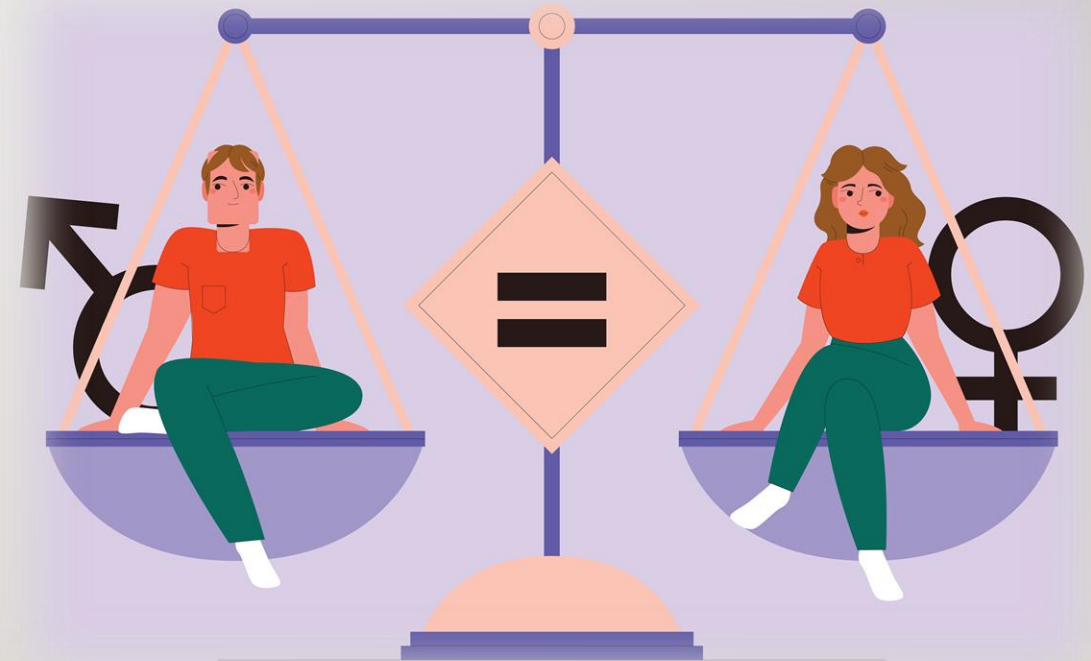
**Everyone** is protected by harassment laws.



**Gender discrimination**, also known as sexual discrimination, is any action that specifically denies opportunities, privileges, or rewards to a person (or a group) because of gender. The practice of letting a person's gender become a factor when deciding who receives a job or a promotion, is gender discrimination. When gender is a factor in other decisions about employment opportunities or benefits, that too is gender discrimination.

### Examples of Other Types of Harassment:

- Racial slurs
- Making fun of someone's disability
- Jokes about a particular national origin
- Demeaning comments about a religion
- Negative comments about a person's age



# Workplace Bullying

Bullying is unwanted, repeated abusive, hostile or inappropriate behavior aimed at an individual or group of individuals. Bullying behavior can take many forms including verbal abuse, workplace pranks, gossiping, deliberately withholding information that would enable a person to do their job or sabotaging someone else's work.

Unresolved acts of bullying and bullying behavior are not tolerated and may result in disciplinary action up to and including termination. Complaints shall follow the grievance process.

Workplace bullying shouldn't be confused with legitimate and reasonable management actions such as performance improvement plans, imposing discipline or requesting medical documentation to support a work absence.

Workplace bullying also does not include normal workplace conflict that may occur between individuals or differences of opinion of co-workers. If differences do occur they are to be resolved in a professional manner.

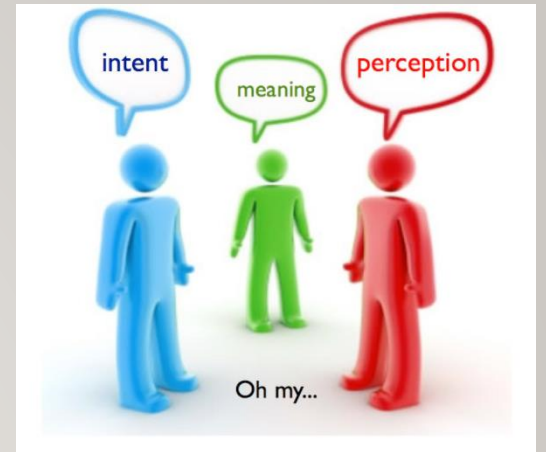


# Intent vs. Impact

- Harassment can be intentional or unintentional.
- Harassment is based on the victim's experience, not the intent of the harasser.

## Avoiding Harassment

- Remember, a person's friendliness does not equal sexual interest.
- Don't assume your behavior is okay just because no one has objected to it.
- Stop immediately when someone indicates your behavior is unwanted.
- If in doubt, don't say it/don't do it. To anticipate if your behavior is or could be sexual harassment, you need to ask yourself if it might be unwelcome. All sexual harassment is, by definition, unwelcome. Therefore, and this is critical to understand, behavior of a sexual nature that is unwelcome may be sexual harassment. Remember this when interacting with others.



**GOOD  
INTENTIONS**



# How to report?

There's a Complaint Form located at the end of the Policy. Call HR and we will help!

TOWN OF AMHERST  
SEXUAL or UNLAWFUL HARASSMENT COMPLAINT FORM (Optional)

Complainant: \_\_\_\_\_ Job Title: \_\_\_\_\_

Department: \_\_\_\_\_ Immediate Supervisor: \_\_\_\_\_

Date and Time of Incident(s): \_\_\_\_\_  
Location: \_\_\_\_\_

Name(s) of Respondent(s): \_\_\_\_\_

Name of Witnesses: \_\_\_\_\_

**Description of Incident or Conduct** Please describe actions of all person(s) involved, including you. Attach separate sheets if necessary. Please describe where the specific event occurred; the circumstances; and what happened in as much detail as possible.

How did you feel after the incident?

Describe any steps taken to try to stop harassment:

Any other information complainant believes to be relevant to the harassment complaint:

Complainant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Complaint submitted to: \_\_\_\_\_

Name (Printed): \_\_\_\_\_

Title (Printed): \_\_\_\_\_ Date Received: \_\_\_\_\_

Signature of Recipient: \_\_\_\_\_

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# NO RETALITATION

- Cannot retaliate against someone for bringing or supporting a complaint
- Complaint only needs to be brought in **good faith!**
- No retaliation even if no unlawful harassment found.

**Some people have asked if there is a policy about dating at work.  
Here is some information from the PPM:**

**Employee Fraternization**

Any dating or romantic relationships that occur in a direct or indirect supervisory relationship must be disclosed to the Department Head(s). The Town reserves the right to adjust work arrangements to avoid an actual or perceived conflict of interest.

Discussion....



# Questions & Answers

**Thank you!**

If you have suggestions, or would like us to present on other topics of interest, please contact us in HR. 😊