Harassment in the Workplace

Fermilab is dedicated to following legal requirements for workplace non-discrimination Enforced by the Equal Employment Opportunity Commission (EEOC) and Based on Title VII of the 1964 Civil Rights Act

Harassment based on

- race, color, religion, national origin, age (over 40),
- gender, disability, veteran status, sexual orientation, (or any other characteristic protected by law
- is **ILLEGAL**

Violations will result in severe discipline up to and including termination
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Harassment on the basis of sex is a violation of Sec. 703 of Title VII of the 1964 Civil Rights Act.

Definition of Sexual Harassment

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

• submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment,

• submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or

• such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile, or offensive work environment.
Main Types of Sexual Harassment

- **Quid Pro Quo or coercion**
  supervisor/subordinate relationship. (This for That) Sexual Harassment occurs when workplace decisions are based on an employee’s submission to or rejection of unwelcome verbal or physical sexual conduct.

- **Hostile Work Environment**
  repeated, unwelcome, personally offensive behavior that debilitates morale and interferes with work effectiveness

- **Favoritism**
  inclusion of a selected few for visible positions, advancement opportunities, social-business events, etc.

- **Harassment by Non-employees**
  vendors, construction workers, guest scientists and researchers
Sex Discrimination and Sexism

**Sex Discrimination:**

Any behavior that singles out a person for differential treatment because of that person’s sex including:

- Sexual harassment - unwelcome behavior of a sexual nature
- Sex-based harassment - behavior that belittles or ridicules an individual because of gender or gender identity

**Sexism:**

- Attitude based on the belief that one sex is better than the other
- Not illegal (attitudes cannot be legislated)

**Sexist attitudes can lead to sex discrimination which is ILLEGAL.**
Six Levels of Sexual Harassment

- **Social Touching**: Non aggressive appreciation of physical or sexual features; harasser puts him/herself in the position of judging the target’s physical attributes.

- **Active Mental Groping**: “Undressing with the eyes;” includes jokes and innuendos.

- **Aesthetic Appreciation**: Non aggressive appreciation of physical or sexual features; harasser puts him/herself in the position of judging the target’s physical attributes.

- **Foreplay Harassment**: Actively pushes against acceptable boundaries of touching; offenders adept at buttoning buttons on target’s clothing, removing lint or hair on clothing, violates target’s physical privacy.

- **Sexual Abuse**: Entire range of hugging, grabbing, kissing, or direct touching; direct verbal abuse and propositions; in some cases, little difference between this form and sexual assault.

- **Ultimate Threat**: Give in or suffer harm; harm can be physical injury, career, or financial consequences.
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EEOC Charges Filed 2014

*Some charges contain more than one substantive basis for discrimination and/or a retaliation claim.
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2014 Harassment Litigation Verdicts

- **Gov’t v. Hillshire Brands Co.- $330,000 Male Gender Discrimination**
- **Gov’t v. Central Parking System. -$100,000 Female Pay Discrimination**
- **Gov’t v. Westat - $1.5M Race & Gender Discrimination**
- **Gov’t v. Fort Myer Construction - $900,000 Race & Gender Discrimination**
- **Gov’t v. Cargill Meat Solutions – 2.2M Race & Gender Discrimination**
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