



Sexual Harassment Awareness and Prevention for Fermilab Users, Visitors and Contract Employees

Objectives

- Understand the implications of sexual harassment in the workplace in the United States
- Define sexual harassment
- Understand the importance of preventing sexual harassment in the workplace
- Understand the Fermilab Anti-Harassment policy and your responsibilities

Agenda

- Sexual harassment in the workplace in the United States
- Sexism and sexual harassment
- What is sexual harassment?
- How sexual harassment manifests itself in inappropriate verbal comments, physical conduct and visual conduct
- Who can be involved in sexual harassment?
- Importance of avoiding sexual harassment
- Your responsibility in preventing sexual harassment
- Fermilab Anti-Harassment policy
- Acknowledgement

Background and Introduction

Fermilab is comprised of a diverse group of individuals who represent many different cultures and nationalities. One of the concerns in today's multi-cultural organizations is sexual harassment. Behavior that is considered acceptable in one culture may be disrespectful and confusing in another culture and can have serious ramifications.

Lack of information on gender interactions and norms in the U.S. workplace culture can create misunderstanding and have negative consequences. It can even be legally unacceptable and subject to a lawsuit.

Background and Introduction

Individuals cannot operate effectively if they do not feel safe. The human costs can be high because they directly translate into losses from absenteeism, job dissatisfaction and low productivity.

The U.S. legal system protects individuals from harassment. Under U.S. law, organizations must take pro-active measures to prevent sexual harassment in the workplace. Sexual harassment is contrary to U.S. law and to Fermilab policies.

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

Harassment that is 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**.

Harassment on the basis of sex is a violation of Section 703 of Title VII of the 1964 Civil Rights Act.

Violations will result in severe discipline up to and including suspension of access approval, removal from the site, possible termination of subcontracts and possible cancellation of future access.

Sexism and Sexual Harassment

Sexism is an attitude based on the belief that one sex is better than the other.

This attitude can lead to behavior that is **ILLEGAL**.

What is sexual harassment?

Sexual harassment is any behavior that singles out a person for differential treatment because of the person's sex; or behavior that ridicules an individual because of gender or gender identity.

The U.S. legal system is based on what a reasonable person would consider to be offensive or harassing. Thus, there is no complete list of "rules" or behaviors that constitute sexual harassment. However, there are certain types of behaviors that are considered unacceptable and therefore constitute sexual harassment.

The following slides provide some examples.

Sexual Harassment includes:

- Unwelcome sexual advances
- Requests for sexual favors
- Quid Pro Quo (*This for That*)
- Hostile Environment
- Favoritism

Unwelcome Sexual Advances

Example: Repeatedly asking someone to go out after work after they have expressed they are not interested.

Requests for Sexual Favors

Refers to the implication that staff management or other decisions in the workplace are contingent upon any sexual favor.

Example: A manager's expectation of a date after work.

Quid Pro Quo

Quid Pro Quo (*This for That* – i.e., Latin for “*Something for Something*”)

When submission to or rejection of the conduct is an implied or express condition of access to or use of the facility.

Quid Pro Quo

Quid Pro Quo (*This for That* – i.e., Latin for “*Something for Something*”)

When submission to or rejection of the conduct is a basis for favorable or adverse employment decisions.

Example: An individual is promised more favorable working conditions in exchange for a sexual favor.

Hostile Environment

When the conduct makes another person uncomfortable, interferes with work performance or creates an intimidating, hostile or offensive work environment.

Example: A worker is leering at (elevator eyes) and intentionally brushing against another worker. Or, a female employee has a calendar of nude males on her cubicle wall visible to passersby.

Favoritism

Examples: A select few individuals receive visible positions, advancement opportunities, social work-related events, etc.

How do I recognize sexual harassment?

Sexual harassment manifests itself through:

- Verbal comments
- Physical conduct
- Visual conduct

Inappropriate verbal comments include:

- Demands for sexual favors
- Sexually graphic statements
- Demeaning jokes of a sexual nature
- Descriptions or comments about an employee's anatomy or body in sexually suggestive terms
- Judging an individual's physical or sexual features
- Direct verbal abuse and propositions
- Threatening an individual to give in or suffer harm that could be physical or have financial or career consequences

Inappropriate physical conduct includes:

- Unwelcome touching
- Unwelcome grabbing, patting, touching a body part
- Unwelcome kissing/hugging
- Unwelcome encroaching on a person's physical space, such as getting too close to a person when speaking with him/her
- Unwelcome blocking of movement, such as cornering someone in a closed space
- Actively pushing against acceptable boundaries of touching, e.g., buttoning buttons on a target's clothing
- Entering an individual's personal space without their consent, e.g., massaging an individual's shoulders

Inappropriate visual conduct includes:

- Pornography
- Sexually suggestive posters
- Cartoons or pictures that depict either gender in a demeaning way
- Leering or staring
- Sexually explicit email messages
- Undressing with the eyes
- Sexual jokes and innuendos

Who can be involved in sexual harassment?

Those who commit it: employees, managers at all levels, Laboratory users and visitors, subcontractors, customers, members of the same sex, vendors, etc.

Those who are targeted by it: victims, bystanders and, in some cases, witnesses who are affected by harassment.

When is behavior considered sexual harassment?

If the person harassed *reasonably* finds the behavior or action offensive, it is considered sexual harassment. It does not have to be offensive to a majority of people for conduct to be sexual harassment.

For example: *coworker A repeatedly asks coworker B to go out after work after coworker B has expressed he is not interested. From the perspective of the reasonable person, this might be considered offensive or harassing.*

When is behavior not considered sexual harassment?

If a reasonable person would not find behavior to be offensive, it is not considered sexual harassment.

For example: An employee alleges that her coworker made unwelcome sexual advances toward her. Investigation reveals that the alleged advances consisted of invitations to join a group of employees who regularly socialize at dinner after work. The coworker's invitations, viewed in that context and from the perspective of the reasonable person, would not have created a hostile environment or sexual harassment.

Where can sexual harassment occur?

Sexual harassment is prohibited on the Fermilab site. This includes not only work or research areas, but also the Users Center, dorms, other housing, Kuhn Barn, athletic leagues, gym, etc.

Sexual harassment is also prohibited away from the Fermilab site at Laboratory-sponsored events or while conducting Laboratory business e.g., business trips, business meetings and business-related social events.

Why prevention is important

Sexual harassment harms us all. The most important part of Fermilab values is to ensure all individuals in the Fermilab workplace and the users community are treated with respect and dignity. Engaging in, condoning, or not reporting sexual harassment are in direct conflict with our values.

Fermilab must comply with Title VII of the Civil Rights Act which prohibits sex discrimination including gender identity, change of sex and/or transgender status.

Fermilab must comply with similar state civil rights laws and fair employment laws.

Your responsibilities regarding sexual harassment at Fermilab

- Know and comply with the Fermilab Anti-Harassment policy
- Report incidents that you experience directly or witness
- Cooperate with investigations
- Support victims

Every individual working at Fermilab has the responsibility to respect co-workers and maintain a harassment-free workplace.

How to report an incident of sexual harassment

If you are a User or a Visitor, contact the Fermilab Manager of the Global Services Department.

If you are a Contractor, contact the external contracting organization that hired you.

Citations:

- PREDICT One Health Consortium 2013. *Guide for Work Ethics, Cultural Considerations, and Sexual Harassment Prevention*. http://www.vetmed.ucdavis.edu/ohi/predict/PREDICT_Publications.cfm.#Protocols
- SHRM Sexual Harassment Training for Employees, SHRM 2008. <http://www.shrm.org>

To receive TRAIN credit for this course, complete the following two steps:

1. Review the Fermilab Anti-Harassment policy at:

http://wdrs.fnal.gov/policies_unpro/policy/antiharassment.html

2. Return to this page to complete the test at the following link:

[TEST](#)