

# Preventing Sexual Harassment

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# GOALS

- Why to prevent
- Identify sexual harassment
- Familiar with DAS policy
- How to identify, prevent, and correct

# Why prevent?



# Legal Basis



- Title VII
- R.C. 4112

# Why prevent?



Quid Pro Quo  
&  
Hostile Work Environment



# Quid Pro Quo

- Pay increase/decrease
- Promotions
- Prized assignments
- Termination



# Hostile work environment

- Unwelcome
- Severe or pervasive
- Material interference with work



# Hostile work environment

- Because of sex
  - Can be motivated by sexual attraction
  - Can be directed at individuals of a particular sex
  - Can be between members of the same sex, regardless of sexual orientation

# Hostile work environment – Unwelcome

- Not solicited or invited
- Undesirable or offensive
- Willing participant?
- Inherently offensive

# Hostile work environment – Intent

- Doesn't matter
- “Just kidding” – not a defense
- Reasonable person standard

# Hostile work environment – Verbal Actions

- “Pet names” – babe, girl, honey, sweetie
- Whistling/cat calls
- “Jokes” or stories
- Sexual innuendo or sexual topics
- Slurs and rumors
- Propositions

# Hostile work environment – Non-Verbal Actions

- Staring
- “Elevator eyes”
- Suggestive “art”
- Sexual or gender-related derogatory slogans
- Facial expressions or gestures
- Stalking



# Hostile work environment – Physical Actions

- Blocking someone's movement
- “Accidentally” touching someone
- Massaging someone's neck, arm, shoulder
- Hugging, kissing
- Patting, fondling, “goosing”
- Exposing or touching oneself



# Are we liable?

- Quid Pro Quo
  - Automatic
- Hostile Work Environment
  - Supervisors
  - Co-workers/Others

# Who?



- Employees
- Supervisors
- Customers/Clients
- Vendors
- Witnesses
- Same or opposite sex

# Retaliation

- No adverse action
  - Tangible
  - Hostile environment
- Complaining party
- Witnesses

# DAS Policy

- Establish policy and procedures
- Work environment = no discrimination or harassment
- Options to resolve

# DAS Policy

Working environment free from all  
unlawful discrimination or harassment

# DAS Policy

- Race
- Color
- Sex/gender
- Religion
- National origin
- Military status
- Disability
- Age
- Genetic information
- Sexual orientation



# DAS Policy – Reporting Process

- Ask harasser to stop (optional)
- EEO officer/ HR manager /DAS,  
EO Division



# DAS Policy – Mandatory Reporting

- ❑ Managers / supervisors – MUST report
- ❑ Cannot promise confidentiality
- ❑ Must investigate (as possible)

# DAS Policy

- EEOC
- OCRC
- DAS, Equal Opportunity Division



# How to prevent

- Training
- Know policy and procedures
- Investigate promptly/thoroughly
- Cooperate with investigations
- Support targets of harassment
- Do NOT retaliate or allow retaliation

# How to respond

- Target

- Tell the person to stop.
- Keep records.
- Complain and cooperate with investigation.

- Witness

- File a complaint.
- Keep records.
- Cooperate with investigation.

# Test Your Knowledge

- The target of the harassment has to be of the opposite sex.
  - \_\_\_\_\_
- One act of sexual harassment alone can be actionable.
  - \_\_\_\_\_



# Test Your Knowledge

- An employer can be held liable for the actions of non-employees.
  - \_\_\_\_\_
- If an employee reports sexual harassment, but asks that it be kept confidential, you do not need to conduct an investigation.
  - \_\_\_\_\_

# Test Your Knowledge

- Sexual harassment is only an issue when it is motivated by sexual attraction.  
— \_\_\_\_\_
- An employee is protected even if complaining about harassment directed at someone else.  
— \_\_\_\_\_

# Sexual harassment – Or Not?



# Lab Worker

- Physical contact
- Stereotypes
- Dirty jokes
- Sexual comments
- “Just horseplay”?



# Fast Food Manager



- Manager/Subordinate
- Comments about sex
- To Manager
- To others
- Questioned sexual orientation
- Destroyed reprimand

# Office Assistant

- Manager
- Subordinate
- “Babe”
- Casual contact
- Compliments
- “That’s just Pete”
- Written reprimand



# Bus Driver



- Co-workers
- Sexual comment
- Staring
- Notes, invitations
- Rumors
- Early arrival
- Parking



# Prison Guard

- Co-workers
  - Degrading music
  - Offensive language
- Inmates
  - Sexual assault
  - Verbal harassment
  - “Horseplay”



# Takeaway points

- Important to prevent
  - Legal compliance
  - Employee morale
- Two forms
  - Quid pro quo – “this for that”
  - Hostile Work Environment

# Takeaway points

- Training is Key
- Investigations
  - Prompt
  - Thorough
  - Fair
- Retaliation
  - Cannot be tolerated
  - Target or witnesses