



Workplace Sex-Based Discrimination or Harassment





Overview

- It is illegal to discriminate on the basis of sex, gender identity or expression or sexual orientation
- According to the EEOC, 3 out of 4 individuals who experience sex-based harassment never report it

Harassment Trends: Number of sex-based harassment claims filed with the EEOC

Year	2018	2019	2020
Total number of claims filed nationwide	13,055	12,739	11,497
Percent of claims filed by males	15.9%	16.8%%	16.8%



Related Definitions

- Biological sex
 - The sex assigned to a child at birth
 - Male or female
 - Based on the child's physical anatomy
- Gender identity
 - A person's internal concept of self as male, female, a blend of both or neither
 - How individuals perceive themselves and what they call themselves
 - One's gender identity can be the same or different from their sex assigned at birth





Related Definitions, cont.

- Gender expression
 - External appearance of one's gender identity
 - Usually expressed through behavior, clothing, body characteristics or voice
 - May or may not conform to socially defined behaviors and characteristics typically associated with being either masculine or feminine
- Sexual orientation
 - A person's identity in relation to the gender or genders to which they are sexually attracted
 - The fact of being heterosexual, homosexual, etc.





Pronouns

- Pronouns are important when discussing gender identity
- A pronoun is a word that refers to either the people talking or someone or something that is being talked about

**she / her /
hers / herself**

**he / him / his
/ himself**

**they / them /
their / theirs /
themselves**



Gender Pronouns

- Gender pronouns are the way that we refer to each other's gender identity
- Usually we interpret or “read” a person's gender based on their outward appearance and expression, and “assign” a pronoun to that person
 - But our reading may not be a correct interpretation of the person's gender identity
 - This is because gender identity is an internal sense that a person has about themselves
 - We don't necessarily know a person's correct gender pronoun by looking at them



Pronoun Use in the Workplace

- Using a person's desired pronouns is a form of mutual respect and basic courtesy
- Consistently using incorrect pronouns can become discriminatory and/or harassing behavior
- The experience of accidentally misgendering someone can be embarrassing, create tension, and lead to communication breakdowns





What if I make a mistake and use the wrong pronoun when referring to someone?

- Mistakes happen!
 - Recognize that you made a mistake
 - Proactively talk to the person who you misgendered and apologize
 - Make a concerted effort to use the correct pronouns going forward
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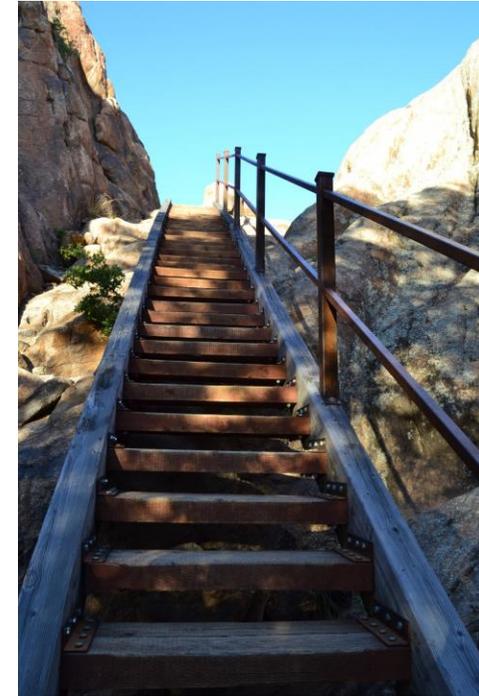
Sexual Harassment in a Legal Context

- Any:
 - Unwelcome sexual advances
 - Requests for sexual favors
 - Verbal/physical conduct of a sexual naturethat affects an individual's employment, interferes with their work performance, or creates an intimidating/hostile/offensive work environment are grounds for legal action.
- For example, Quid Pro Quo Harassment
 - Also known as "this for that" harassment
 - This occurs when a job benefit is directly tied to an employee submitting to unwelcome sexual advances.
 - For example, a supervisor promises an employee a raise if he will go out on a date with her or tells an employee he will be fired if she doesn't sleep with her.



Steps to Preventing Sexual Harassment

1. Be aware
 - People who are aware of behaviors that can be interpreted as harassing are less likely to behave in that way and more likely to notice any form of harassment generally.
2. Be proactive
 - If you observe harassment in the workplace, whether or not the victim complains, make efforts to stop it and put management on notice of the harassment.
3. Speak up
 - If you feel comfortable doing so, object — as soon as possible — by telling the harasser to stop.





Steps to Preventing Sexual Harassment, cont.

4. Reflect

- Reflect on ways that you may be bringing inappropriate behavior into the workplace.
- There is a difference between what is okay to do at home, versus what is appropriate behavior at work.
- Are there topics that you discuss at work that you should not be? Have you made jokes in poor humor that would have been better left unsaid?

5. Ask

- Ask for help from management if the thought of confronting someone makes you uncomfortable.
- It is **always** better to ask for advice or help, instead of letting an unwanted behavior persist without intervention.





Steps to Preventing Sexual Harassment, cont.

6. Report

- Every employee should report any behavior that makes themselves or other employees feel uncomfortable.
- This applies regardless of who is doing the behavior – supervisors, leadership members, co-workers, clients, visitors, vendors

7. Apologize

- If you feel that you have made someone else at work uncomfortable due to your behavior, make amends by approaching the person and apologizing. This will help to facilitate a better working relationship with that person in the future.



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