



# 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	2021
Total number of claims filed nationwide	13,055	12,739	11,497	10,035
Percent of claims filed by males	15.9%	16.8%%	16.8%	16.3%



# 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 nature that 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 they will go out on a date with them or tells an employee they will be fired if they don't sleep with them.