

**A Quick Guide to  
Understanding**

**SEXUAL  
HARASSMENT**

**in the Workplace**

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### ***It's 2017 and sexual harassment is still a problem?***

For a large part of my 20-year career in the Air Force, I worked in field of Equal Opportunity and Human Relations Education. In that capacity, I investigated or oversaw many cases of sexual harassment. Some were relatively minor (unwanted sexual jokes/language), but some more serious.

As an agency, we didn't just investigate, we took a rather "holistic" approach to handling these issues...meaning, we counseled and coached complainants in how to handle problems; we counseled alleged offenders; and we advised and consulted supervisors, managers and commanders to assist in [for instance] managing a workplace culture that may have been disrupted. Our larger body of work was in human relations consulting and education—meaning help leaders and organizations with human resources and cultures so they could focus on the mission.

I say the aforementioned to say, I've witnessed and worked every angle of sexual harassment incidents in the workplace and know that it is not as simple as implementing a policy or settling a lawsuit. We all know that "sex" and power is part



of human nature and human "nurture." Unfortunately, there are some who lack the will, desire, understanding, and/or common decency to control their instincts or learned behaviors. In other cases, people are not sufficiently aware—even if they should be—that they are "harassing" another person.

With all that said, sometimes even when obvious and blatant inappropriate behavior transpires, charging "sexual harassment" is not as cut and dry as one might think.

I recall a case involving horse-play gone awry in the workplace. Both men and women were participating in sexual jokes, comments, flirting, and other antics.



While it was unprofessional behavior, technically it was not sexual harassment because no one was complaining. However, when the husband of one of the *participants* got word of this horse play, he demanded she put a stop to it. Over the next weeks, while *she* stopped participating, *others* didn't. What once was behavior that she participated in...was now "unwelcomed" and therefore deemed sexual harassment.

It was only reported because a friend of hers finally stepped forward about the stress she was experiencing. Our office investigated and found several in violation. A couple of supervisors were punished...however, all involved were reprimanded for their unprofessional conduct.

Sexual harassment—and those associated behaviors that fall short of harassment—is just not going to go away. It will exist as-long-as people do. However, there are viable solutions that can combat, mitigate and manage these problems.

The summary below addresses [in part] some of what you may already know. However, I've also included insight from my many years of work in this arena. I hope you find it useful.

### ***What IS sexual harassment?***

Sexual harassment is considered a form of discrimination and in violation of the Civil Rights Act of 1964. Accordingly, it is broadly defined as “unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature.”



The key operating words are “sexual” and “unwelcome.” Those words essentially separate unprofessional behavior from sexual harassment. The notion that it is a form of discrimination is an important one; because beyond the inappropriate behavior aspect, sexual harassing someone means one’s ability to fair and equal treatment is being violated. There are other forms of harassment as well.

Sexual harassment comes in two forms: “hostile work environment” and “quid pro quo.” Hostile work environment means the offender is subjecting/causing the victim to work in an environment that is intimidating, hostile, or offensive. The other form is known as quid pro quo and it involves someone—usually in a position of power—using unwelcome sexual advances, requests for sexual favors, or other sexual verbal/physical conduct as a condition of employment or advancement (blatant example: “you give me sex and I’ll promote you”). This can be implicit or explicit.

It is important to note that both men and women can be sexually harassed, but typically—and overwhelmingly—men are found to be the offenders.

### ***How is sexual harassment different from sexual assault?***

To keep it simple and brief, sexual assault involves anything from physical coercion to rape. The key here is that this goes beyond denying someone of their civil rights. Sexual assault is a crime.

### ***Is sexual harassment still a big problem?***

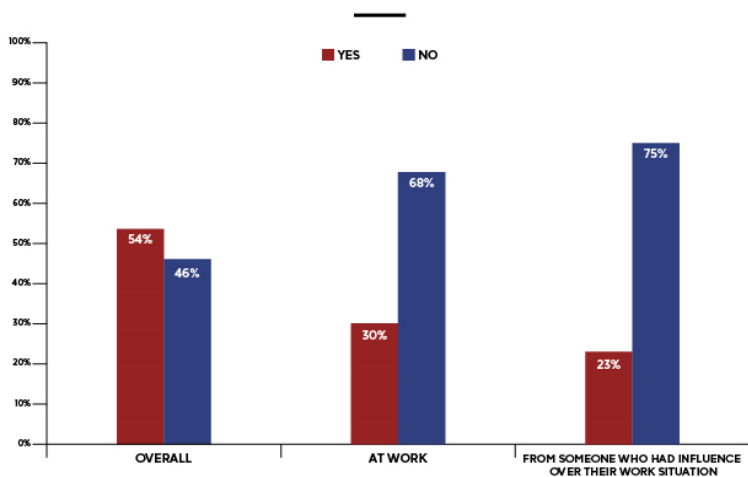
Of course, this depends who you ask. It's difficult to generalize that sexual harassment is BIG problem. To be sure, wherever it exists, it is a problem. How big depends on many factors including the industry, the organizations proactiveness, leadership involvement, existing cultures, and more. The Weinstein horror show prevailed egregiously for years. Sexual "harassment" has been a cultural and institutional icon in Hollywood—so much that it was joked about on national TV. The *casting couch* is a long and well-known institutional pathway to stardom.

### ***Here are a few stats about sexual harassment:***

- The Equal Employment Opportunity Commission statistics show that 12,860 allegations were filed in were in 2016 (important to note these were "allegations").
- Another recent survey found that one in three women between the ages of 18-34 has been sexually harassed at work.
- A recent ABC News-Washington Post poll indicated that 54% of American women have experienced some form of unwanted and inappropriate sexual advances in their lives.

- Thirty percent of women have endured such behavior from male colleagues and 25% identified men with sway over their careers as the culprits.

#### WOMEN'S EXPERIENCES OF UNWANTED SEXUAL ADVANCES



SOURCE:  
ABC NEWS/WASHINGTON POST POLL

abcNEWS

Here is what's most important to you, it does not need to be a problem in *your* organization.

#### ***Why is it still a big problem?***

As stated earlier, how big of a problem sexual harassment is depends on many factors. Thus, to tackle the problem you must understand these myriad of reasons:

1. In some organizations and cultures, sexual harassment is not sufficiently taken as seriously as it should. This is, in part, because many don't experience it and/or may not empathize with the victims. Now of course, people take obvious and egregious cases of sexual harassment seriously.

However, these are not the prevailing cases in most organizations. What most often occurs in the average workplace are the “less serious” situations such as jokes, comments, innuendos. With these scenarios there is a continuum of opinions and perspectives regarding these behaviors—from flirting to harassment. The problem is when these behaviors become accepted as the culture (“just the way we do things around here”). Once it becomes the culture, it becomes difficult for a person who is offended to complain or push back against it without becoming the “difficult one.” More, inevitably someone steps over the line, a complaint is filed and then things get complicated.

2. Senior leaders are not only NOT putting their foot down...unfortunately, they are sometimes the perpetrators or sympathetic to “the boys.” When the senior leaders are participating or not taking it seriously, people will not come forward until someone has reached their breaking point. Further, senior leaders MUST hold themselves to a higher standard.
3. People (again, primarily women) are reluctant to report low-level sexual harassment...and sometimes for good reasons. For starters, they don’t want the drama that comes with complaining. However, this can be a “double-edged sword.” On the one hand, they don’t want the drama...but on the other, they must then put up with the unwanted jokes, comments and conduct. Some people don’t complain about even relatively serious situations because they are concerned about being labeled negatively...or worse, pay a price. Worst case scenario is a person who is highly dependent on their job. They put up with a lot so as to not take a chance on losing their job. This often ends very badly for all concerned.

4. People are not properly trained. Too often when it comes to sexual harassment training, the agenda is to avoid lawsuits. Thus, there is a legal bent to the training...more about definitions, policies, etc. Of course, this is good and necessary, but it doesn't sufficiently cause a shift in mindsets and behaviors.

Training must be convincing and presented in a way that resonates with all. The impetus to change or to “get on board” is different for people depending on gender, experience, position, cultural upbringing, and more. More, when it comes to training, people need to understand and grasp the nuances and the many [not so simple or obvious] associated questions, such as:

- Where do you draw lines and how do you express boundaries to co-workers without turning the workplace against you?
- How do you act sooner rather than later without jeopardizing your standing in the workplace?
- How do you assess situations; what are the early warning signs?
- What are various options and approaches to dealing with harassers?
- How do you best deal with “friends”—or people that you like and get along with—and their unwanted comments and behaviors?
- What's the best way to complain to supervisors, managers and HR about “he said, she said” situations?
- What do you do if co-worker is being harassed, but unwilling to file a complaint?
- What about our sexualized culture? Sex is being promoted in our society and people



like to dress “sexy” ...how does that fit into this equation?

Many men and women feel like they are walking on a cultural minefield. There are many nuances in human and workplace dynamics...and employees need to understand these human dynamics as much as they do the legal and political aspects of sexual harassment.

### ***What are some solutions?***

A big key to solving the sexual harassment problem is to take a holistic and comprehensive approach. You must:

- Take it seriously
- Help all concerned to understand how it impacts the individual, groups and the organization.
- Understand the varied nuances, perspectives and situations.
- HR, supervisors, managers and executives need to be competent in order to understand the signs, how things transpire, how things gravitate and escalate...and therefore, how to step in and stop it before it harms someone and/or the organization.



Here are a few important things to know and share with employees:

1. ***Sexual assault.*** Again, it's a crime. Call the police.
2. ***Pay attention.*** While not every joke, utterance or advancement is sexual harassment...employees need to know where and how to draw lines. For instance: Is the person too “regular” with the jokes or comments? Are the jokes getting worse? Does a fellow employee get too close physically? Are they acting “creepy?” Many people who step over the line know they are doing so, but take the inch-by-inch

approach. They are “testing the waters.” Take notice of these things AND **do something to stop it sooner rather than later.**

3. ***Don't tolerate any form of harassment.*** Once you believe someone is approaching or crossing the line, employees must speak up. It isn't always easy. This was likely the case with some or many of the Weinstein encounters.

As soon as practical, employees should tell harasser to “knock it off.” They can say this politely or crudely...but make it crystal clear. If it's a member of management, report them to their superiors in writing. HR and management should step in quickly and swiftly. Even if something cannot be proven, you should consider counseling the alleged offender with the “just in case you did” counseling. Thus, reiterate the policy on sexual harassment and how it will not be tolerated.”

4. ***And for the “oops, I didn't mean to offend you” situations.*** There are some cases where someone who is genuinely liked is starting to get too close to “crossing the line.” The offender doesn't intend harm. They might be people who are overly flirty and perhaps clueless that their behavior is not welcome. In these cases, I advise employees who don't want to get that person in trouble to tell them once, maybe twice...but be clear about “stop” and “no.” If they cross that line again, then it's on them.



5. ***Stand up for yourself.*** There are likely some in the Weinstein horror film who felt trapped and helpless to do something about his aggression. This is often the case in working environments. Imagine a single

mom employee, with a job they love, who can't afford *not* to be working, and they have some supervisor making advances. An employee like this looks at their situation and feels they are taking a big risk to report a situation they can't prove.

In such a case, one must find an ally to help them think through the options and actions. Also, they should document everything. It will take courage, but employees must act. As mentioned earlier, sometimes women will tolerate a certain amount of bad behavior because they don't want the drama, and/or they believe they can handle the harassment and, so they just ignore and suppress it. Others rationalize, "boys will be boys." All should know that if someone is making advances suggesting "you might get the job, project or promotion if you..." this is not "boyish" behavior or anything one should tolerate. This behavior should not be tolerated even one iota. Teach yourself and your employees to "stand up for yourself by standing up to them."

6. ***Don't sell your soul...*** I suspect some of the "victims" knew that what Weinstein was doing was seriously wrong, yet they tolerated it or even went along just to "get the gig." Don't ever sell your soul to the devil in this way—even if it means your job.

It is evident that too many women have been demeaned and treated sometimes in the most egregious way, but didn't report it. Most of us can empathize with this notion. However, leaders within organizations need to regularly spread the word that sexual harassment is not acceptable and someone who needs to come forward will be protected from retribution or retaliation.

### ***Final thoughts...***

Sexual harassment is getting a lot of attention on the national stage these days. I caution however that politics, Hollywood and national media companies are not good gauges to measure sexual harassment in the American workplace.

More, while sexual harassment should be taken seriously, it need not be a national sensation for your company. If you take a few proactive steps—including: policy awareness, educating/training the [entire] workforce, leadership sponsoring the expectations and enforcing the policies, and so forth—you can absolutely minimize and mitigate problems of sexual harassment.

### ***About the Author:***

Kevin R. McNulty, MA is an authority with 30 years of experience in human and workplace dynamics. The majority of his 20-year Air Force was specialized in Equal Opportunity (EO) and Human Relations. He is a distinguished graduate of the renowned *Defense Equal Opportunity and Management Institute* in Cocoa Beach, FL. In 2000, Kevin retired his career from the Air Force and is now the founder and President of Humadyn-Life Skills Institute a company that specializes in soft skills, organizational/workplace dynamic and professional development.

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