

It's Not Just About Sex Anymore

**Harassment and Discrimination in
the Workplace**

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Facilitator's Guide

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Introduction

Sexual harassment has become a common phrase in today's workplace due to the amount of press it has received over the last several years. It is imperative that employees realize that there are other forms of harassment and discrimination that may leave your organization open to litigation if they are not addressed.

It's Not Just About Sex Anymore illustrates situations that may leave your employees and your organization open to a lawsuit. The program shows how harassment and/or discrimination can be based on such things as:

- Race or national origin
- Religion
- Sex or sexual orientation
- Age
- Disability (including obesity) or prior psychiatric treatment
- Marital status
- Political affiliation

This facilitator's guide will help you explain to participants the importance of taking responsibility and speaking up if they observe someone else being a victim of discriminatory harassment. The reproducible participant materials and self-study workbook are provided in the back of this guide for your convenience.

Key Learning Points

Upon completion of the video training program, participants will:

- Understand the wide range of behaviors that may constitute discrimination and harassment
- Understand that free speech rights don't apply in the workplace
- Understand what constitutes a "tangible employment action"
- Understand that everyone has a right to work in environment free from discrimination and harassment

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Tips for Transferred Learning

Keep in mind the following tips when conducting any adult training. You may wish to review these tips and incorporate them into your session planning.

1. Adults learn when they feel they need to learn.

Discuss ways your training will help participants create an environment free from discriminatory harassment.

2. Adults learn through practical application.

Use the exercises found in this Facilitator's Guide, or create your own agenda to give participants an opportunity to practice skills they can take back to their jobs. Also, provide reinforcement tools for your participants to take back to their jobs for continued and reinforced learning.

3. Adults learn by solving realistic problems.

Discuss and analyze actual on-the-job situations. Allow the trainees to solve these real-life problems by using what they have learned.

4. Adults learn in an informal environment.

Design your training room to be as informal as possible. Avoid classroom-style seating. If appropriate, encourage training participants to wear casual clothing. Encourage discussion and interaction to make participants feel more comfortable.

5. Adults learn by different training methods.

Vary your training methods. Combine discussions, skill practice, case studies, self-evaluations and action planning in your training session. Using a variety of methods reinforces your message and promotes audience involvement.

6. Trainers learn through follow-up methods.

Follow-up methods are crucial when determining the success of transferred training. Feedback from your participants' managers; follow-up surveys or training sessions; three-, six-, and nine-month skill-testing sessions, etc. can help you evaluate the information being used on the job site.

Possible Session Agendas

Two session agendas have been provided to help guide you through your *It's Not Just About Sex Anymore* session. You can modify these agendas to meet the needs of your participants.

Two and a half-hour agenda:

Activity

- Introducing the Session to Participants
- What's the Difference?
- Show Video and Review Questions
- Break
- Reflecting on Our Own Behavior
- Taking Responsibility
- Session Debrief

Time

- 15 minutes
- 15 minutes
- 45 minutes
- 15 minutes
- 15 minutes
- 30 minutes
- 15 minutes

One and a half-hour agenda:

Activity

- Introducing the Session to Participants
- What's the Difference?
- Show Video and Review Questions
- Reflecting on Our Own Behavior
- Session Debrief

Time

- 15 minutes
- 15 minutes
- 30 minutes
- 15 minutes
- 15 minutes

Introducing the Session to Participants

Time Required: 15 minutes
Materials Needed: Overheads 1 and 2
Objective: To emphasize the importance of the topic and introduce participants to each other in order to set the stage for the training session.

Trainer's Instructions:

1. Start the session by introducing yourself and paraphrasing the following point:

Most of us are familiar with sexual harassment in the workplace. But, when it comes to harassment and discrimination, the fact is that it's not just about sex anymore. Over the years, the courts and the Equal Employment Opportunity Commission have expanded what it means to harass or discriminate against someone in the workplace.

We're going to be talking about how harassment and discrimination are inter-related. We're also going to talk about what we need to do as an organization and as individuals to help maintain a positive, productive working environment, as well as minimize the chance that we'll end up facing a costly lawsuit.

2. Describe the agenda for the training session and outline any training goals on the overhead.
3. Display overhead 1. You may wish to revise these objectives based on your session design. Read or paraphrase the following:

Upon completion of this program, you will:

- **Understand the wide range of behaviors that may constitute discriminatory harassment**
- **Understand that free speech rights don't apply in the workplace**
- **Understand what constitutes a "tangible employment action"**
- **Understand that everyone has a right to work in environment free from discriminatory harassment**

4. Display overhead 2. Have participants answer the following questions individually:

What is your name and what department do you work in?

What is one thing you would like to learn from this session?

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What's the Difference?

Time Required: 15 minutes
Materials Needed: Overhead 3-8, flipchart
Objective: To help participants define and identify the different types of workplace violence.

Trainer's Instructions:

1. Give participants an opportunity to discuss their perceptions of these terms before you give the definitions that are provided below. Read or paraphrase the following to participants:

People often use the terms harassment and discrimination interchangeably, however there is a difference. Let's take a moment and identify the difference between discrimination and harassment.

- **What is harassment?**
- **What is discrimination?**
- **What types of behaviors may be considered discriminatory harassment?**
- **What behaviors have you experienced that are inappropriate in the workplace and would be considered discriminatory harassment?**

2. Capture participant's responses on a flipchart.
3. Show overheads 3-8, when appropriate, and read or paraphrase the following to participants:

Harassment means to trouble, worry or torment someone on a persistent basis. The important phrase here is "on a persistent basis." Usually a one-time offense is not considered harassment in the eyes of the law. (OH 3)

Types of Harassment (OH 4)

- **Verbal – includes things said, written or inappropriate sounds**
- **Physical – include hitting, pushing, blocking someone's way, inappropriate touching**
- **Visual – includes calendars, pictures, any inappropriate object that can be clearly seen.**

Discrimination occurs when a person or group of people are treated differently from another person or group of people. (OH 5)

Discriminatory harassment is harassing and/or discriminating behavior that is severe or pervasive enough to create a hostile working environment and/or result in a tangible employment action. (OH 6)

Title VII of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, sex, religion, national origin, color, pregnancy, etc. (OH 7)

The Equal Employment Opportunity Commission (EEOC) has stated that all employees have a right to work in an environment free from any type of discrimination and harassment. This means that organizations and employees can be held liable for any behavior that would be considered discrimination or harassment.

Depending on where you live, it is illegal to harass and/or discriminate against someone based on:*(OH 8-10)

- **Race**
- **Religion**
- **Sex**
- **National Origin**
- **Age**
- **Disability (including obesity)**
- **Military Membership or Veteran Status**
- **Sexual Orientation**
- **Marital Status**
- **Transsexuals or Cross-Dressing**
- **Political Affiliation**
- **Criminal Record**
- **Prior Psychiatric Treatment**
- **Occupation**
- **Citizenship Status**
- **Personal Appearance**
- **Education**
- **Tobacco Use Outside of Work**
- **Receipt of Public Assistance**
- **Dishonorable Discharge from the Military**

*Several state and local governments have laws that go beyond federal law. As a facilitator, you should be familiar with any additional laws that apply to your organization.

Show Video and Review Questions

Time Required: 30-45 minutes
Materials Needed: Video—*It's Not Just About Sex Anymore*
Objective: To show video and discuss as a group to further understanding of the key training points and the behaviors involved in harassment and discrimination situations.

Trainer's Instructions:

1. View the video *It's Not Just About Sex Anymore*. Encourage participants to take notes as they view the video.
2. After viewing the video, discuss the following questions:

The video states that the First Amendment applies differently at work versus in public. What does this mean?

Possible Response: This means that people can say or do things freely on their own time. However, if your on-the-job behavior offends or discriminates against someone, then it may be grounds for disciplinary and legal action.

What is a tangible employment action?

Possible Response: A tangible employment action is an action that results in things like the loss of a job, position, raise, or promotion.

What does the video say could happen if employees gossip about someone's personal issues at work and because of the gossip that person gets treated differently?

Possible Response: Even if it's based in fact, open discussion of a co-worker's personal life can lead to charges of harassment and discrimination. For example, if a coworker is treated differently because everyone knows this person suffers

from a mental or medical problem, this person may well be able to sue for discriminatory harassment.

What does the video say about discussing religion and politics at work?

Possible Response: Religion and politics are two topics that should never be discussed at work. Of course it's okay to believe what you want to believe and vote the way you want to vote; just keep it to yourself while you're at work.

What was the most important idea you learned from the video?

Possible Response: Answers will vary.

Reflecting on Our Own Behavior

Time Required: 15 minutes
Materials Needed: Reflecting on Our Own Behavior Worksheet,
Objective: To help participants identify potential discriminatory harassment situations in their own behavior.

Trainer's Instructions:

1. Read or paraphrase the following to participants: (Show overheads when appropriate)

The video did an excellent job of showing several situations that may be considered discrimination and/or harassment. When we view these behaviors in a training video, it is easy to see that they are inappropriate. However, when we are back in the office and interacting with our coworkers we quickly fall back in to what is considered "normal office behavior." Some of the behaviors that may be considered "normal office behavior" may in fact be harassing or discriminating against someone and we don't recognize the behavior in ourselves.

Right now, I am going to ask you to fill out a worksheet. Please be as honest with yourself as possible. No one will see this worksheet but you. You may find out that your behavior at work is consistently respectful and professional or you may find out that you have a few areas that you need to be cautious of in the future. While very few people set out to consciously discriminate or harass others, sometimes in our effort to help another person we end up crossing the line at what is acceptable in the workplace. Hopefully, this exercise will help us see our own behavior from a different perspective.

2. Distribute the Reflecting on our Own Behavior Worksheet. After providing adequate time for participants to complete the worksheet, read or paraphrase the following:

Now that you have had a chance to review the worksheet, what conclusions did you come up with regarding your own behavior? You don't have to answer out loud just think about the answers privately to yourself. What

behaviors do you need to be conscious of in the future? Now think about the situations that go on in our work environment. Have you ever observed a potential discriminatory or harassing situation in our work environment? If so, what did you do about it?

It now may be easy for many of you to spot inappropriate behavior in the workplace. What becomes difficult is taking responsibility and doing something about it. The next exercise is going to help us do just that.

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Taking Responsibility

Time Required: 30 minutes
Materials Needed: How Would Your Respond? Worksheet
Objective: To practice responding and taking responsibility for potential harassment situations.

Trainer's Instructions:

1. Read or paraphrase the following to participants:

The video says we need to speak up if we know somebody else is a victim of discrimination or harassment. Not just because it's the law, but also because it is the right thing to do. Unfortunately, doing the right thing is sometimes an awkward and difficult task. Therefore, we are going to give you the opportunity to practice what you would say if you were presented with this type of difficult or awkward situation.

2. Distribute the How Would Your Respond? Worksheet to participants. Have participants get into groups of two or three. Using the scenarios on the worksheet, have the groups discuss how they would respond and take responsibility if they were present during the situation. After each group has determined how they would respond, ask each group to demonstrate their situations to the group. This will allow the group to see that these situations can be handled in more than one way.
3. Debrief this exercise by discussing organizational procedures for dealing with discriminatory harassment issues.

Session Debrief

Time Required: 20 minutes
Materials Needed: Overhead 10, Posttraining Assessment, Session Evaluation
Objective: To provide feedback, information and transferred knowledge to participants.

Trainer's Instructions:

1. Show overhead 10 and review the key training points of the program. Answer any questions participants may have about discriminatory harassment.

Now that we have completed this program, you should:

- Understand the wide range of behaviors that may constitute discrimination and harassment
- Understand that free speech rights don't apply in the workplace
- Understand what constitutes a "tangible employment action"
- Understand that everyone has a right to work in environment free from discrimination and harassment

In other words, here's the bottom line...

There's a lot more to harassment and discrimination than just "sex."

Harassment is making someone's life miserable at work. Discrimination is treating someone differently based on who they are.

Here's how the two are related. If we make someone's life miserable at work, because of things like race, religion, disability, sex, etc., we're in deep trouble... because it's ILLEGAL! And, if that person quits or doesn't get a raise because of our harassment (aka - suffers a tangible employment action), we could be charged with both harassment AND discrimination and we'll be in even DEEPER TROUBLE!!!

So.... Don't harass. Don't discriminate. Period. End of story.

2. Distribute the Posttraining Assessment and Session Evaluation to participants.