

Physical Examples

Giving a massage around the neck or shoulders

Any unwarranted form of touching another's clothing, hair, or body

Typical Sexual Harassment Claims

Quid Pro Quo

Hostile Work Environment



LIFE CHANGING RESULTS

Forms of Sexual Harassment

1. *Quid Pro Quo*

- **unwelcome sexual advances**
- **requests for sexual favors**
- **other verbal/physical conduct of sexual nature**
- **promotion, pay increase, demotion, and termination**
- **related to tangible employment action**

TIED TO:

- **term or condition of employment**
- **particular employment decisions**

Forms of Sexual Harassment

2. Hostile Work Environment

- **unwelcome sexual conduct, and**
- **interference with employee work performance, or**
- **creating intimidating, hostile or offensive working environment**
- **when speech or conduct is so severe and pervasive it that creates an intimidating or demeaning environment or situation that negatively affects a person's job performance**
- **may be perpetrated by peer, supervisor, subordinate, vendor, customer or contractor.**

MUST BE:

- **based upon sex**
- **severe / pervasive**

Hostile Work Environment: Most Prevalent Form of Harassment

- Conduct reasonably interferes with work performance
- Generally involves a course of conduct rather than a single incident
- The conduct must be “severe, persistent, or pervasive” to constitute a hostile environment.
- The impact of the conduct and how it is perceived by the person receiving the conduct is also important.
- May be difficult to recognize (possibly inconsistent).



LIFE CHANGING RESULTS

Forms of Sexual Harassment

Sex or Gender Based Harassment

- Harassment based on sex or gender and without sexual advances.
- Example (double): “Why were you not here today? Men have no business being at the pediatrician’s office. That is a woman’s job.”

Forms of Sexual Harassment

Bystander Harassment

The Bystander that witnesses the harassment becomes intimidated or fearful after they have witnessed the harassment.

Forms of Sexual Harassment

Unwanted Sexual Advances

- Continuing to express sexual interest after being informed or otherwise made aware that the interest is unwelcome.

Favors

- Offering favors or employment benefits, such as promotions, favorable performance evaluations, favorable assigned duties, recommendations, reclassifications, etc., in exchange for sexual favors.