

# SB 1343 Compliant Training on Sexual Harassment Prevention for Supervisors

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# Understanding Harassment

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- What is harassment?
  - Discourteous treatment?
  - Rude behavior?
  - Yelling and screaming?
  - Civility clause?



# Your Liability

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- All Employees Are Personally Liable For Acts Of Harassment

# Damages

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- Back Pay
- Front Pay
- Emotional Distress
- Medical Damages
- Attorneys' Fees

# Effects of Harassment

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- Morale suffers
- Absenteeism
- Turnover
- Low productivity
- Costly litigation



# What Is Harassment?

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- A body of federal and state laws that prohibit certain types of conduct in the workplace
- Title VII of the 1964 Civil Rights Act
- California Fair Employment & Housing Act
- Internal anti-harassment policy

# Who is Protected?

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- “Protected Status”
  - Sex/Gender
    - Gender expression
    - Gender identity
    - Transgender
    - Gender non-conforming
  - Pregnancy
  - Race/National Origin
  - Disabilities and Medical Conditions
  - Religious Beliefs
  - Religious dress/grooming



# Who is Protected?

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- Age – Older or Younger Workers?
- The Whistle Blower
- Perceptions and Associations
- Retaliation





# What Is Not Allowed In The Workplace

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- Quid Pro Quo Harassment – “This for That”
- Hostile Work Environment



# Hostile Work Environment

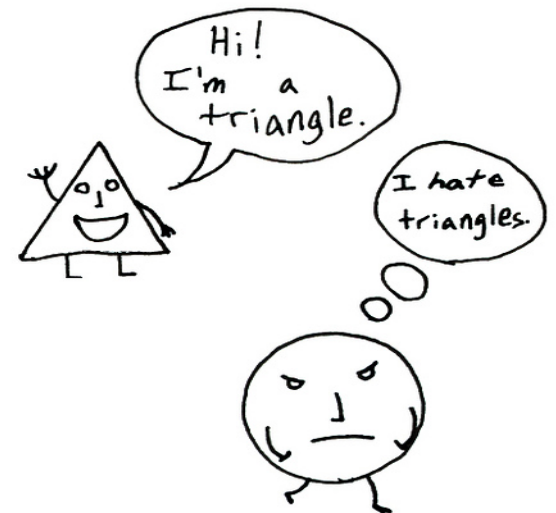
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- Are you protected?
- Behavior – physical, verbal and/or visual
- Offended?
  - Objective vs. subjective
- Severe and/or Pervasive
- Interferes with work

# Subtle Forms of Harassment

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- Perceptions of others based on characteristics
- Unconscious bias
  - Appearance
  - Gender
  - Sexual Orientation
  - Size
  - Race
  - Socio-economic backgrounds



# ABUSIVE CONDUCT

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- What's abusive conduct?
- Negative effects of abusive conduct
  - Affects work environment/morale
- Requires malice, hostile, offensive
- Unrelated to employer's business interests
- Examples:
  - Repeated infliction of verbal abuse
  - Derogatory remarks, insults epithets
  - Verbal/physical conduct threatening, intimidating, humiliating
  - Undermining person's work performance

# ABUSIVE CONDUCT

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- Reasonable person standard
- Single act is not abusive unless:
  - Act is severe and egregious
- Preventing abusive conduct
  - Conduct of supervisors
  - Training appropriate management

# Physical Harassment

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- Touching or hugging
- Massages
- Sexual overtones



# Visual

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- E-mails
- Posters/flyers
- Elevator Eyes
- Staring?



# What is Retaliation?

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- Protected Activity
  - Reporting harassment/discrimination
  - Cooperating in an investigation
  - Association with a victim
  - Complaining

Adverse Employment Action



# How to Respond as a Supervisor

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- Take action immediately
  - If the supervisor is accused
    - Policy regarding reporting
- Any notice requires a response
  - Formal or informal

# What Do You Do?

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- Follow internal policy
- Employer is obligated to conduct an effective workplace investigation
- Follow up with victim
  - Assure victim of no retaliation
  - Advise victim of limited confidentiality

# Prevention

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- Elements of harassment policy
  - Define unlawful harassment, discrimination and retaliation
  - Complaint process
  - Investigation process
- Follow up on all complaints
  - Know where to file a complaint
- Resources for the victim
  - Human resources and/or supervisor
  - FEHA/EEOC

# It's All About Respect

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- Establishing respect with someone who is different from you
- “Including” someone who is different from you
- Value differences in others
- Accept new ideas
- Keep an open mind