



Sexual Harassment in the Healthcare Workplace

Henry Ford Health System

Ranked #1 in Diversity 2015 & 2016 in Healthcare - Diversity Inc.

Agenda



- What is Sexual Harassment?
Break down definition
- Knowing the difference of the two forms of Sexual Harassment
- Five Issues You May Encounter
- Quick Quiz
- Sexual Harassment and Social Media
- Sexual Harassment Bystanders
- What to Do if You are a Victim?
- Steps to Stopping Sexual Harassment in the Workplace

Video

<https://youtu.be/A2q22WutHpw>





Sexual Harassment in Health Care - It Is #YouToo



- Women comprise a significant portion of healthcare workforce, but men are primarily in positions of power. Sexual harassment is a common and deep-seated problem in healthcare. Women in healthcare are speaking up and forcing executives and physicians to face the issue.
- A recent survey conducted by JAMA shed some light on the extent of the problem in healthcare. Results published in 2016 found that among physician–scientists, almost a third (30%) of women and a small percentage (4%) of men reported that they had experienced sexual harassment.
- This is some improvement from a 1995 study of academic medical faculty that found 52% of women and 5% of men had been sexually harassed during their careers.
- A study published last year in the journal *Physical Therapy* found more than 80% of almost 900 physical therapists surveyed said they'd been subjected to sexual harassment - sexual remarks, touches, sexual assault, and indecent exposure during their careers. Nearly half said they had experienced one of those situations in the past year.
- Those results are similar to those of surveys of physical therapists done in the 1990s, when nearly 80% of respondents reported they had experienced sexual harassment.

Sexual Harassment in Health Care - It Is #YouToo



JAMA - Severity among women with career development awards who reported having experienced harassment

<u>Experience</u>	Percentage
Sexist remarks or behavior	92.0%
Unwanted sexual advances	41.3%
Subtle bribery to engage in sexual behavior	6.0%
Threats to engage in sexual behavior	1.3%
Coercive advances	9.3%

Totals sum to more than 100% because respondents were asked to indicate all that applied.

Source: Jagsi R et al., Journal of the American Medical Association/JAMA, May 17, 2016

Sexual Harassment is costly to organizations



Harassment of any kind creates a **hostile, unsafe work environment** and as a result, **directly works against a positive workplace culture.**

- Harassment lowers engagement, which in turn decreases productivity and makes overall performance more difficult. In healthcare it can lead to medical errors.
- The most important part of corporate values is to ensure all employees are treated with respect and dignity. This means that engaging in, condoning, and not reporting sexual harassment is in **direct conflict with organizational values.**
- Failure to take harassment claims seriously is a **violation of laws** that protect employee wellbeing in the workplace.
 - Employers are **liable** for allowing harassment or not handling it properly.
 - Legal judgments can result in **compensatory damages** paid, back pay and benefits to victims, and other costs to the organization such as damaged reputation and difficulty in attracting and keeping new talent.
- Since 2010, employers in the US have paid a total of \$699 million to employees alleging harassment, and cited an estimate of settlements and court judgments in 2012 that racked up more than \$356 million in costs (McGregor, 2017).
 - These don't include indirect costs such lower productivity and engagement or higher turnover.

Therefore harassment should not be tolerated in any form; they threaten both employee wellbeing and the success of the organization.

Sexual Harassment impacts employee engagement



Sexual harassment in the workplace is a pervasive, serious issue:

- Between **40 and 50% of women** have experienced sexual harassment in the workplace (Chalabi, 2016).
- Historically, victims of harassment often **bear the brunt of negative consequences**, such as **getting fired** for reporting it or having their testimony disbelieved or ignored.
 - **75%** of people who experience harassment **don't report it**, and only a third of people who **witness** harassment come forward (Chalabi, 2016).
- Harassment **complaints from men are on the rise**: up from 8% of all complaints in 1990 to 17% in 2015 (Chalabi, 2016).

Harassment can have the following detrimental effects (North, 2018):

- Limit the victim's **ability to earn a living**, get housing, get an education, **feel safe and secure**, and take part as a equal in society.
 - Victims of harassment can have physical and emotional effects, including anxiety, depression, fatigue, inability to sleep, and **post-traumatic stress disorder**.
 - Victims include those who are **wrongly accused**, who are harmed by having their reputation called into question, possibly losing their jobs, or having the security of their personal relationships threatened due to false allegations.
- Harassment also **harms those who witness it** by creating fear about their own safety as well as tempting them to engage in the same behavior and encouraging them to view others in demeaning ways.

What Is Sexual Harassment?



Sexual Harassment is *unwelcome verbal, visual or physical conduct* of a sexual nature that is *severe or pervasive* and *affects working conditions or creates a hostile work environment*.



What Sexual Harassment Is **Not**?

Breaking Down the definition: “Conduct”

Conduct is **Not** sexual harassment if it is welcome. For this reason, it is important to communicate (either verbally or in writing) to the harasser that the conduct makes you uncomfortable and you want it to stop.





What IS Sexual Harassment?

Breaking Down the Definition: “Of a Sexual Nature”

Verbal or Written: Comments about clothing, personal behavior, or a person’s body; sexual or sex-based jokes; requesting sexual favors or repeatedly asking a person out; sexual innuendoes; telling rumors about a person’s personal or sexual life; threatening a person, sending emails or text messages of a sexual nature

Physical: Assault: impeding or blocking movement; inappropriate touching of a person’s clothing; kissing, hugging, patting, stroking

What Is Sexual Harassment ?

Breaking Down the definition: “Of a Sexual Nature”



Nonverbal: Looking up and down a person's body; derogatory gestures or facial expressions of a sexual nature; following a person

Visual: Posters, drawings, pictures, screensavers, emails or texts of a sexual nature



What Is Sexual Harassment ?

Breaking Down the definition: “Of a Sexual Nature”



Non-sexual conduct may also be sexual harassment if you are harassed because you are female, rather than male, or because you are male, rather than female.

For example: It may be considered sexual harassment if you are a woman working as a carpenter on an all male-job, and you're the only one whose tools are frequently hidden by your male co-workers.





What Is Sexual Harassment ?

Breaking Down the definition: “Severe or Pervasive”

The conduct of the harasser must either be severe or pervasive to be classified as sexual harassment.

Although a single unwanted request for a date or one sexually suggestive comment might offend you and/or be inappropriate, it may not be sexual harassment. However, a number of relatively minor separate incidents may add up to sexual harassment if the incidents affect your work environment.





Sexual Harassment Facts:

- ★ Unlawful sexual harassment may occur **without** economic injury to or discharge of the victim.
- ★ Same sex harassment violates Title VII if the employee is harassed because of his or her gender.
- ★ Unwelcome conduct under a protected basis violates Title VII if it creates an intimidating, hostile, or offensive work environment.
- ★ The harasser's conduct must be unwelcome.

Same Sex Harassment



Video

<https://youtu.be/kg7k5x--k8o>



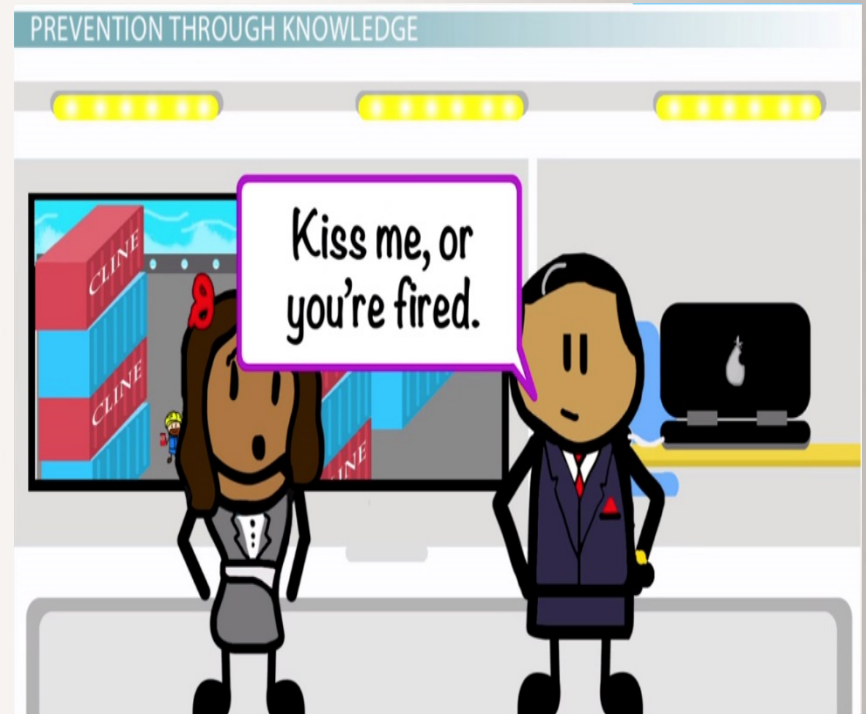


Two Forms of Sexual Harassment



Quid pro quo means “something for something”

- Unwelcome sexual conduct is made a condition of employment or the basis of an employment decision
 - For example, when a job action—such as discipline—is taken against an employee because he or she refuses to provide sexual favors



QUID PRO QUO



Two Forms of Sexual Harassment

Hostile offensive work environment is:

- Severe or pervasive, and
- Alters the terms and conditions of the employee's employment, and
- Creates an abusive environment



HOSTILE OFFENSIVE WORK ENVIRONMENT

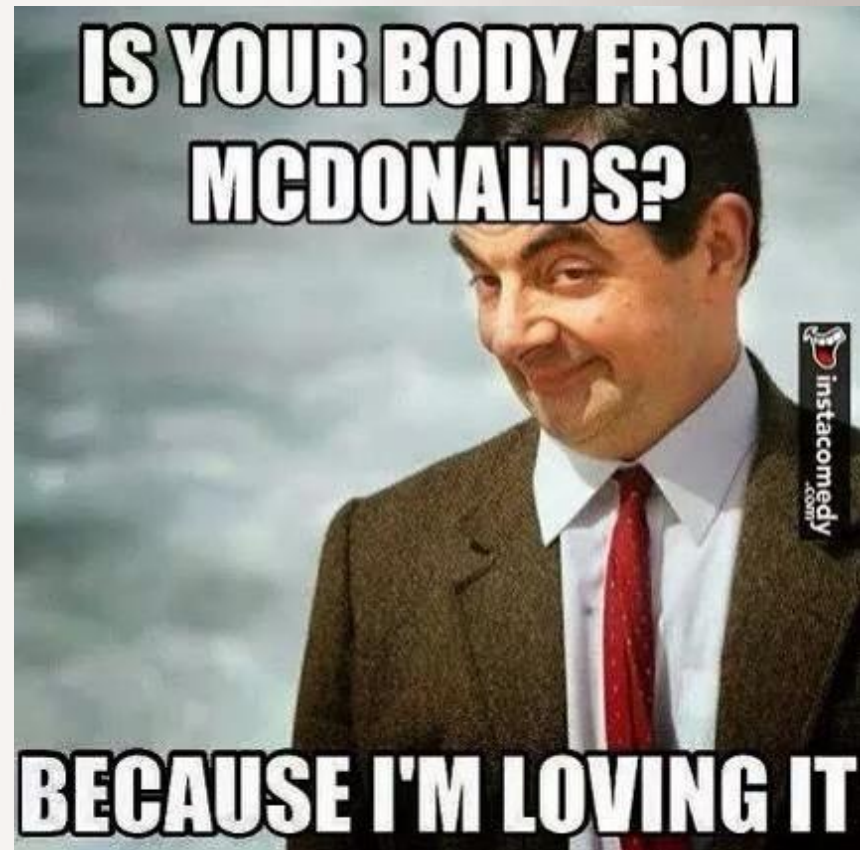


Two Forms of Sexual Harassment

Hostile offensive work environment is:

Examples:

- Obscene or “dirty” language, remarks or jokes
- Sexual gestures
- Pornography
- Inappropriate touching
- Sexual advances
- Comments of a sexual nature about a person’s body
- Acts of physical aggression or intimidation
- Comments based on gender — “sexual stereotyping”
- Talking about the sexual activities or desires of the harasser, harassee or other person



HOSTILE OFFENSIVE WORK ENVIRONMENT



Five Issues You May Encounter

Dating: Do not repeatedly ask a coworker for a date

**SEXUAL
HARASSMENT.**
**KNOW WHERE
THE LINE IS.**

Sexual Harassment & Workplace Relationships



Workplace relationships are not uncommon (roughly 40% of people meet their partner at work) so the goal is not to eliminate them, but to handle them in a professional manner.

- On average, as many as **40% of relationships start at work.**
- 38% of workers said they have **dated a co-worker at least once** over the course of their career.
 - Of this 38%, just over a quarter of them (28%) have **dated someone in a higher position** (Sipek, 2017).



Some employers take the approach of **banning relationships** altogether to avoid challenges such as such as harassment or retaliation if things don't work out or perception of favoritism.

- However, **banning relationships is unrealistic** and is likely to lead to employees hiding their relationships rather than stopping them from starting (Douglas 2016, SHRM 2017).



Instead of banning workplace relationships, now employers tend to focus on providing training for all employees on professional, respectful workplace practices.

Sexual Harassment & Workplace Relationships



- All employees, including managers at most organizations are free to date (except subordinates), but **think twice** about the consequences if things don't work out.
 - **Be prepared to have your job impacted by dating:** you will be required to transfer to another manager, team, or department if the person you're interested in is in a supervisory role or if you are.
 - Beware that **you may experience retaliation** if the relationship ends badly (more on further slides) or have to endure an awkward working situation.
- For colleagues who are dating or in a more serious romantic relationship, **keep your interaction at work professional**, for example:
 - Don't discuss private details of your relationship, sexual or otherwise, in front of colleagues.
 - Avoid overt displays of affection at work, e.g. kissing, intimate touching.
 - If the relationship ends, be sure to **keep your interaction professional and civil** at work to protect other employees from feeling uncomfortable.

Sexual Harassment & Workplace Relationships



Consent is a cornerstone of sexual harassment issues: **lack of consent is what can turn otherwise acceptable behavior (such as asking someone on a date) into harassment.**

- The most egregious and prominent cases of harassment typically involve clear lack of consent and blatant disregard for this by the harasser and those witnessing the harassment.
- **Allowing any employee**, regardless of their seniority level, to routinely ignore a lack of consent and get away with unwelcome romantic or sexual remarks or behavior toward another person makes an employer complicit in harassment.
- **For the pursuer:** Respect your colleagues' "no." If you are interested in someone and they have **said "no" once already** OR show visible signs of being uncomfortable (avoiding eye contact or other contact, looking down when you address them, turning away, saying they already have a boyfriend/girlfriend) **they are communicating that they do not consent to your actions.**
 - Continuing to pursue them can constitute sexual harassment and, which could result in disciplinary action, up to and including termination.
- **For the person being pursued:** be clear about how you feel; verbally tell the person that you'd like to keep the relationship professional or that you're not comfortable. **If you don't feel comfortable telling the person "no" (due to power imbalance), go to HR for help.**
 - Leave a **paper trail** whenever possible: send a text or email to give evidence that you've said "no."

Five Issues You May Encounter

Dating: Do not repeatedly ask a coworker for a date

Humor: Always avoid inappropriate humor in the workplace

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Sexual Harassment & Workplace Jokes



Jokes have a significant impact on workplace culture: they have a powerful ability to set the tone of the workplace or team, positively or negatively, and can be used to build comradery or make people feel excluded.

Golden standard: Avoid jokes that are overtly sexual, target a particular gender, race, sexual orientation, etc., or involve negative stereotypes.

Two factors can make a joke become problematic: Frequency or Severity.

For example:

- **Rape jokes are never appropriate;** sexual assault is a trauma that should not be joked about and is especially offensive to former victims of sexual assault.
- Do not joke about someone or something being “gay,” as this perpetuates **homophobia** and discrimination toward people who are homosexual.
- **Do not make “dumb blonde” or other jokes that rely on stereotypes:** they reinforce biases and unfairly lump together people with certain characteristics in a negative way, such as being blonde.
 - The term “dumb blonde” is rarely applied to blond *men*, which makes it sexist as well as an insult to intelligence. **Avoid jokes that unfairly target any colleagues and make them feel judged.**

If you're unsure how a joke or term will be interpreted, don't use it.

Five Issues You May Encounter

Dating: Do not repeatedly ask a coworker for a date

Humor: Always avoid inappropriate humor in the workplace

Touching: Do not engage in physical contact at work

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Sexual Harassment & Touching



The appropriateness of touch in the workplace depends on the nature of the friendship between employees. To avoid misunderstanding or making anyone uncomfortable, use the following guidelines:

- **Avoid touch that is sexual or intimate in any way.**
- **Touch that is unwanted is always wrong and can constitutes sexual harassment.**
 - If you'd like to offer someone a hug in condolence, for example, **ask** *them if its okay to hug them* before hugging them.
 - If someone's body language shows they don't want to be touched (moving away when you get close, looking uncomfortable, etc.), **respect their boundaries** and don't touch them.
 - If you've been **asked once** not to touch someone and **you persist** in doing so, you may be subject to disciplinary action, up to and including termination of employment.
- **Level of friendship sets the boundary:** if you are close friends with a co-worker, patting them on the shoulder, giving them a high-five at the end of a work day, or offering a hug in condolence is fine.
 - **Be mindful that not everyone likes hugs.** Even if you know someone well, if they seem uncomfortable with hugs and like a lot of personal space, don't try to hug them.
 - **If you're not close to someone, don't touch them.** It's really that simple.
- **Leadership roles should avoid touching subordinates.** Since there is ample opportunity for misconstruing touch in the workplace, and unintentionally sending the wrong message, avoid it altogether with direct reports.

When in doubt, keep your hands to yourself.

Source: Gottsman, 2015; Zetlin 2015

Five Issues You May Encounter

Dating: Do not repeatedly ask a coworker for a date

Humor: Always avoid inappropriate humor in the workplace

Touching: Do not engage in physical contact at work

Language: Do not use sexist language, even if not sexual

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Sexual Harassment & Language



Don't use terms that have romantic or sexual overtones to refer to co-workers, such as:

- “Sweetheart” or “sweetie”
- “Honey”
- “Hey, sexy” or “Hot stuff”
- “Hey Boo or Babe”

Avoid talking about a colleague's body or personal appearance:

- Do not comment on body shape, type, weight, etc.
- Do not make sexual remarks about a person, such as telling them you find a certain body part attractive or appealing.
 - Most of the time, such comments are not welcome and create discomfort, which makes the work environment feel less safe and welcoming.
- **Avoid openly talking about your own sex life or sexuality in front of colleagues;** if you know someone very well and know that they won't be uncomfortable, then such conversation is probably fine when it's just the two of you.
 - However, if the colleague is new or you don't know them well, **err on the side of caution** and avoid discussing these subjects.
 - **Avoid these topics in groups or meetings.**

Five Issues You May Encounter

Dating: Do not repeatedly ask a coworker for a date

Humor: Always avoid inappropriate humor in the workplace

Touching: Do not engage in physical contact at work

Language: Do not use sexist language, even if not sexual

Items: Never bring sexually explicit material to work

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Ask yourself . . .

- Would you want the same thing said or done in front of your spouse, child or parent?
- Does it need to be said or done at all?
- Does it serve any useful business purpose?
- Would you want to be seen on cable news or YouTube saying or doing it?



AVOID INAPPROPRIATE BEHAVIOR

Quick Quiz

True or False: Favoritism or preferential treatment based upon a supervisor's granting of sexual favors can create a hostile work environment for employees even if the sexual conduct is not directed at them

Sexual Harassment & Bystanders



Harassment of any kind happens in part because those witnessing it do not speak up to challenge the harasser.

Since the harasser may be in position of power, it **can be risky for bystanders** to call out their bad behavior for fear of retaliation and impact on one's job.

Failure to speak up has a number of negative consequences:

- It sends a message to the harasser that others support their actions.
- It encourages and reinforces the belief in everyone involved that harassment is “no big deal.”
- When the harassment routinely targets a particular group (women, racial minorities, people with disabilities) and goes unchallenged, it sends a message that people in these groups are inferior and less worthy of protection
- It places the unjust burden/cost of harassment (humiliation, unwanted physical touch, fear for one's safety and job, etc.) fully on the victim.
- It creates a negative reputation for the company: even if most people don't agree with the behavior, their silence communicates endorsement.

Ending harassment takes a village; we all have a responsibility to stop it.

Sexual Harassment & Bystanders



Three practical ways to respond when you witness harassment:

1. Disrupt the situation.

- Get the person being harassed out of the situation: invite them to go and get a coffee, ask them if they have time to chat about a project, etc.
- Distract the harasser: ask them a question, start a conversation, etc.
- This is the easiest, least risky option, as it allows both parties to exit the situation and prevents it from escalating.

2. Confront the harasser.

- Usually best done immediately afterward in private, to avoid escalation, unless you know the person very well or hold a higher position of authority and are confident you can confront the person in a way that will not escalate.

3. Ask the victim if they're okay.

- Check in with the person being harassed and offer to help **before going to HR**; offer to go with them to HR if they want, but don't presume to speak on their behalf.
- This helps to reassure the victim that they're not alone in the situation and that harassment is not okay.

Do not let harassment go unchallenged.

It erodes workplace culture and costs the company socially and financially.

Sexual Harassment & Bystanders



How to confront someone who is harassing others:

- If you don't know the person well, **or** they hold a significantly higher position than you, **ask for advice** from someone in HR or your manager on how best to approach the person.
- **Speak to the person privately** to reduce defensiveness on their part and avoid embarrassing them.
 - This demonstrates respect and is important because the **person may genuinely not understand that their behavior counts as harassment**, especially if it's been socially accepted or common until very recently.
 - Keep your **tone neutral** and respectful; don't downplay the seriousness by being overly friendly, but don't be aggressive either. This will make the possibility of a positive outcome more likely.
 - Ask them, "Can I talk to you about something? I don't know if you realized this, but your comment/action toward X came across as (rude, aggressive, inappropriate)." Take the time to **briefly explain the impact**.
 - This allows the opportunity to clarify why the behavior is problematic, which will make them less likely to repeat it.
- If you've already spoken to the person about their behavior in private or know that someone else has, and you feel comfortable knowing what to say, **speak up in the moment**:
 - **Be gentle but direct**, such as, "Whoa, what's up with that comment/action?" spoken in a friendly but firm tone.
 - This communicates to the harasser that others are not okay with their behavior, and may be sufficient to stop it. It also shows support for the victim on the spot, which helps to create a **supportive workplace culture**.



Quick Quiz

Yes or No: Is there any limit on what types of conduct may be perceived as sexual harassment?



Quick Quiz

If it's possible that someone might perceive your conduct as offensive, what should you ask yourself?

- a) Are you doing it in the spirit of fun?
- b) Would you want the same thing said in front of your parent?
- c) Does it serve any useful business purpose?



Sexual Harassment and Social Media



Learn What To Do



- Jesse Jackson
- Bill Cosby
- Bill O'Reilly
- Payton Manning
- Harvey Weinstein
- Kevin Spacey
- Roy Price (Amazon)
- Ben Affleck

OR BECOME THE NEXT NEWS STORY

If You Are a Victim of Sexual Harassment in the Workplace



- Contact your local HR immediately
- Allow the investigation to follow course
- Contact EAP (Employee Assistant Program) for additional resources
- If harassment does not stop, contact the EEOC



1980...

The Equal Employment Opportunity Commission (**EEOC**), the agency that enforces Title VII, issues guidelines interpreting the law to forbid sexual harassment as a form of sex discrimination.

29 C.F.R. §1604.11



Steps to Handling Sexual Harassment in the Workplace



- Monitor your workplace
- Take all complaints seriously
- Keep an open mind
- Treat the complainer with respect and compassion
- Don't shoot the messenger
- Don't retaliate
- Follow established procedures
- Educate yourself
- Keep it confidential
- Write it all down
- Cooperate with government agencies