



Sexual Harassment Prevention

Sheriff's Department Line Staff
2016

San Diego Sheriff's Department
Human Resources Bureau

Agenda



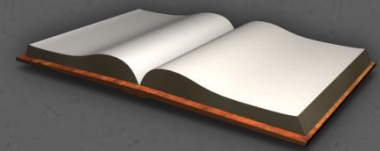
- o Define Sexual Harassment
- o Identify behaviors that constitute Sexual Harassment
- o Know the resources available for victims/alleged harassers
- o Review the Federal, State laws and County/Sheriff policies

What is Sexual Harassment?



Federal Law Definition

- o Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature;
- o when this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance,
- o or creates an intimidating, hostile, or offensive work environment.



State Law Definition

- o Harassment is based on sex or of a sexual nature, gender harassment, and harassment based on pregnancy, childbirth, or related medical conditions.



Differences

- o What are some of the major differences between the Federal Law and State Law definitions of Sexual Harassment?

California Definition of Sexual Harassment

- SB 292 (2013) states: “[s]exually harassing conduct need not be motivated by sexual desire.”

California Definition of Sexual Harassment

- o AB 2053 [1] (2014) states: expands the scope of the 2004 AB 1825 sexual harassment training to include “abusive conduct.”

“Abusive conduct” means conduct of an employer or employee in the workplace, with malice, that a reasonable person would find hostile, offensive, and unrelated to an employer’s legitimate business interests. Abusive conduct may include repeated infliction of verbal abuse, such as the use of derogatory remarks, insults, and epithets, verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating, or the gratuitous sabotage or undermining of a person’s work performance. A single act shall not constitute abusive conduct, unless especially severe or egregious.

California Definition of Sexual Harassment

- o Abusive conduct, under AB 2053, means conduct of an employer or employee in the workplace, with malice, that a reasonable person would find hostile, offensive, and unrelated to an employer's legitimate business interest.

California Definition of Sexual Harassment

- o AB 1433 (2014) states it is unlawful to harass a person (an applicant, employee, intern, or volunteer).
- o The emphasis in this law is on the intern, and volunteer. While they are not paid, they are still covered under the law.



Two Major Concepts

Quid Pro Quo

- o Definition – Latin term meaning “something for something” or “this for that.”
- o “Someone” with authority makes unwelcome sexual advances.



Hostile Work Environment

- o The basic concept of “hostile work environment” is that the behavior is sufficiently severe or pervasive to alter the conditions of the victim’s employment and create an abusive working environment.
- o based on a protected class (i.e. race, sex, religion, etc.)
- o creates an unwelcomed hostile, intimidating offensive work environment
- o must be severe and pervasive from the perspective of a reasonable person standard

Reasonable Person Standard

- o The situation must be viewed from the perspective of a reasonable, third party
- o Would a reasonable person find the behavior hostile, offensive, or intimidating?
- o Perception vs Intent



Harassment Awareness

- o It all comes down to “POWER” not sex
 - o Requesting a date
 - o Excluding an employee from work activities
 - o Reinforcing subservient status
 - o Patronizing another employee





Retaliation

IT'S AGAINST THE LAW!

- o Definition - Illegal to fire, demote, harass, or otherwise “retaliate” against people because they filed a charge or complained to their employer or other covered entity.
- o Do not be afraid to report inappropriate conduct out of fear of retaliation.



Forms of Harassment

Verbal Harassment

- o Epithets, derogatory comments, slurs or rumors



Physical Harassment

- o Assault, impeding or blocking movement, or any physical interference with normal work or movement, when directed at an individual



Non-Verbal Harassment

- o Sexual or derogatory gestures or facial expressions



Visual/Written Harassment

- Visible items that are sexual or derogatory



Sexual Favors

- o Unwanted sexual advances which conditions an employment benefit upon an exchange of sexual favors



Key Factors of Harassment that the law looks at:

- o Frequency
- o Pervasive and Severe
- o Physical threat or intimidation
- o Work performance impact
- o Unwelcome (sexual/gender in nature)
- o Reasonable person standards
- o Retaliation



Court Cases



“You Make the Call”
Video



What do you do if you are a
victim of harassment?

Tell a supervisor, DHRO, or Employee
Relations immediately.

County Policies

- o COSD Administrative Manual #0080-03-3
Employee Discrimination Complaint Procedure
- o COSD, DHR Policy & Procedure #111
Sexual Harassment Complaint Procedure
- o COSD Board of Supervisors Policy #C-22
Sexual Harassment Policy

Sheriff's Department Policies

- o Sheriff's P&P Procedure Section 2.54
Sexual Harassment
- o Sheriff's P&P Procedure Section 3.47
Discrimination and Sexual Harassment

Sheriff's Resources

- o Employee Relations Manager
- o Sheriff's Internal Affairs
- o Sheriff's Legal Affairs

Other Resources

- o County Office of Ethics and Compliance (OEC)
- o Equal Employment Opportunity Commission (EEOC)
- o Department of Fair Employment & Housing (DFEH)

Questions

