

Who Can be a Victim?

Supervisor
Co-worker
Independent Contractor
Temporary Employee
Client
Delivery Person
Male
Female

Who Can be a Harasser?

Supervisor
Co-worker
Independent Contractor
Temporary Employee
Client
Delivery Person
Male
Female

Employers:

Contact the Waterloo Commission on Human Rights if:

- You would like information on a training program to help you or your employees recognize sexual harassment.
- You would like advice on handling questionable actions or situations.
- You would like advice on writing an anti-harassment policy or would like a review of your current policy.

Employees:

Contact the Waterloo Commission on Human Rights if:

- You feel your rights have been violated.
- You feel threatened or uncomfortable at your place of work.
- Your job performance is suffering because of an unwanted situation.
- You wish to file a complaint or need help determining if you should file a complaint.



Hostile Environment



THE INFORMATION IN THIS BROCHURE SHOULD NOT BE CONSTRUED AS LEGAL ADVICE OR EXHAUSTIVE COVERAGE OF THIS TOPIC.

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Commission on Human Rights

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“Building Unity—Developing Understanding”

What is Sexual Harassment?

Sexual harassment is unwelcome and unlawful verbal or physical conduct of a sexual nature.

Types of Sexual Harassment:

Quid Pro Quo occurs when sexual advances or conduct is made a condition of employment and submission or rejection of such conduct is used as the basis for employment decisions.

Some Signs or Examples:

- “This for That”
- Demanding sexual favors in exchange for a promotion or raise.
- Disciplining or firing an employee who ends a romantic relationship.

Hostile Environment occurs when comments or conduct unreasonably interferes with job performance or creates an intimidating, hostile or offensive work environment.

Some Signs or Examples:

- Off-color jokes or teasing.
- Comments about body parts or sex life.
- Suggestive or demeaning pictures, calendars or cartoons.
- Leering, staring or gesturing.

Employer’s Responsibility:

- Train all managers to recognize and react to harassment.
- Train all employees about what constitutes unlawful sexual harassment and about anti-harassment policies.
- Management should develop and distribute a written policy against unlawful harassment.
- Establish an effective complaint procedure, incorporating multiple paths.
- Make it clear that management will act quickly in responding to complaints.
- Make it clear that appropriate disciplinary action will be taken.
- Ensure confidentiality to the greatest extent possible.
- Protect against retaliation.
- Educate about and enforce policies.

Employer’s Liability:

- The employer is liable whenever a supervisor’s harassment results in a tangible employment action.
- The employer is liable for hostile environment harassment by a supervisor that does not result in a tangible employment action unless it proves the following affirmative defense:

The employer exercised reasonable care to prevent and correct promptly any sexually harassing behavior.

The employee unreasonably failed to take advantage of any preventive or corrective opportunities provided by the employer or to avoid harm otherwise.

- Co-worker harassment: The employer is liable if he/she knew or should have known of the harassment and failed to take immediate action.
- Non-employee harassment: Same as above, but consideration is given to the extent of the employer’s control over the non-employee.

responsibility & liability