

Sexual Harassment

What is it?
How to Prevent it.
What to do when it occurs.

3/13/2012



Definition

- Harassment on the basis of sex is a violation of Chapter 213 RSMo.
- Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature

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- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- Submission to or rejection of such conduct is used as the basis of employment decisions affecting such individual; or

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- Such conduct has the effect or intent of substantially interfering with an individual's work performance or creating a hostile, intimidating or offensive working environment.

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What is Sexual Harassment?

- Courts have found these behaviors are clearly sexual harassment:
 - Asking for sexual favors in return for employment rewards;
 - Threatening adverse employment actions unless sexual demands are met;
 - Sexually explicit pictures;
 - Grabbing private parts;
 - Forced kissing;
 - Sexually explicit remarks;

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Courts have found these behaviors may be sexual harassment:

- Violating personal space;
- Dirty songs;
- Foul language;
- Gesturing sexually;
- Whistles or catcalls;
- Lewd jokes;
- Licking lips or blowing kisses;
- Leering, winking or staring;
- Unwanted letters, poems or cards;
- Questions about sexual experiences, preferences;

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Types of Sexual Harassment

- Quid Pro Quo-Latin for "this for that." Sexual blackmail. The reward for accepting or the penalty for refusal may be either express or implied, but it is a Tangible Employment Action.
- For example, a supervisor predicates a promotion on acquiescing to his sexual demands.

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Types of Sexual Harassment

- Hostile Environment harassment occurs when verbal or physical conduct of a sexual nature occurs that creates a hostile, intimidating or offensive working environment.
- There is no tangible employment action with this type of harassment.

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