

# #That's Harassment: Discussion Guide for Employers

These [six short films](#) depict cases of sexual harassment, all based on real events.

## **What are your feelings and thoughts after watching these films?**

Encourage employees to pair up or discuss in small groups and share their thoughts. Discussion questions can include the following:

- What surprised you the most about the films?
- What did you learn from the films that you didn't know before?

## **Some of the films depict behaviors that may appear, for some people, to fall into a gray area between inappropriate conduct and sexual harassment. What do you think constitutes sexual harassment?**

This is an opportunity to discuss not only what constitutes sexual harassment, but also what behavior the company considers inappropriate.

According to federal law, sexual harassment is unwelcome behavior that happens to you as an employee because of your sex. It includes:

- Unwelcome sexual advances;
- Request for sexual favors; or
- Hostile verbal or physical conduct that targets someone based on gender (whether or not sexual overtures are involved)

Federal law also prohibits sexual harassment of patients in many health care settings.

## **In the films "The Photographer" and "The Actor", do the actions and the words of the male characters constitute harassment?**

Harassment does *not* have to involve any physical contact — words alone may be enough. It can include sexual advances, repeated requests for dates, lewd remarks, pornographic pictures, or sexual jokes. Of course, harassment can also include physical contact—and conduct that includes unwanted sexual touching, sexual assault or rape is not only illegal sexual harassment, but is also a crime.

In "The Photographer," many people are forced to listen to the main character's remarks and observe his actions. Sometimes bystanders who observe or overhear harassing words or conduct can be victims of harassment, even if they are not the targets.

## **In the film "Coworker" the male and female bartenders seem like equals. Is it possible to be harassed by someone who is not your supervisor?**

Yes. The harasser does not have to be your supervisor for the harassment to be unlawful. Employers have a responsibility to provide a workplace free from sexual harassment, whether the harasser is your supervisor, a supervisor in another department, a co-worker, a subordinate, or even a customer or client. If your employer knows that you are being harassed by a co-worker—or if your employer really should know and is purposefully turning a blind eye to the harassment—your employer is legally responsible for addressing the harassment.

**In the film “The Boss”, the male character apologizes afterwards, saying “nothing happened.” Was his behavior simply inappropriate or does it constitute harassment? What kind of action has to happen before you can file a legal claim for sexual harassment?**

You do not have to be fired, demoted, or suffer any economic, physical, or psychological harm before you can bring a claim for sexual harassment. Having to endure sexual harassment at your job can be injury enough if it is “severe or pervasive.” The more severe a single incident is, the more likely it is that violates the law; less severe incidents violate the law when they are repeated and persistent.

**In the film “The Politician”, the male character says, “you really are a very attractive, intelligent, young woman”. Is it okay to compliment someone?**

Yes, co-workers and supervisors can give compliments to their colleagues in the workplace. Telling someone they look good today or complimenting a new piece of clothing is generally considered fine. It is inappropriate if it is accompanied by a leering stare and/or a gesture and is continually targeted at only one particular person, or is accompanied by a sexual innuendo or behavior. Any of these may be experienced as sexual harassment—and if repeated and pervasive, may constitute unlawful sexual harassment in an employment relationship.

**At the very end of the film “The Photographer”, you see a crowd of production and photo assistants witnessing the entire scenario. What can you do if you see harassment taking place or you’re a bystander?**

If you notice inappropriate or aggressive behavior, you can talk to your supervisor or HR. And if you can, speak up at that moment, to demonstrate support for the target of the harassment, to let the harasser know that the behavior is not okay, or to redirect the harasser’s attention.

**While these films portray male-female interactions, is it possible to be sexually harassed by someone who is the same sex as you?**

Yes. Males can sexually harass males, and females can sexually harass females. Harassment is unwelcome sexual behavior or attention regardless of who is perpetrating it.

**What should you do if you think you are being sexually harassed at work?**

This question provides an ideal opportunity to explain your company’s policies and procedures for making complaints about sexual harassment. (If your company doesn’t have a formal policy or procedure, [this resource](#) has elements of strong policies.)

**What can you expect if you internally report the harassment? Could you be punished if you complain about sexual harassment to your supervisor or HR?**

Explain your company’s process and timeline for responding to claims of sexual harassment. Explain that it is illegal for employers to retaliate against employees for filing a complaint and describe your anti-harassment policies. You might also note that it is very helpful when employees provide details of the harassment, such as the names of any potential witnesses or other victims of the same harasser, a chronology of what happened and specific descriptions of the offensive conduct.

### **How can you encourage your employees to prevent harassment in the workplace?**

This is an opportunity for you to explain your company's expectations around employee conduct that is respectful and non-discriminatory. Let your employees know that you will not tolerate sexual harassment at the workplace and demonstrate your commitment by taking immediate action, when appropriate, to respond to harassment and hold harassers accountable. In training, demonstrate techniques to help employees appropriately intervene when they hear or observe someone harassing another individual. You can also describe what exactly your company is doing to ensure you are creating a safe and respectful work environment. For more ideas, see National Women's Law Center's [10 Ways Your Company Can Help Prevent Harassment in the Workplace](#).