



ADDRESSING SEXUAL HARASSMENT IN THE WORKPLACE

Sexual harassment is a barrier to creating meaningful work-based learning opportunities. Successful experiences depend on positive interactions between students and regular employees at the workplace. Both students and employers must be educated about sexual harassment. They must know what constitutes sexual harassment, what to do if it occurs and what recourse is available. Education is the first step to prevention.

Definition

Sexual harassment is any unwelcome sexual conduct that occurs in the workplace, whether physical or verbal, that unnecessarily interferes with the victim's work environment. The law clearly recognizes two types of sexual harassment: quid pro quo and hostile work environment.

Quid Pro Quo Harassment

Any conduct on behalf of the employer that reasonably causes an employee to feel pressured to enter a sexual or romantic relationship as an employment condition can be quid pro quo harassment.

Hostile Environment

Sexual advances or romantic overtures do not have to occur for a hostile environment to exist. Such an environment arises when management is not attentive to sexual jokes, leering, displays of pornography or sexually suggestive images, sexual banter between employees or unwanted touching. An employee participating in conduct suggested by a superior — whether laughing at a dirty joke or giving into sexual pressure — is not enough to prove conduct was welcome by the employee. A superior should not initiate such conduct, because even if a relationship is consensual at one point, it will be difficult to prove once a subordinate says otherwise.

What Students Should Do if Sexual Harassment Occurs

1. When a student is harassed it should be reported immediately. As an employee, the student is not expected to tell his or her harasser directly, but should tell someone in management and their School-to-Career or work experience coordinator without hesitation.
2. If the student participated in the conduct passively, perhaps by not saying anything, it does not make the conduct welcome and should be reported. Waiting only increases the chances that it will happen again.
3. If the student feels uncomfortable, but is not sure if the unwanted behavior of a superior constitutes harassment, he or she should not hesitate to ask. One person's standards of what is appropriate may not be considered appropriate by another.



Regulatory Authority

Sexual harassment falls under the authority of the California Fair Employment and Housing Commission.

For more information visit:

California Department of Fair Employment and Housing <http://www.dfeh.ca.gov/sexualHar.asp>

Make sure to contact your local school district to determine local policies.