

**AABR, INC.**

EDUCATION AND TRAINING



**New York State  
Sexual Harassment  
Training**

# NYS Sexual Harassment Training

## Workplace Harassment

### *Harassment has no place at AABR or any other workplace*

- It's not just about gender...or inappropriate sexual behavior....
- It's any form of harassment based on a protected characteristic (age, race, creed, national origin, sexual orientation, military status, sex, disability, marital status, domestic violence victim status, gender identity, criminal history)
- It's about creating an unpleasant work environment

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## **What is Sexual Harassment?**

- -It is a form of discrimination
- - It is harassment on the basis of gender, sexual orientation, self-identified or perceived gender, gender expression, gender identity and /or being transgender

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## *What does Sexual Harassment Include?*

- Unwelcome conduct that is of a sexual nature
- Harassment directed at someone because of their gender

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## *What does Sexual Harassment Include?*

Harassment that has the purpose (or effect) of:

A) unreasonably interfering with a person's work performance

OR

B) creating an intimidating, hostile/ offensive work environment

(EVEN IF: the reporting person is not the target of the harassment)

C) Such conduct is used as the basis for continued employment or employment decisions made that affect the employees employment

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## **Hostile Work Environment**

Unwanted words, signs, jokes, pranks,  
either of a sexual nature or not  
directed at a person  
because of their gender

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## *What Does Hostile Work Environment Harassment Include?*

Sexual or discriminatory displays **anywhere** in the workplace (including on computers, cell phones and sharing such while in the workplace)

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## *What Does Hostile Work Environment Harassment Include?*

Sexually oriented gestures, noises, remarks, jokes or comments about a person's sexuality or sexual experience



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## *What Does Hostile Work Environment Harassment Include?*

- Physical Acts
- Destroying/damaging an employee's tools, equipment that interferes with their ability to perform the job
- Bullying, yelling, name calling
- Making False Allegations  
(i.e. Justice Center)

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## *Quid Pro Quo*

- Offering or granting better working conditions or opportunities in exchange for a sexual relationship
- Threatening adverse working conditions (or denial of opportunities) if a sexual relationship is refused
- Retaliation for refusal of a sexual relationship
- Using pressure, threats, to force a sexual relationship

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## *Sex-stereotyping*

**Based on how someone thinks a person should look and/or act due to their gender**

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## **Process for Reporting Harassment**

- Agency provides a complaint form
- Complaint form goes to Human Resources Director and your immediate supervisor (Follow chain of command as necessary)
- A person can choose to report verbally
- It is unlawful for an employer to retaliate against a person who reports harassment and / or assists in any investigation regarding harassment

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## **Investigation Process**

- Agency designee person/office conducts an immediate review
- Relevant documents, emails, phone records obtained
- Interviews are conducted with person and witness(s)
- The Complainant and the Person accused are both notified of a final determination and that appropriate action has been taken

**If you feel your complaint has not been addressed....**

- **In Addition to Reporting to AABR, you may report your complaint to ...**
- NY State Division of Human Rights (DHR)
- United States Equal Employment Opportunity Commission (EEOC)

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## **When may Harassment be Considered a Crime?**

- Physical touching
  - Coerced physical confinement
  - Coerced sex acts
  - Stalking
- In these cases the local police department should be contacted as well

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## **Retaliation**

**An AABR Employee can not be retaliated against if he / she has engaged in a “protected activity”  
such as.....**



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***You can not be Retaliated against if you....***

- Make a complaint to a supervisor or a person designated to receive complaints about harassment**
- Make a report of suspected harassment even if the person is not the target**
- Assist another employee who is complaining of harassment**
- Provide information during a workplace investigation regarding harassment**

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## **What is Retaliation?**

- \*Poor references after an employee no longer works for the company**
- \*Any action to discourage someone from making an harassment complaint**
- \*Any action taken to alter a person's condition of employment after person engaged in a "protected activity"**

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## **What is *NOT* Retaliation?**

**\*Writing someone up or any negative employment action regarding failure to meet job requirements**

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## **Supervisors**

**-Held to a higher standard**

**-Are required to report any harassment**

**a) that is reported to them**

**b) that they observe**

**EVEN IF no one is objecting to said harassment**

**EVEN IF the harassed person asks that it not be reported**

**EVEN IF the supervisor thinks it's trivial**

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## *Supervisors*

**-Are responsible for any harassment or discrimination that they should have known (with reasonable care and attention)**

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## **Supervisors**

**-Will be disciplined for:**

- a) Failure to report harassment  
and / or**
- b) Engaging in any form of retaliation**

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***Question and Answer Period***