

A Policy Is Not Enough

Leading a Respectful Workplace

Leader's Guide

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Table of Contents

- Introduction..... 1**
 - Program Objectives..... 1
 - Preparation 1
 - Training Options 2

- The Training Session 3**
 - Introduction..... 3
 - Close 5

- You Call That Respect?..... 7**
 - Vignette #1—The Performance Review 7
 - Vignette #2—That’s More Than I Want to Know 8
 - Vignette #3—The New Guy 9
 - Vignette #4—Special Delivery 10
 - Vignette #5—Wild Wild Web 11
 - Vignette #6—Believe It or Not!..... 12
 - Vignette #7—CyberStalker..... 13
 - Vignette #8—Waitresses Are Not on the Menu 14
 - Vignette #9—Help Wanted: Men Only 15
 - Vignette #10—That’s an Order! 16
 - Vignette #11—It Was Only One Joke 17

- Assessment..... 19**

- Answers to Assessment 20**

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Introduction

A respectful workplace is a productive workplace. If a workplace is not respectful, employees may feel harassed, probably are afraid to report complaints, productivity is low, turnover is high, and there are possible legal liabilities for the organization and for harassing individuals. Policies and procedures help your organization to have a respectful workplace, but they alone are not enough. It is essential that leaders in your organization put these policies and procedures into practice to create a workplace that is harassment-free, where employees feel comfortable and safe.

Program Objectives

We recommend that you write these on easel paper and place them in a location for all to see during your training session.

Upon completion of this program, the training participants will:

- Realize the importance of familiarizing themselves with your organization's policies and the law.
- Recognize the role they play in putting your organization's policies into effect.
- Examine their attitudes, beliefs, and actions that affect their effectiveness in enforcing organizational policies.
- Know the key steps that leaders must follow to create a respectful workplace, which are:
 - Model respectful behavior for your employees.
 - Communicate your organization's policies clearly and consistently to your employees.
 - Coach your employees to avoid any behavior that might lead to harassment complaints.
 - Take all harassment complaints seriously and respond immediately.
 - Allow no retaliation when complaints are made.

Preparation

In order to enforce policies, leaders must familiarize themselves with them. It is essential that you carefully review your organization's policies concerning harassment and discrimination so that you can train your leaders appropriately. If possible, make copies of pertinent sections of your organization's policy for each participant.

To avoid costly litigation, it your organization's leaders should also be familiar with the legal consequences of discrimination and harassment. Therefore, you should help leaders review laws about harassment and discrimination. Look up the EEOC guidelines, and relevant sexual harassment laws. If appropriate, make copies of pertinent sections and give them to your participants.

In addition, the topics covered in this training session may elicit strong emotions. It is important that you, as the trainer, be prepared to handle these issues by staying objective rather than becoming defensive or choosing sides. Watch out for questions that begin with "Don't you think" asking you to agree or disagree. The best response for a question like this would be to ask the participant how he or she feels about the issue. Another tool to use for heated discussion is to reflect back or paraphrase what the participant says to you in order to make him or her accountable for his own feelings and beliefs. In any event, if things start to get out of hand, take a break so that your participants can calm down.

Finally, there are some key steps and important ideas presented in the video. You may want to make overhead transparencies or write key points out on easel paper.

Training Options

A Policy Is Not Enough: Leading a Respectful Workplace can be presented with or without the *You Call That Respect? Overcoming Obstacles to a Respectful Workplace* video vignettes. These videos, played together or separately, can be presented in a variety of formats. Each of the options discussed below can be used individually or combined with one another. As the facilitator, you should examine each option and use the one that best fits your organization. Suggested training options include:

- After some short introductory remarks, have the training participants view *A Policy Is Not Enough* followed by *You Call That Respect?* Have an in-house expert stop the video after each vignette in *You Call That Respect?* and discuss with the participants what they should do in each scenario and the policy relating to each scenario.
- The facilitator views both videos before the training session and selects certain scenarios that best fit the participant group attending the training. After showing *A Policy Is Not Enough* the facilitator can fast forward *You Call That Respect?* to the chosen scenarios for discussion. (Note: Customized editing of this video is available. Call for details.)
- After some short introductory remarks, the participants view *A Policy is Not Enough*. Have an in-house expert discuss the video, the organization's policy, and the law related to the issues presented.
- After introductory material, the facilitator shows either *A Policy Is Not Enough* alone or *A Policy Is Not Enough* followed by the *You Call That Respect?*. After scenarios are viewed that might elicit discussion in *A Policy Is Not Enough*, or after each vignette in *You Call That Respect?*, the facilitator stops the video and has small subgroups develop solutions or make suggestions about what might be done for each issue, and present them to the larger group for discussion.
- Follow along with this Leader's Guide and have the participants complete suggested exercises.
- The trainer could develop other potential "on the job" scenarios with participant input and have the group discuss possible resolutions.

The Training Session

Below there is suggested script for the facilitator. These are suggestions only. Please customize this script for your organization and for your personal training style.

Introduction

Say: As leaders, it is critical that we create a respectful workplace for our employees. In order to do this we must be aware of our organization's policies and the law, and we must enforce these policies clearly and consistently. Failure to do so can have severe consequences for our organization, and also may have legal and financial consequences for us personally.

Before we watch a video called *A Policy Is Not Enough* I'd like each of you to take a short quiz.

Hand out the Assessment Instrument and give each participant time to fill it out. You may want to refrain from discussing it at this point, and wait until after you watch the video.

Say: Now we are going to watch the video, *A Policy Is Not Enough*, about creating respectful work environments.

Play *A Policy Is Not Enough*.

Say: Now that we have watched the video, look at your Assessment Instruments. I'd like you to make a notation beside any questions that you would change the answer to, now that you have watched the video.

At this point you can divide the participants up into subgroups of 4 or 5 people. Have them discuss any answers they may have changed. After they have discussed their results, you may want to review each question and the answer with the participants.

Say: Now we are going to discuss steps that you, as leaders, can take to create a respectful workplace. Leaders have an important role in ensuring that company policies about harassment are carried out. Let's look at ways that we can do that.

1. Modeling respectful behavior.

Say: The first step in creating a respectful workplace is to model respectful behavior ourselves. This includes: not engaging in offensive or harassing behavior, not seeking sexual favors, and not discriminating on the basis of race, age or other factors.

Let's do the following exercise: In your subgroups, list things that you, personally, can do to set the standard for a respectful workplace. An example would be to refrain from telling jokes that might be offensive.

Give each group several minutes to complete the exercise, and then allow the groups to present their results to the rest of the participants.

2. Communicate your organization’s policies clearly and consistently to your employees.

Say: Beyond modeling respectful behavior ourselves, it is crucial that we, as leaders, communicate our organization’s policies clearly and consistently to our employees. This means familiarizing ourselves with the organization’s policies and then enforcing them. Our employees must know that they will be protected from harassment.

This would be a good time to pass out copies of your organizations policies and any EEOC guidelines that you may have obtained. Go over these policies with your participants and make sure that there are no questions.

3. Coach employees to avoid behavior that may lead to harassment.

Say: The third step towards a respectful workplace is to coach employees to avoid behavior that may lead to harassment. Prevention is far easier than repairing the damage that may come from a lawsuit. Realize that harassing behavior may start as little comments here and there that can escalate into creating a hostile work environment. We need to make sure that we create an environment of mutual respect by ensuring that employees treat each other in a non-harassing manner.

Look back at our lists of things we can do ourselves to model respectful behavior. We should require that our employees do the same by not allowing offensive jokes, sexual comments, and other harassing behaviors to exist in our workplaces.

4. Take complaints seriously and respond immediately.

Say: The fourth step in creating a respectful workplace is to take complaints seriously and respond immediately. Complaints give us the opportunity to take action and correct the situation before it escalates into a conflict, unexplained resignations or a civil lawsuit. We must realize that most of us are afraid of confrontation. Employees will often fear coming to you. In your subgroups, please list the things you think employees may be afraid of when dealing with harassment. An example is “retaliation.”

Allow participants several minutes to make a list. Then allow the subgroups to present their results to the remaining participants. After the discussion you may want to add any that have not been mentioned. Some examples are: employees feel they won’t be listened to; their complaint will not be taken seriously; their employee will feel that the harassment was their own fault; and, they will become known as a “snitch.”

Say: No one wants to work in a hostile environment where they feel harassed and that they will not be supported. It is important that we demonstrate that people who have complaints will be taken seriously and that we will act immediately.

5. Allow no retaliation.

Say: Finally, as required by law, there must be no retaliation allowed. Employees must be able to make complaints without fearing further harassment or for their safety.

If you are using the video, *You Call That Respect?*, this would be a good time to play it for your participants, stopping after each vignette (or vignettes you have chosen ahead of time) for discussion.

Close

Say: Policy is nothing until it is enforced. It is our job to create a comfortable and productive workplace by modeling respectful behavior, communicating our organization's policies clearly and consistently, coaching our employees to avoid harassing behavior, taking harassment complaints seriously and responding immediately, and allowing no retaliation. If we enforce our organization's policies, and the law, we are doing what we are required to do in creating a comfortable, respectful workplace.

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You Call That Respect?

Vignette #1—The Performance Review

A male supervisor suggests to his female subordinate that she come to his office for her performance review meeting about twenty minutes early so she can “review his performance first.” When the subordinate hesitates in answering, the supervisor threatens her saying he can make things easy for her on the job, or he can make them hard. If she “plays along” with him, he will make things “real good” for her.

Is this sexual harassment?

What type of sexual harassment would this be? Why?

- Quid Pro Quo Harassment
- Hostile Environment Harassment
- Same-Sex Harassment
- Non-Employee Harassment
- Third-Party Harassment

How should the subordinate in this situation respond?”

Should she report this incident? Why or why not? To whom should she report?

Vignette #2—That’s More Than I Want To Know

Jeff happens to find a lingerie catalog in Jan’s mail. He launches into a description of the nightwear his wife now chooses to wear and the current state of his love life at home. Jan does not want to hear about any of this. Jeff’s discussion of his personal sexual details makes her very uncomfortable.

What’s wrong with Jeff’s behavior? He’s not making any sexual advances on Jan or making any lewd comments about *her* appearance. Could his behavior still be considered sexual harassment if he fails to stop it? Why, or why not?

What should Jeff do now?

What should Jan do if Jeff does not stop his behavior?

Vignette #3—The New Guy

The new guy refuses an invitation to go to lunch with the others at the local strip club saying that it would upset his girlfriend. Tony decides that the new guy probably means “boyfriend” not girlfriend. When Tony returns from lunch he confronts the new guy telling him “we don’t need your type around here.”

If Tony harasses the new guy because of his reluctance to go to the strip club with the rest of the guys because he believes the new guy to be homosexual, can this be considered sexual harassment? These are all males, after all.

If Tony’s harassment is based on his belief that the new guy is a homosexual, does it matter what the new guy’s sexual orientation really is when determining whether or not this is harassment?

How would you respond if you saw this situation take place in your workplace?

Vignette #4—Special Delivery

A package delivery vendor continuously tries to talk the receptionist into posing for photographs to be placed on a web site. He suggests to her that she could make a lot of money, especially if she's willing to take more of her clothing off in the pictures. He tells her that with her body and face she'd make a ton of money. This is obviously not the first time he's tried to coerce her into posing, and, just as obviously, it will not be the last time he asks her about it.

This man doesn't even work for the same company the receptionist does. He's an outside vendor. Can this still be considered sexual harassment?

What should the receptionist do in this situation?

Assume that the receptionist decides to report this incident to her supervisor. What should her supervisor do?

Vignette #5—Wild Wild Web

Three employees are huddled around their computer screen, laughing and joking. It's fairly obvious they're surfing the world wide web and viewing adult web sites. One of them announces that, "Internet porn is man's best invention since the draft beer." Their comments and laughter can easily be heard in the adjoining cubicle where Margaret works—or tries to work.

These men are all consenting adults and are voluntarily engaging in this behavior. None of these men has directed any comments toward Margaret. Their actions and words are directed only at each other, and the images they are viewing on the internet cannot be seen by Margaret. Is there any kind of sexual harassment concern in this situation? Why, or why not?

Do you think these men are aware of the impact their behavior might have on others? Should they be?

These men don't intend to upset Margaret. Does their intent matter when determining whether their behavior could create a harassing environment?

Vignette #6—Believe It Or Not!

Jordan keeps putting religious tracts where Monica will find them. When Monica confronts Jordan and asks her to stop doing so, Jordan tells Monica that Monica’s religious beliefs are “leading her away from the truth.” Jordan then attempts to sway Monica to her way of believing, ignoring Monica’s attempts to end the conversation. Jordan accuses Monica of being intolerant toward her on the subject of religion.

Is Monica being intolerant of Jordan’s religious beliefs? Or is Jordan out of line for trying to convert Monica to her way of believing at work?

Do any boundaries exist between our personal religious life and our work life? Or should Jordan be free to express her beliefs to her fellow employees? Where would you draw the line?

What if the issue was not about religion, but rather about political affiliation? Would this make any difference in whether Jordan’s behavior was appropriate or not?

(Note for Trainer: Some participants have made the comment that this vignette “makes the Christian lady look bad.” If this comment is raised, ask the participant to which lady they are referring. The script is written in such a way that no particular religion is identified by either character. It might be helpful, if this comment is raised, to replay the vignette and tell the participants to imagine that Monica is herself a devout Christian, and that Jordan has been repeatedly attempting to convert her to the unusual, cult-like religion to which Jordan ascribes. This will help the participants see the vignette in a new light and focus on the behavior involved, not on their perceptions of the religious beliefs being promoted.)

Vignette #7—CyberStalker

Rachel keeps getting e-mail messages, instant chat requests, and e-greeting cards from Rick. Every time she turns on her computer there is another romantic or sexually explicit message from Rick. Rachel is married, and Rick's behavior frightens her. She reveals to a co-worker that she's thinking about quitting her job.

If you were Rachel's co-worker, what would you do or say?

Is Rick's behavior enough to lead to charges of harassment? Even if the only way he contacts Rachel is by e-mail?

What should Rachel do in this situation?

Vignette #8—Waitresses Are Not On The Menu

A waitress complains to her manager that two of her customers, known to have previously acted crudely and obnoxiously toward her, are grabbing her hair and making lewd comments. The manager tells her that he can't keep every guy from hitting on her. He instructs her to "take them their food, smile a lot, and collect a big tip."

Does the fact that these restaurant patrons are "paying customers" limit the manager's options for dealing with this situation?

What could the manager do in this situation? What should he do?

What would you do if you were the waitress in this situation?

Vignette #9—Help Wanted: Men Only

The construction foreman makes it clear to one of his employees that he doesn't think this job site is any place for a woman. He tells the employee to keep the female employee in the truck and off of the equipment.

Do you think this supervisor's concern about women in his workplace is based on a fear that they are physically incapable of doing the job?

Do you think this a discriminatory work environment for women?

Are jobs in your workplace ever divided into "men's work" and "women's work" for reasons other than one's ability to do the job?

Vignette #10—That’s An Order!

The customer in this scenario offers to place a large order with the salesperson that day, but only if the salesperson agrees to give her a foot massage (to start with, at least).

Should the salesperson do whatever it takes to make the sale? What policies should be enforced to protect the salesperson in this situation? What should the sales manager’s position be in this situation?

What would you do if you were the salesperson in this situation?

Should the salesperson report this incident? To his organization or to the customer’s organization?

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Vignette #11—It Was Only One Joke

A group of employees meets their new co-worker, John Runningdeer, a Native American. Each employee, over the course of the next few days, makes a joke about John's ethnic background. One employee greets him with a raised palm, saying, "How!" and another describes the meeting he needs to attend as a "heap big pow-wow."

How would you feel if you were John and had to face jokes like these from your co-workers on an ongoing basis?

Each employee told only one joke. Is that enough to constitute harassment?

Is a hostile environment created in this scenario?

Assessment

Answer each of the following questions based on what you know about workplace harassment.

1. Sexual harassment is only illegal if your company has a policy forbidding it.

_____ True _____ False

2. If you observe harassment taking place in the workplace, it is best to let the people involved deal with it between themselves. It's none of your business.

_____ True _____ False

3. Men can sexually harass other men, and women can sexually harass other women.

_____ True _____ False

4. If someone lets you know that your behavior makes them uncomfortable, you should stop that behavior immediately and not engage in that behavior again.

_____ True _____ False

5. If you honestly do not intend to offend anyone, your behavior cannot be considered harassment.

_____ True _____ False

6. Sexual harassment is only illegal if a supervisor is harassing a subordinate.

_____ True _____ False

7. It's okay to ask a fellow employee out on a date, as long as you do not persist in pursuing them if they say no.

_____ True _____ False

8. Employees can only report harassment to their direct supervisor.

_____ True _____ False

9. You could be held personally liable in court for certain harassment claims.

_____ True _____ False

10. If a customer or other non-employee is harassing you, there's nothing your organization can be expected to do about it.

_____ True _____ False

Answers to Assessment

- 1. False.**
Sexual harassment is always illegal. Title IV of The Civil Rights Act of 1964 and the 1991 Amendments clearly prohibit any type of sexual harassment.
- 2. False.**
If you observe harassing behavior in your workplace you should report it as soon as possible to the proper authorities. Harassing behavior should not be allowed to continue in your workplace, and it is each person's responsibility to prevent it.
- 3. False.**
In 1998 the Supreme Court stated that same-sex harassment is illegal and will not be tolerated any more. Sexual harassment laws protect against all types of sexual harassment, and it is no more acceptable to harass those of the same sex than it is to harass those of the opposite sex.
- 4. True.**
Continuing harassing behavior not only can cause you to lose your job, it is illegal. You may find yourself in court, and end up losing a lot more than just your job.
- 5. False.**
Intent is important, but if your behavior is offensive and creates a hostile environment for someone in your workplace, it may still be considered harassment. Err on the side of caution when you consider telling sexual or racist jokes, or engaging in behavior that may be offensive to someone in your workplace.
- 6. False.**
A study by the American Management Association found that 50% of sexual harassment cases alleged that co-workers or peers were the harassers, while only 26% of the cases involved direct supervisors. Co-workers and peers are just as likely to be sued for sexual harassment as a manager or supervisor.
- 7. This might be true or false.**
For the answer to this question you need to familiarize yourself with your organization's policies. It is not illegal to ask a fellow employee out on a date as long as you do not harass him or her if he or she declines, but sometimes it is against organizational policy. In certain cases it may not be a good idea even if your organization's policy allows it. You need to use your judgment.
- 8. False.**
Again you need to check your organization's policy concerning reporting harassment, but many organizations have a human resource department or an office manager available to report harassment to. Harassment should be reported as soon as possible to a person in authority who may be able to do something to alleviate the situation.
- 9. True.**
If your behavior is found to be unwelcome, severe, and pervasive enough to alter the conditions of the victim's employment and such that it creates an abusive working environment, you may be held personally liable in court for that behavior. Also, if you are in a position of authority, and abuse that authority to obtain sexual favors, you may be held personally liable. Obviously this may have severe legal and financial consequences for the harasser. You would be wise to avoid any behavior that may be offensive or harassing to others.
- 10. False.**
You need to report *any* harassing behavior to a person in authority as soon as possible. Your organization is required by law to respond to this report appropriately regardless of who the harasser is.