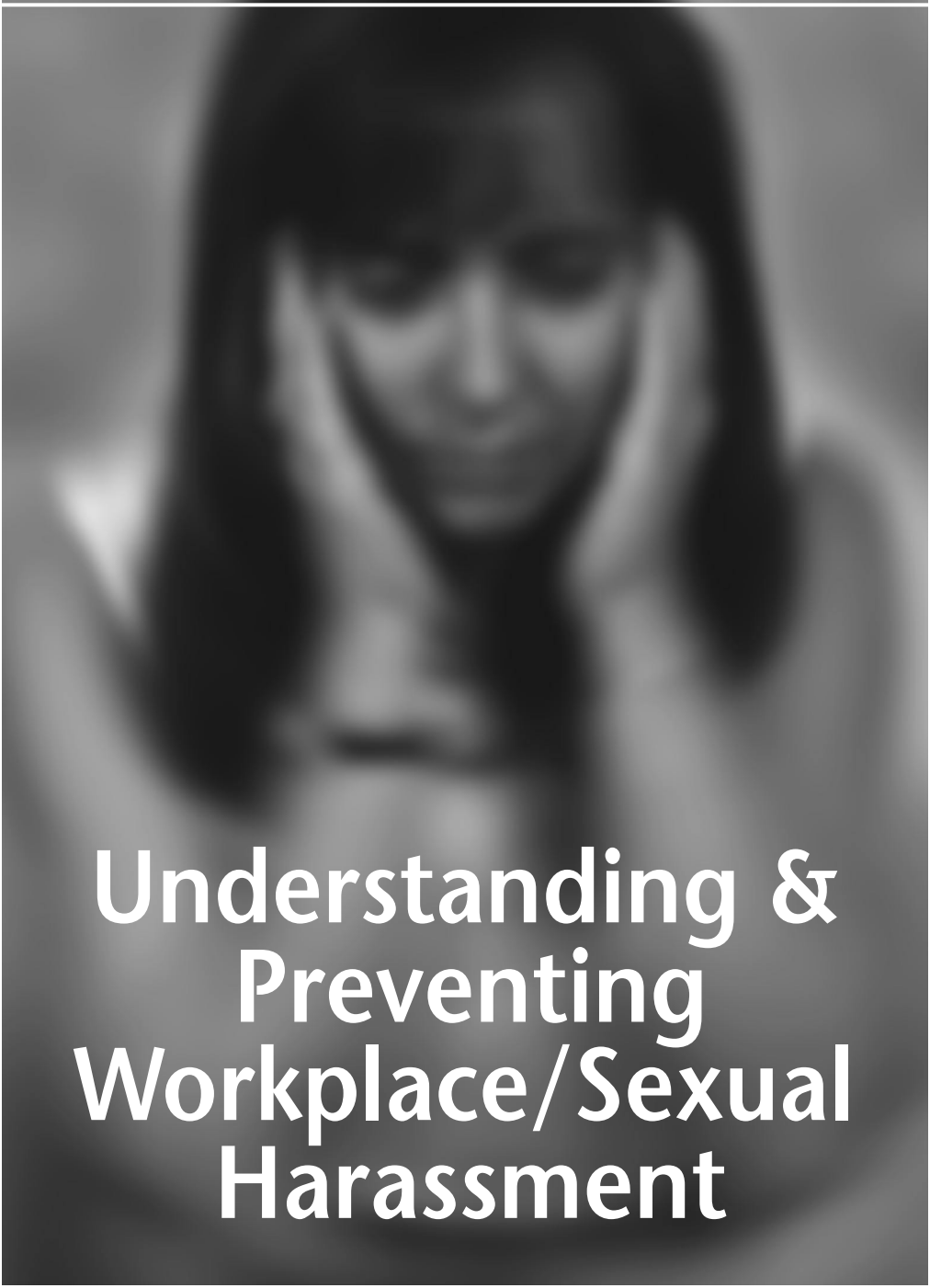
Educational Guide

Human Resources Department

Pima County Government



Understanding & Preventing Workplace/Sexual Harassment

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INTRODUCTION

Each of us has the right to be valued for our contributions at work based on our accomplishments and abilities. Each of us also has the responsibility to respect the rights of others in the workplace.

In support of these organizational values, Pima County Government, through its Board of Supervisors, has established a written policy that prohibits workplace harassment of or by its employees or agents based on the protected classes of race, color, religion, national origin, age, sex, disability, veteran's status, sexual orientation, or based on the results of a genetic test received by the County. Individuals covered under this policy include all employees, applicants for employment and members of the public who interact with County employees or its agents.

Pima County Government also complies with Federal and State laws that prohibit all forms of employment discrimination. Such laws include conduct considered to be harassing, coercive, or disruptive.

Workplace harassment demeans and offends individuals who are its targets. It creates unnecessary and unacceptable stress and imposes significant costs to the organization and the individuals affected by it.

This booklet is designed to familiarize you with information about workplace harassment so you can recognize it, prevent it and respond to it appropriately.

Any questions that might arise after reading this material can be answered by Employment Rights staff in the Human Resources Department. They can be reached at 724-2728

WHAT IS WORKPLACE HARASSMENT?

Workplace harassment is best characterized as:

Severe or pervasive verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, national origin, age, sex, disability, veteran's status, sexual orientation (protected classes), or because of the results of a genetic test received by the County, and has the purpose or effect of:

- *Creating an intimidating, hostile or offensive work environment; and*
- *Unreasonably interfering with an individual's work performance, employment opportunities or conditions of employment.*

Prohibited Conduct includes, but is not limited to:

***ASSAULT**: Physically attacking or abusing someone.*

***DELIBERATE AND/OR REPEATED SEXUAL OR SEX-BASED BEHAVIOR**: Sexual behavior that is not welcome, not asked for and not returned.*

***DENIGRATION**: Directing slurs, epithets, insults and/or derogatory comments toward an individual or that individual's protected class.*

***HAZING**: Singling out an individual and subjecting him/her to ridicule or pranks that have a discriminatory effect.*

***JOKES**: Making comments that taunt another; mimicking speech or verbal accent, or making someone the "brunt" of a joke.*

***PROSELYTIZING**: Imposing religious views on others.*

***SABOTAGE**: Damaging, disrupting, or vandalizing the work area or work materials of specific individuals.*

(continued)

Prohibited Conduct includes, but is not limited to:

***SEGREGATION**: Ostracizing, excluding, separating; refusing to provide resources or blocking access to resources; or exhibiting abrasive conduct toward certain individuals.*

***STEREOTYPES**: Making comments or remarks that perpetuate stereotypes and myths about members of a protected class.*

***THREATS**: Making verbal threats (subtle or blatant); intimidating someone or making harassing phone calls.*

***TOUCHING**: Unwanted or offensive touching of any part of another person's body.*

***WRITTEN OR GRAPHIC MATERIAL DISPLAYED**: Written or graphic material that denigrates or shows hostility or aversion toward an individual or group (photos, calendars, cartoons, etc.); and the material is:*

- *Placed on walls, bulletin boards or elsewhere on County premises, or*
- *Circulated in the workplace, including use of the County's e-mail system.*

SEXUAL HARASSMENT

Sexual harassment is the most common form of workplace harassment and can be a confusing issue for many. The harasser's reasons for his/her conduct have more to do with power than sex, yet the inappropriate behavior is sexual in nature. Although the majority of sexual harassment cases occur from men harassing women, harassers and victims can be of either or the same gender.

Prohibited conduct includes, but is not limited to:

- *Comments and questions about a person's sexual behavior*
- *Conversations filled with sexual innuendo and double meanings*
- *Comments about a person's body*
- *Suggestions of a sexual nature*
- *Offensive gestures or motions*
- *Staring or leering at a person's body*
- *Leaning over someone's shoulder*
- *Displaying or circulating sexually suggestive cartoons, letters, calendars, posters, pictures, magazines or other sexual paraphernalia*
- *Unwanted touching, holding, grabbing, hugging, patting, fondling, kissing or pinching*
- *"Accidental" collisions or brushing-up-against another*
- *Threats (subtle or blatant)*
- *Physical and/or sexual assault*

WORKPLACE HARASSMENT OF ANY TYPE DESTROYS GOOD WORKING CONDITIONS

When people are treated in a way that is hostile, offensive or demeaning, it often affects their physical and emotional health and their ability to do a good job at work. They can lose self confidence and trust in others.

People who are targets of harassment can be:

men and women of all ages, races and economic backgrounds, holding all types of jobs and professional positions.

People who harass are:

men and women of all ages, races and economic backgrounds. They can be at any level within the organization, as well as outside vendors, contractors or members of the public. Harassers may also be of the same or opposite sex.

Why do people harass?

There are many reasons why one person harasses another. Examples include, but are not limited to:

- *Power – Certain people harass in order to control or dominate others.*
- *Fear or Insecurity – Some people harass because they are unable to relate to another person appropriately.*
- *Lack of Knowledge – A few people harass because they don't recognize that their behavior is harassing or the harm it can cause.*

WHY PEOPLE HESITATE TO COMPLAIN ABOUT WORKPLACE OR SEXUAL HARASSMENT

Some people who are targets of workplace harassment hesitate to complain. Common reasons are listed below.

- *Fear that if they talk about it, their complaint won't be taken seriously*
- *Fear of retaliation from the harasser, especially if that person is the boss or a member of management*
- *Fear of being told that they "asked for it," especially in cases of sexual harassment*
- *Fear of being labeled as a complainer/malcontent*
- *Fear of being fired, demoted, not promoted or reassigned*
- *Fear of being blamed or ridiculed by others*
- *Fear that people will side with the harasser*
- *Fear for their personal safety*
- *They don't want the harasser to get in trouble*
- *They blame themselves*
- *They are told "be a good sport", "can't you take a joke?" or "lighten up"*
- *No one else seems to mind the harasser's behavior*
- *They don't know how to deal with it or where to report it*
- *Some men are told when sexually harassed by a woman, "go for it, you should be flattered" or "what's wrong with you?"*

RESPONSIBILITY

Pima County Government is committed to providing a fair and equitable resolution to any complaint of discrimination. Ideally this can be accomplished through internal negotiations rather than formal hearings or legal action. Thus, management is responsible for taking prompt and effective actions against acts of workplace harassment, regardless of the manner in which the County becomes aware of the conduct.

Any employee of Pima County who violates the workplace harassment prevention policy or sexual harassment prevention policy is subject to discipline, up to and including dismissal.

Non-Retaliation

Pima County Government prohibits retaliation against employees who complain about workplace harassment, including sexual harassment, and will not tolerate any employee being adversely affected in any term or condition of employment for bringing forward a complaint under these policies or for assisting in the investigation of such a complaint. Anyone who engages in retaliation is subject to discipline, up to and including dismissal.

Confidentiality

Pima County Government adheres to strict ethical principles of confidentiality when gathering information provided in the complaint and investigation process at both the informal and formal level. Every attempt will be made to preserve the confidentiality of information.

AVENUES FOR MAKING A WORKPLACE HARASSMENT OR SEXUAL HARASSMENT COMPLAINT

Employees who believe they are the target of workplace harassment, including sexual harassment, are not required to confront the alleged harasser. Employees should report any and all incidents immediately to either their supervisor, manager, Appointing Authority/Elected Official, the supervisor of the alleged harasser, or Employment Rights staff in the Human Resources Department.

Employees who observe acts of workplace harassment should not tolerate it by overlooking the conduct. They should report any observed incident immediately to someone in a position of authority.

Investigations into complaints (formal or informal) shall be conducted in a fair and impartial manner. All parties involved in the investigation are made aware of their rights. Anyone who fails to cooperate, or attempts to undermine the investigative process, will be subject to disciplinary action, up to and including dismissal.

Informal Complaint Resolution

- *Affected employees may attempt to resolve the complaint informally within their own department; or*

- *The affected employee may contact Employment Rights staff in the Human Resources Department to discuss various informal complaint resolution options, including mediation.*

Formal Complaint Resolution

- *Affected employees may file a formal grievance alleging discrimination on the grounds of workplace or sexual harassment.*

  or

- *Affected employees may file a formal complaint with the appropriate State and/or Federal agency responsible for investigating employment discrimination.*

PIMA COUNTY'S MEDIATION PROGRAM

The mediation program is designed to resolve many workplace problems before they escalate to the level of a formal grievance. Employees may request mediation at any time as a means of informally addressing problems by contacting Employment Rights staff in Human Resources.

Employees in the classified service who choose to file a formal grievance alleging discrimination must first attempt mediation, except for grievances pertaining to allegations of sexual harassment or workplace harassment. (For specific details see Merit System Rule 13 and Personnel Policy 8-115.)

Why Mediate?

- *Mediation can lead to a quicker solution to a complaint than a formal grievance or legal proceeding.*
- *The parties can work together to reach a win-win solution to their conflict without involving others in the department.*
- *It provides an opportunity for parties to improve their working relationships.*
- *Mediation sessions are private and confidential.*
- *Mediators are professionally trained facilitators from outside the department and unknown to the parties involved.*
- *Mediators adhere to a strict code of conduct to ensure that the parties treat each other respectfully.*
- *The intent of mediation is to focus on win-win solutions, not to place blame.*
- *The parties come to understand each other's issues.*

REMEMBER…

We must each do our part in preventing a hostile work environment.

- *If you believe you are the target of workplace/ sexual harassment, you have a responsibility to yourself and others to act appropriately and expeditiously in resolving the situation.*

- *If you observe it, report it to someone in authority.*

- *If you wonder whether your behavior could be perceived by others as intimidating, hostile or offensive, stop and ask yourself whether the harmful effects to others and possible consequences to yourself are worth holding on to the behavior.*

References: Board of Supervisors Policies D 21.2 & D 21.3
Merit System Rule 13
Personnel Policy 8-115

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