

Workplace Harassment Reference Guide

When trying to decide if conduct might be considered unlawful workplace harassment, see if the pieces of the puzzle fit together.

BASED ON OR BECAUSE OF A PROTECTED CHARACTERISTIC

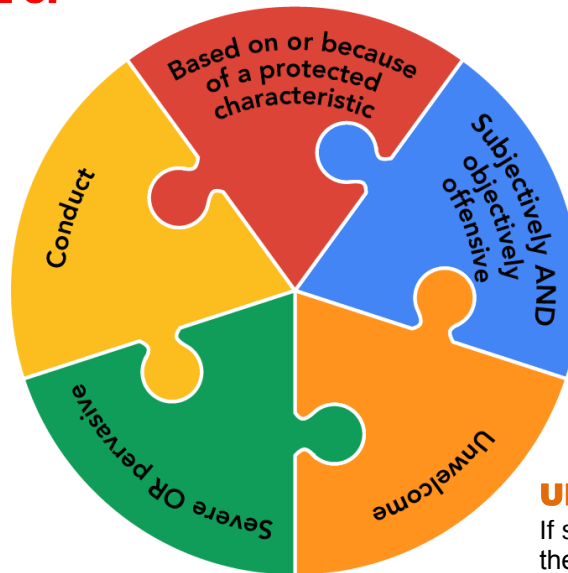
The main legally protected characteristics are race, color, religion, sex (including pregnancy), national origin, age, disability, genetic information, veteran status. Local, state, and federal laws or the organization's policies may include other characteristics.

CONDUCT

Visual – Things that you see, like pictures, posters, calendars, mugs, screenshots, social media postings

Verbal – Things that you say or which are heard, like questions, comments, jokes, whistling

Physical – Things that you do, and which may or may not involve physical contact, such as gestures, staring, leering, etc.



SUBJECTIVELY AND OBJECTIVELY OFFENSIVE

Subjective test - If the person who is complaining about the conduct found it to be offensive, then the conduct was subjectively offensive.

Objective test - A reasonable person, under the same circumstances, would have found the conduct to be offensive.

UNWELCOME

If someone says that the conduct they're complaining about was unwelcome, that's all it takes.

SEVERE OR PERVASIVE

Severe – The behavior is serious enough on its own. It only has to happen one time.

Pervasive - The behavior happens over and over again, or in a widespread way throughout the workplace.

When all of these pieces come together, we're at risk of:

- ☐ Complaints filed with federal or state workplace enforcement agencies
- ☐ Investigations that are expensive, time consuming, and potentially embarrassing to defend
- ☐ Verdicts and judgments that can cost us hundreds of thousands of dollars or more
- ☐ Damage to our good reputation with our customers, clients, suppliers, and vendors

Remember:

Even when unprofessional or inappropriate conduct doesn't rise to the level of being illegal, it does violate our workplace conduct standards and policies. It could result in disciplinary action, up to and including termination. Our policy prohibits workplace harassment by our own employees, and by our vendors, suppliers, contractors, clients, and customers.

If you see, or hear, or experience, or are made aware of a situation where someone is engaging in conduct that might violate our workplace harassment policy, report it to HR or another appropriate person.



CENTER FOR
WORKPLACE
COMPLIANCE

Questions about Workplace Harassment?

Contact CWC's MemberAssist at 202.629.5650 or memberassist@cw.com

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