

The General Court Sexual Harassment Prevention Policy



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The



has changed



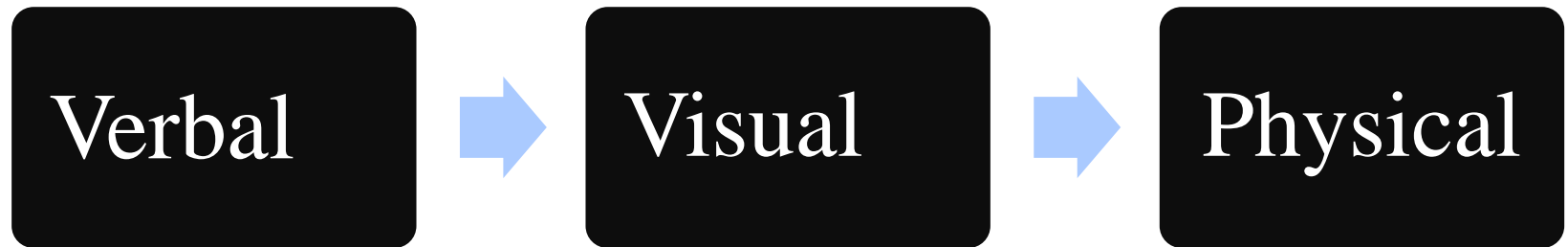
Remember when

- There was only one family computer in the living room
- We watched video tapes and DVDs
- We used to listen to 8-tracks, cassettes, 45s, vinyl.
- Hung out at the mall
- We rode our bikes and wore no helmets
- As children we would ride in cars with no seat belts or air bags.

Policy

- All employees and members of the NH General Court are entitled to work in an environment **free** from any form of unlawful discrimination or harassment.
- The General Court is committed to preventing and eliminating such misconduct in the workplace **before** it rises to the level of illegal conduct or is severe or pervasive.

Conduct of a Sexual Nature



Types of Sexual Harassment

Quid Pro Quo Harassment

Hostile Work Environment



QUID PRO QUO

Where employment decisions or expectations are based on the employee's willingness to grant or deny sexual favors as a condition of getting or keeping a job benefit.



NO SEX =

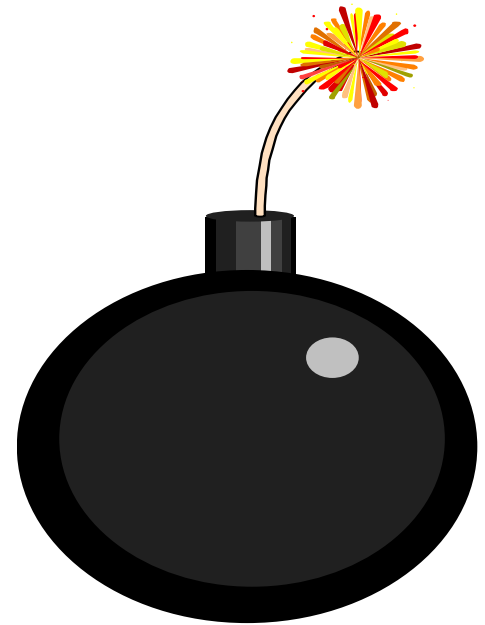
- Not Being Hired
- No Promotion
- No Salary Increase
- Unfair Shift or Work Assignments
- Unrealistic Performance Expectations



HOSTILE ENVIRONMENT

A person engages in

- unwelcome and inappropriate sexually-based behavior that is
- so severe or pervasive that it creates an atmosphere that is
- intimidating or offensive
- which unreasonably interferes with an individual's work performance.



The following is prohibited conduct in the workplace **regardless** of whether it rises to the level of being severe or pervasive (by policy)

- Verbal abuse of a sexual nature
- Unwelcome, offensive sexual flirtation
- Unwelcome, graphic verbal comments about an individual's body
- Sexually degrading words to describe an individual
- Unwelcome brushing, touching, patting, or pinching an individual's body
- Sexually explicit gestures

“But I was only joking!”

- Harassment is not judged by the person who engages in the offensive behavior, but by the person who observes or is subjected to the conduct.
- Offensive jokes based on sex or gender are a form of prohibited conduct.
- Two willing participants can offend someone else who observes them.

Employees are NOT required to confront an alleged harasser before making a complaint of harassment.



What is Discrimination?

People discriminate every day,
but not all discrimination is illegal

- age
- disability
- race
- veteran or military status
- sexual orientation
- marital status
- color
- genetic information
- religion
- sex
- pregnancy
- national origin



Third Party Harassment

- The NH General Court is a blended workplace - with both public and House members/employees
- The policy protects members/employees from third party harassment/discrimination

Submitting Complaints

Complaints may be

- Verbal or in writing in accordance with the Policy's Reporting Procedures
- Supervisors must report
- Reports submitted to employee's supervisors or to the Chief of Staff of House or Senate
- The Legislative Ethics Committee RSA 14-B is an alternate process
- LBA staff file with LBA directors

Complaints

- Complaints regarding Members and Non-employees go to the Chief of Staff
- Complainant can choose to have it investigated under the Policy or RSA 14-B
- Complaints regarding Executive or Judicial Branch Employees will be sent to their branches
- Lobbyists, Press and members of the general public's complaints will be investigated

Submitting complaints concerning joint legislative employees and Chief of Staff

Complaints concerning Chief of Staff

- Submitted directly to the Senate President or Speaker of the House

Complaints concerning joint legislative employees

- Report to employee's supervisor or Chief of Staff of House or Senate. The bodies will decide which one will investigate.

Confidentiality

- Protection to all involved to the extent possible under the law and the policy
- Complainant and alleged harasser will be advised of the finding of the investigation
- Complainant will be advised that corrective action will take place
- Complaints can be made public under the policy



“But if I make a complaint,
things could get ugly!”

- Employees must be protected from further harassment occurring.
- The policy strictly prohibits retaliation of any kind.
- Retaliation may result in severe discipline.
- Retaliators can be held personally liable for damages.
- Supervisors/managers must report according to the Policy's Reporting Procedures.

What is retaliation?

- It is another word for "getting even."
- Ex. a poor evaluation, discipline, failure to promote, changing someone's working conditions, or something as simple as giving someone "the cold shoulder."



When to file a complaint

- When behavior/actions are related to harassment or discrimination - not just work performance
- When behavior/actions are targeted at one group or type of people
- When behavior/actions make the receiving party or others seeing the behavior uncomfortable
- When you are a supervisor and see inappropriate behavior

When to discuss whether to file

- When actions are related to a job performance issue - such as enforcement of a corrective action plan
- When a supervisor may be acting like a "toxic boss"
- When a workplace is poorly organized and not well managed

Is it harassment?

- You work with a group of people who start out every day telling dirty jokes.
- You complain to a supervisor that it's really offensive and unprofessional.
- Your supervisor tells you that if you don't like it, don't pay attention.
- Next week, you find a bottle of "Mr. Clean" on your desk.

Is it harassment?

- ❑ You can't stand your supervisor and he can't stand you.
- ❑ You know he likes to surf the net and you're annoyed by how much time he spends on the computer.
- ❑ You walk by one day and see that he has downloaded pornographic images.
- ❑ You really could care less, but you see this as a chance to get even with him for your last evaluation, so you report him.

Electronics: Double-edged Sword

- Telephones/Cell Phones
- Instant Messaging
- Email
- Facebook
- Screensavers
- Cartoons
- Text of a sexual nature
- Sexting and texting

Stop & Think

- **Non-Compliance = Consequences**
- **Discipline, dismissal, financial liability, embarrassment to you, your family and the General Court.**
- **If you have to stop and think about whether something you are about to say is acceptable to say, then "DON'T SAY IT"!**



**IF YOU ARE UNSURE ABOUT WHETHER
YOUR BEHAVIOR MIGHT BE OFFENSIVE OR
ILLEGAL - DON'T DO IT!!**



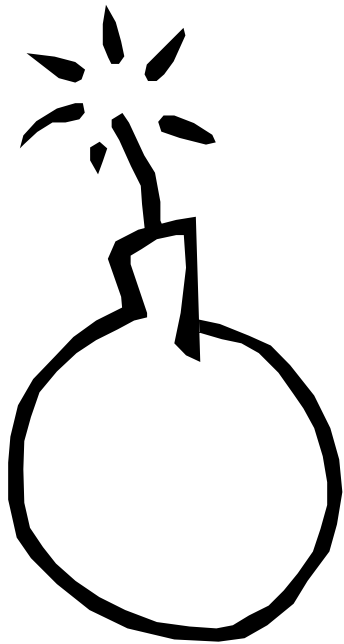
When in doubt:

Don't say it ...

Don't do it ...

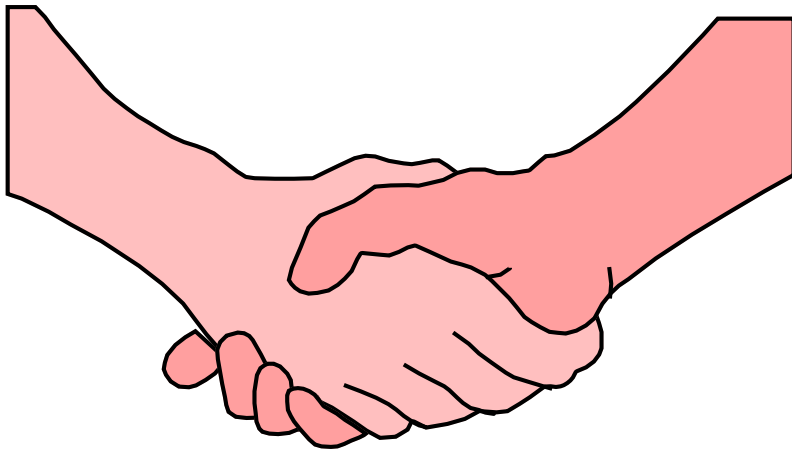
Ask if it's alright ...

? QUESTION TO ASK?



- Would you like to see your remark published in the front page of the paper to be read by your partner, mother and/or children?

ULTIMATE GOAL



**To create a
workplace
characterized by
mutual respect and
mutual acceptance.**