

Dating, Flirting, and Sexual Advances

What if I want to ask a co-worker out?

Some companies have very specific rules against co-workers dating, and for good reason. If you work in the same department or location, things can get sticky. They don't want a romantic relationship to affect your work or the workplace. Check out your company's specifics before you pop the question.

There is no law that says you can't date co-workers (although some folks who have been through a work-turned-personal relationship would tell you that there should be). Think about it. How would you feel if you had to go to work tomorrow with all your exes? Sounds like loads of fun, huh? So, weigh the pros and cons carefully before you act.

What if a manager asks me out?

No question, it's flattering. And no question, it can make you feel special. But dating a manager can be problematic. Consider saying something like, "Thanks, but I am uncomfortable because you're a manager and we have a power imbalance. Let's just keep our relationship a working one."

Talk to another manager or HR if the manager persists or retaliates against you or declining. Both are illegal under federal law.

What if I want to ask out my boss?

Even if you think your boss feels the same way you do, think twice before you pop the dating question. Romantic relationships between a manager and employee can be perceived as inappropriate and can lead to complaints of sexual harassment.

How do I stop a co-worker I was dating from sharing intimate details about us?

This is one of the ways things can get messy when co-workers date. It's tough to get a work-turned-personal relationship focused back on work and professionalism. Consider saying something like, "Can we please treat each other with respect at work? I'm not sharing anything about you or us with others, and I'd appreciate it if you did the same."

If it was an amicable parting, this approach should be effective. If you had a hurtful breakup, this approach may yield additional hurt and anger. Consider addressing the anger by saying something like, "I understand that you are angry about our breakup, but we need to focus on work here. I'd appreciate it if you didn't talk about me — or us — to anyone at work."

Sexual Conduct at Work

Offending Others

I don't mean to offend anyone, so what's the big deal?

If you're thinking that it's difficult to know how to behave at work, you're right — sort of. It's easy to blow this out of proportion, though, and say that you're not allowed to be yourself or that the world has gone too PC. But political correctness at work is really just a matter of respecting the people around you.

The way you act and what you say when you are out with a group of friends on a Saturday night may be different from how you act and what you say while you're at work. You can be yourself in both environments, just be more aware of yourself.

It's not the intention that matters — it's the impact on the other person. *Think about what you say and do before you say or do it.* A culture of respect begins with everyone doing their part.

What if a co-worker tells me I've offended him or her?

A genuine "I'm sorry" will help fully put the incident in the past. Yes, it may be a little embarrassing for you, but consider the courage it took your co-worker to tell you.

Consider yourself warned and don't do it again. Negative or offensive comments among co-workers only make it more difficult to work. And, keep in mind that a pattern of offensive comments could lead to serious consequences, including loss of employment and even legal action.

How can I have any fun at work if I have to be politically correct all the time?

Actually, you can — and should — have fun while you work. We all spend too much time at work not to enjoy it. However, that fun shouldn't be at the expense of someone else.

Consider the feelings of your co-workers because it's the right thing to do. Making fun of people or sexually charging the workplace with your comments, suggestions, and behaviors is inappropriate. Try having fun by enjoying your job and the people you work with.

What does hostile work environment sexual harassment look like?

Think of an uncensored environment of verbal, non-verbal, physical, visual, or written sexual or gender-based behaviors that permeate a workplace. Examples of conduct that can lead to hostile work environment sexual harassment include (but are not limited to) the following.

Inappropriate **verbal** behavior:

- Sexual comments about someone's body, sex life
- Derogatory comments about pregnancy, sexual orientation, or gender
- Sexual jokes, stories, or innuendo
- Whistling, cat calls

Inappropriate **non-verbal** behavior:

- Gawking or staring at someone's body or body parts
- "Elevator eyes"
- Crude or obscene gestures

Inappropriate **physical** behavior:

- Touching someone in a personal or an intimate way
- Touching someone in a sexually suggestive way
- Blocking someone's path in a subtle or aggressive manner
- Rubbing or sexual touching of oneself in front of others
- Aggressive sexual conduct or sexual assault

Inappropriate **visual or written** conduct:

- Sexually suggestive posters, calendars, photos, magazines
- Online sexually suggestive content, including pornography
- Emails, texts, notes of a sexual nature (jokes, stories, cartoons, innuendo, etc.)

What are the other forms of hostile work environment?

Employees can also experience a hostile work environment **when the conduct comes from a third party** or **when they are not the direct target**.

- A third party like a customer, vendor, or delivery person can also create an intimidating, offensive or hostile work environment for an employee.
- Hostile work environment sexual harassment can also occur when someone is negatively impacted by sexual conduct that is not happening directly to them.

What is the reasonable person standard?

The Equal Employment Opportunity Commission (EEOC) and courts use a “reasonable person” standard to determine whether a hostile work environment exists. Essentially, the court asks, “Would a reasonable person find this conduct severe or pervasive enough to create a hostile or intimidating work environment?”

Does conduct have to be sexual in nature to be illegal sexual harassment?

No. Derogatory and demeaning behaviors based on gender are also illegal.

In addition to the behaviors that are sexual in nature, conduct that is not based on sexual desire can also create a hostile work environment. Harassment and discrimination based on gender, sexual orientation, and pregnancy, for example, are also illegal. For additional protections particular to your municipality talk to your manager or HR.

Sexual Harassment Complaints and Reporting

Am I responsible if I just witness sexual misconduct, but I'm not part of it?

As a fellow human being and a respectful co-worker, you hold some responsibility for trying to stop harassment in the workplace. You're not obligated to step into the middle of it yourself, unless you're comfortable doing so, but being an upstander instead of a bystander can be a powerful vehicle for change.

There are three ways you can be an upstander, instead of a bystander who does nothing:

- 1) Filter your words and actions so that your conduct is professional and respectful at work. In other words, be an example.
- 2) Speak up and address inappropriate conduct or sexual harassment when you witness it or hear about it.
- 3) Support colleagues who feel uncomfortable or harassed, by encouraging them to speak up to the person doing the harassing, their manager, or HR.

What should I do when I am concerned about something going on?

It takes courage to speak up and it's often tough to do in the moment. So, don't worry about being quick on your feet in the moment; don't worry about saying anything then and there. If you need to, just walk away. Then think about what you want to say and go back and say it. When you speak up, you become part of the solution.

What if I witness something inappropriate toward a co-worker?

Say something and become an upstander instead of a bystander. Approach the co-worker whose conduct is offensive in a private setting. Speak in a calm and conversational tone. Say something like, "Hey, I wanted to talk to you for a minute about something I saw (or heard). Do you realize that sometimes your comments are offensive?" or "Do you realize that the way you look at her bothers her?"

Keep it non-threatening and approach your co-worker as you would want someone to approach you. Regardless of how your co-worker reacts, you can be assured that you did your part.

And, if you ever feel unsafe, or the person harassing you is a manager or a person in authority, then, your first step should be to go directly to HR or a company representative.

What other recourse do I have?

In the State of Illinois, you have the right to pursue one or more of the following options:

1. Talk to your manager, Human Resources, or a company representative
2. Contact the State of Illinois Sexual Harassment & Discrimination Helpline at 1-877-236-7700. Calls are confidential and can be made anonymously. Helpline associates can answer questions, explore options, and provide information about counseling and legal assistance.
3. Contact the Illinois Department of Human Rights (IDHR) 1-800-662-3912 or www.Illinois.gov

Your first step will be to submit a Complaint Information Sheet to file a charge with the Illinois Department of Human Rights (IDHR) any time within 300 days of the incident. After the IDHR investigates you may file a lawsuit in Civil Court or the Illinois Human Rights Commission.

4. File a charge with the U.S. Equal Employment Opportunity Commission any time within 300 days of the incident. For more information, call 1-800-669-4000 or go to www.EEOC.gov. After the EEOC investigates, you may file a lawsuit in federal court.

What if I'm told a sexual harassment complaint has been filed against me?

If it's a valid complaint and it was intentional, you need to make sure it never happens again.

If it's valid and it was unintentional, explain that you didn't mean to offend and that it won't happen again. Although it's the *impact* that matters and not your intention, at least you'll feel better explaining yourself.

If it's invalid, rest assured that your organization will conduct a fair investigation.

It's also important to note that it is worthwhile for all of us to reflect on our behaviors and see if there's room for improvement. Consider your behaviors and change your ways if you do any of the following:

- Make fun of people for who they are or what they believe.
- Tell crude or demeaning jokes or stories.
- Share intimate details of your sex life with anyone who will listen and/or ask others for intimate details.
- Ask out co-workers even after they've told you they're not interested.