

What if a co-worker tells me to stop asking them out?

Your co-worker is not interested. Period. End of story. Stop asking them out and move on. Start thinking of them as a work colleague, and in time, thoughts of dating them will be a distant memory. Besides, there may be a number of reasons they don't want to go out with you that have nothing to do with you. Whatever the reason, respect their choice and recognize that "no" means "no."

What if a co-worker keeps asking me out even though I've said "no"?

Anyone with a little compassion finds it uncomfortable to turn down a request for a date; it's even harder when you work with the person every day. But if they can't seem to take "no" for an answer, talk with your manager.

Just make sure your "no" was really a "no" and not a "maybe." Was your answer clear and definitive? Or did you make excuses or justify your response to soften your rejection? If you believe you need to be clearer, try one more time. Say something like, "I do not want to go out with you. I want you to stop asking me." Then, if it doesn't stop, talk with your manager.

What if a customer flirts with me?

This can be serious because it's a customer. But if the customer's comments make you feel uncomfortable, you should speak up and ask him or her to stop. It's likely that the customer is unaware that there's a problem; unless you say something, the flirting will continue.

Maybe it started out as innocent flirting. At the end of the day, you were flattered. Perhaps you even flirted back. Let's face it; it's natural to feel good when someone notices us — especially if it's based on our sexuality. But if the flirting turns into a sexual advance or goes beyond your comfort zone — even if you encouraged it — you have every right to speak up and stop it.

Say something like, "It makes me feel uncomfortable when you talk to me that way. Let's just stick to business." Or "I know we've both flirted a little, but now I feel uncomfortable. I'd like to just focus on business." It may be a little embarrassing for both of you at first, but with time, your business relationship will become more comfortable. However, if the customer continues to make you feel uncomfortable, talk with your boss. By law, your employer is legally obligated to protect you from sexual harassment that comes from a third party.

What if a vendor flirts with me?

If it continues after you've said something, talk with your boss or someone in HR. Your employer is legally obligated to protect you from sexual harassment that comes from a third party, whether it comes from a customer, vendor, contractor, delivery person, board member, or anyone else associated with, but not employed by, your company.

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
- "Elevated" eye brows
- Crude or obscene gestures

Inappropriate **physical** behavior:

- Touching someone in a personal or 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 generalizing 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 it.
- 3) Support your colleague if they feel uncomfortable or harassed, by encouraging them to speak up, reporting the harassing behavior to their manager, or HR.

What should I do when I'm offended by 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. Instead, don't worry about saving a verbal tirade for later. 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.

What can I expect if I come forward to report sexual harassment?

Individual company policies vary, but you should expect the following:

- Your complaint will be taken seriously, and you will be listened to without judgment.
- A prompt and thorough investigation.
- Limited confidentiality, meaning only the people involved in the investigation will have knowledge and awareness of the complaint.
- Protection from any sort of retaliation.
- The complaint will be fully documented.
- Follow-up and action taken.

What if I'm threatened about “squealing”?

Federal and many state laws protect employees who file a discrimination or harassment complaint — or who cooperate in an investigation — from retaliation of any kind. A harasser or manager who retaliates against a harassment complainant or someone cooperating with a harassment investigation is breaking the law.

The laws also protect employees from retaliation when they complain — either internally or to an outside agency such as the Equal Employment Opportunity Commission (EEOC) — about workplace discrimination or harassment.

Can I remain anonymous if I file a complaint or help with a sexual harassment investigation?

Your company is going to be very sensitive to protect the identity and reputation of everyone involved in a complaint until all the facts are known and proven. But there are no guarantees of anonymity.

The law promises “limited confidentiality” which means investigators will keep everything as confidential as possible. But, since witnesses, the targeted employee, and the alleged harasser will all be interviewed, strict confidentiality is impossible.

It takes courage to file a complaint of harassment or bullying and it takes the same courage to stand with someone who's been hurt and speak up.

What should I do if I feel I've been harassed?

If you are comfortable confronting the person who is harassing you, then that should be your first step. Say something like, “I am uncomfortable when you... and I don't like it. I want you to stop.”

If the harassment continues, write down each offensive suggestion, action or remark. Be as specific as you can, including time, date and place of incident. Note the name(s) of any co-worker(s) who might have witnessed the incident. Talk to your co-workers and tell them what is happening to you.

Inform your supervisor (or your harasser's supervisor) of the harassment. If you are in a Union, talk to your Union steward and use your grievance procedure. Your Union has the duty to represent you on issues of sexual harassment, or the Union itself may become liable.

What other recourse do I have?

Your company wants every employee to feel safe and protected while at work. Your leaders want to address instances of harassment and abusive conduct swiftly and thoroughly with a prompt investigation in order to resolve the problem quickly. In addition to the internal complaint process of your company, there are other resources.

1. You may file a complaint with the Maine Human Rights Commission within 300 days of the date of alleged harassment. You may also initiate a complaint by writing or visiting the Commission's office, calling 207-624-6290. You may also complete an Electronic Intake Questionnaire Form online at www.maine.gov/mhrc/file. An Intake Officer will assist you with drafting the complaint once your form has been reviewed. Your complaint should briefly explain the facts and circumstances surrounding the alleged discrimination.
2. You may also file a charge with the U.S. Equal Employment Opportunity Commission any time within 180 days of the incident. For more information, call 1-800-649-4000 or go to www.EEO.gov. If 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.