

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 work together. Let's just keep our relationship a working one."

Talk to another manager or HR if the manager persists or retaliates against you for 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 a different part 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 it. Building 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 usually put the incident in the past. Even if it may be a little embarrassing for you, but consider how 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" comments
- Crude comments or gestures

Inappropriate **physical** behavior:

- Touching someone's personal or an intimate area
- Touching someone in a sexually suggestive way
- Blocking someone's path in a hostile 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.)

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 colleagues if they 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 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 or afraid. 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.

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 complainant or someone cooperating with a harassment investigation is breaking the law.

The Delaware Discrimination in Employment Act (DDEA) prohibits retaliation against an individual for opposing employment practices that discriminate based on race or sex, or for filing a discrimination charge, testifying, or participating in any way in an investigation, legal proceeding, or litigation under the DDEA.

Retaliation can occur through direct actions, such as demotions or terminations, or more subtle behavior, such as an increased workload or being transferred to a less desirable location.

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 that doesn't work and the harassment continues, or if you are uncomfortable, talk with your manager, HR, or a company representative. Use your company's complaint or grievance system.

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.

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 solve the problem quickly. In Delaware, you have several options for reporting.

1. If you have witnesses or experienced sexual harassment inform a manager, human resources, or an employment opportunity officer.
2. Report sexual harassment to the Delaware Department of Labor Office of Anti-Discrimination (DDOL). Call 1-800-761-8200 or 302-424-1134 or visit <https://dia.delawareworkforce.com/discrimination/> to file a Discrimination Intake Form. The Department can investigate or mediate your complaint and may be able to help you collect lost wages and other damages.
3. Report sexual harassment to the U.S. Equal Employment Opportunity Commission at www.eeoc.gov/filing-charge-discrimination.

Filing a claim with both the DDOL and EEOC is unnecessary because they share information. If you'd like to file with both the state and federal agencies, indicate that you'd like to cross-file.

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.