

# Montana Human Rights Bureau

The information contained in this presentation is a brief overview and should not be considered as legal advice or exhaustive coverage of the topic.



***MONTANA HUMAN RIGHTS BUREAU***  
***Department of Labor and Industry***

# TRAINING OBJECTIVES

- Preventing harassment in the workplace
- Elements of a good policy
- What constitutes illegal harassment

# Why should an employer care about workplace harassment?

## Costs of workplace harassment

- Low moral
- Declining productivity
- Absenteeism
- High turnover
- Lost customers
- Lawsuits



# What is illegal harassment?

Harassment can be any behavior that slanders or shows hostility toward another person because of their differences. Harassment creates an offensive, intimidating work environment and/or negatively affects a person's work performance or employment opportunities.

# Examples of harassment

- Repeated jokes, innuendoes or comments
- Offensive pictures
- Lyrics in music that are offensive
- Discussing co-workers personal life with others
- Blocking another's movement
- Unwelcome physical touching

# What is not harassment under the Human Rights Act?

- Not a “Civility Code” for the office
- An offhanded comment
- Unfair treatment
- Isolated incidents

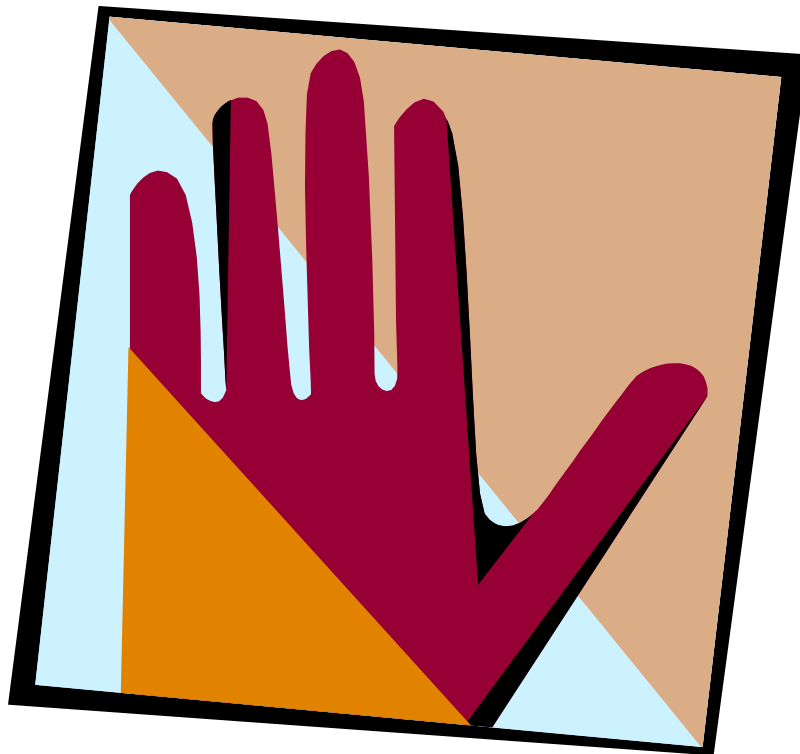




The behavior must be based upon a protected class

- Race/Color
- National Origin
- Religion/Creed
- Age
- Sex
- Marital Status
- Physical or Mental Disability
- Political belief
- Retaliation

# The behavior must be unwelcome



- Banter in the workplace
- Voluntary versus Unwelcome
- When does the joking cross the line

## The behavior must

- Be sufficiently frequent or severe to create a hostile work environment
- Result in a tangible employment action

*or*

# What is sexual harassment?

- Propositions for sexual favors
- Physical touching
- Repeated jokes
- Inappropriate comments about appearance
- Harassment based upon gender in a non-traditional setting



# Sexual harassment can occur in a variety of circumstances

- The victim as well as the harasser may be a woman or a man. The victim does not have to be of the opposite sex
- The harasser can be a supervisor, an agent of the employer, a co-worker or a non-employee such as a vendor
- The victim does not have to be the person harassed but could be anyone affected by the offensive behavior

# What about other types of harassment?

Harassment based upon a person's protected class may be a violation of the law.

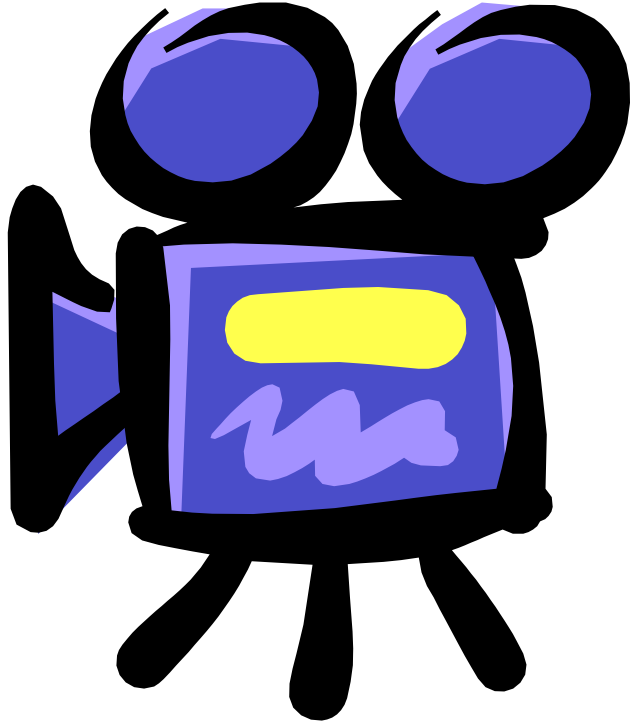
For example racial or religious jokes





# Montana Wildlife

Taking a Break!



# The employer knew or should have known but did not correct the problem

If the supervisor knew about the harassment and fails to inform you as the owner, the company is liable. Supervisors must tell, do not ignore complaints!



# What is the employee's responsibility?

- The employee must take reasonable steps to avoid harm from the harassment
- This responsibility is usually done by using the employer's complaint procedure

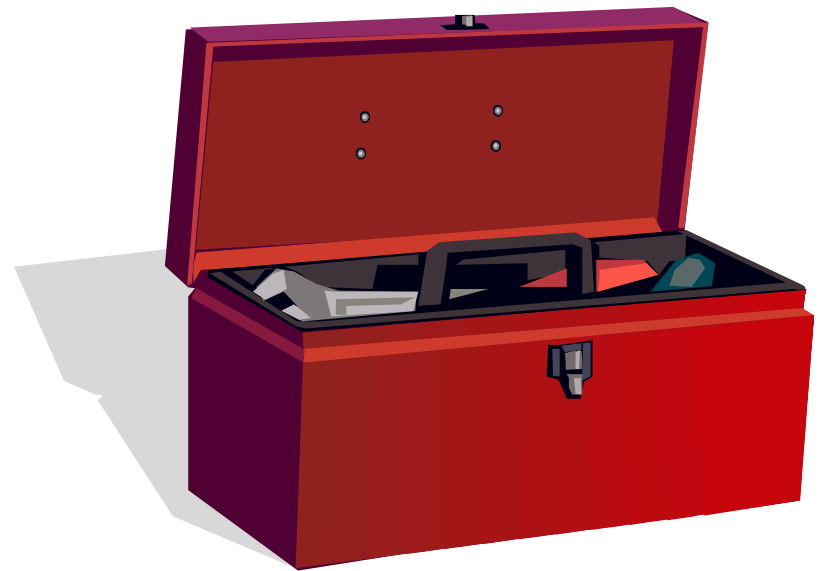


# What are the important elements of a complaint procedure?

- Encourage employees to report the harassment before it is severe or pervasive
- Designate more than one individual to take complaints
- Assure the employee that it will protect the confidentiality of harassment complaints to the greatest extent possible.

# Prevention is the best tool

- Communication
- Training
- Post your policy
- Establish a complaint procedure
- Promptly investigate complaints
- Insure no retaliation





# Resources

- Business Advocate
- MT Human Rights Bureau  
[www.discrimination.com](http://www.discrimination.com)  
1-800-542-0807
- Equal Employment Opportunity Commission  
[www.eeoc.gov](http://www.eeoc.gov)  
[www.youth.eeoc.gov](http://www.youth.eeoc.gov)

# It's the Law



- Montana Human Rights Act
- Title VII of the Civil Rights Act
- Americans with Disabilities Act
- Age Discrimination in Employment Act

# BETTER WORKPLACE FOR EVERYONE



A scenic view of a river flowing through a dense forest of evergreen trees. The river is turbulent, with white water rapids. The forest is lush and green, with a rocky cliffside visible on the right. The text "THANK YOU" is overlaid in the center of the image in a bold, white, sans-serif font with a black outline.

**THANK YOU**