

Labor: Fair Treatment

Fair Treatment, Overview

Harassment can include any unwanted behavior but “becomes unlawful where 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.”⁰⁴ It is important to note that the victim can be anyone who is affected by the behavior, not just the one to whom the behavior is directed.

Aside from increased legal risks, harassment can negatively affect business by lowering morale, weakening internal coordination and communication, increasing stress and anxiety, and diminishing trust and company loyalty. These factors have been directly linked to lower worker- and enterprise-level productivity as well as increased rates of absenteeism and turnover.

As laws, standards, policies, and codes of conduct are increasingly addressing the issue of overt discrimination and harassment, more subtle forms of workplace harassment are now on the rise. Therefore, it is even more important that companies create and implement management systems to prevent and respond to harassment violations. A key part of any harassment management system is a series of worker and management trainings focused on what constitutes harassment (especially the more subtle forms, such as psychological abuse, mental coercion, and verbal assault) and the process for filing and responding to complaints.

Common Consequences of Harassment

Effects on Business

- Increased turnover
- Lower productivity
- Increased HR costs
- Increased legal costs
- Diminished image

Effects on Workers

- Increased stress

- Depression
- More frequent illness
- Anxiety attacks
- Lowered self-confidence
- Decreased job satisfaction

Main Categories of Harassment

The three main categories of harassment are physical, psychological, and sexual.

Physical harassment

Physical harassment consists of unwanted and/or inappropriate physical contact, such as shoving, slapping, punching, and kicking. Physical harassment commonly arises when tension in a stressful environment escalates to the point where it is expressed physically. Managing employee stress is a key factor in reducing the risk of physical harassment in the workplace.

Psychological harassment

Psychological harassment consists of any type of behavior that makes a person feel uncomfortable, threatened, or disparaged or that makes a person feel obliged to do something they otherwise would not do (mental coercion). It is the most common type of workplace harassment and can include screaming, name-calling, mocking, ridiculing, belittling, and intimidating. It can be employed directly via verbal or written communication or indirectly via gestures, symbols, pictures, videos, music, etc. Mentally coercing subordinates by threatening them with employment-related consequences such as dismissal, demotion, transfer, longer hours, or less desirable tasks is also common.

Sexual harassment

Sexual harassment is perhaps the most well-known form of harassment in the workplace. It can be either physical or psychological in nature but is distinguished from these two due to its sexual undertone. It is often divided into the two categories “Quid Pro Quo” and “Hostile Environment.” Quid pro quo sexual harassment refers to instances in which something is offered in exchange for something else and is most common in supervisor — subordinate relationships. Hostile environment sexual harassment occurs when an employee feels uncomfortable or threatened within the workplace.

Examples of sexual harassment include inappropriate touching, inappropriate requests, sexual innuendo, offensive jokes, derogatory speech, and repeated requests for meetings outside of work. In supervisor — subordinate relationships, it is often tolerated because the subordinate fears the negative consequences or does not feel comfortable reporting the violation to a higher authority. In peer relationships, it frequently goes unreported due to fear of retaliation and embarrassment.

Although physical harassment is generally easier to define and identify, psychological and sexual harassment can be more elusive given the relative subjectivity as to what is considered “offensive.” However, this subtle nature means it often goes undetected and can lead to dire consequences, such as deep depression and suicide. Therefore, it is important to understand the forms in which these types of harassment often manifest themselves in the workplace to identify violations before they escalate. Some common examples include:

Jokes | Emails | Pictures | Videos | Nicknames | Name calling | Slurs | “Themed” events | Gestures | Symbols

Common Harassment Terminology

Bullying:

Repeated psychological or physical harassment, generally over an extended period of time. While an isolated incident may not create a hostile environment, continuous exposure over an extended period to similar incidents can be considered bullying.

Hazing:

Harassment that is intentional and pre-planned. Typically directed towards subordinates or “outsiders,” hazing is most commonly associated with acceptance into groups, such as the military, fraternities, sports teams, and clubs, but also occurs in the workplace environment. Hazing can be physical or psychological and can include exposure to physically challenging or humiliating tasks, unnecessary work or working hours, and practical jokes.

Mobbing:

Any type of harassment inflicted by a group of individuals in an effort to exclude the victim. In the workplace mobbing is commonly psychological in nature, such as rumors, humiliation, and degradation.

Stalking:

Unauthorized monitoring and following of an individual. Most stalking in the workplace is not perpetrated by a co-worker, but rather occurs when a known or unknown person follows the victim to work and waits for him/her to leave work. Sometimes this stalking can escalate to the point where the perpetrator enters the office and actively tries to gain access to the victim. Although less common, stalking perpetrated by co-workers or supervisors does occur.

04 United States Equal Employment Opportunity Commission.