

Draft

Responding to Sexual Harassment IN THE WORKPLACE



Many people struggle to determine what the best or most helpful course of action would be if they witness sexual harassment in the workplace. If you find yourself in a bystander situation, here are some ways you can help:

Change the subject. Steer the conversation to something else. Questions that require the harasser to respond to you are particularly effective. If you weren't part of the conversation, you can break in by asking the harasser for the time, where they got their shirt/clothing, whether you owe them some work, a question about a mutual project, or by asking if there is anything you can help with.

Call out the harassment directly when you see or hear it. If you believe it is safe to do so without encouraging retaliation, you might say in the moment: "Knock it off!", "That's not funny.", "That's not appropriate for the workplace.", "That crossed the line.", or even "Ouch!". You might tell the harasser to "Leave him/her alone.", "That's sexual harassment.", or "That violates company policy."

If calling the behavior out in the moment doesn't feel like the right course of action, consider discussing with the perpetrator in private and after the fact why their behavior is offensive, harassing, abusive, or why you think it violates company policy, and what the next steps might be if the behavior continues.

Be cautious about not escalating the situation. There is typically an increased risk of escalation in group settings. If you believe directly confronting the harassment may result in retaliation toward yourself or someone else, consider using an alternative strategy.

Speak privately and discreetly with the victim and indicate your willingness to confirm their accounts if they choose to report the harassment. Ask them if they are okay, and if there is anything you can do to support them. If you know what the options are, offer that information to the victim. Tell the victim you'd be willing to go with them to report the incident, that you'll provide a written statement about what you witnessed, provide a referral to your company's confidential Employee Assistance Program (EAP), or offer other concrete steps you're willing to follow-through on. If you have documented any incidents, let them know and ask if they'd like you to send a copy of the documentation to them. Let them know they can call on you in the future.

If the victim chooses not to report the incident immediately, consider following-up discreetly a few days later and reiterating what support you're willing to offer; victims may need time to process what occurred and may experience shock, denial, self-blame, or wishful thinking.

If you do report the incident, document to whom you reported, the date and time, and their response. If they indicated that some action will be taken, follow up with the victim to share what you were told would happen and again later to confirm that action was taken.

Report violations without specific victims to your supervisor or to human resources. If you witness comments, jokes, or talk that is sexual or discriminatory in nature but not about or directed at a specific victim, report the individual to your supervisor or to human resources.

Consider making reports in person, rather than in writing. A written statement can sometimes lead to miscommunications about your feelings about the seriousness of the offense.

Keep a record of what you observe. If you're witnessing the harassment of an individual who isn't ready to report their harassment, or if your workplace has a culture where sexual or discriminatory comments are commonplace, consider keeping a record in a journal, on a personal electronic device, or in an e-mail to yourself at a personal/non-business e-mail address. Record the name of the offender, the date, time, and location of the behavior, a description of the behavior, and the details of any comments made with as much specificity as possible. Also make a note if others witnessed the same incident. Provide this evidence to the victim as it can be a valuable tool for confirming their own account of what happened. If the behaviors are general and don't target a specific individual, consider providing the documentation to any victim coming forward with a sexual harassment complaint in your workplace, because this type of record can be very helpful to establish what's called a "hostile work environment".

Proactively suggest changes that can help create a healthier working environment to your supervisor or employer, such as:

- Developing policies and guidelines for bystander action on sexual harassment.
- Providing education and training about bystander action. This can teach people how to safely and effectively intervene in incidents and challenge sexual harassment.
- Creating a workplace environment that encourages reporting of sexual harassment by:
 - encouraging leaders to speak out positively about taking bystander action.
 - providing multiple communication channels to report sexual harassment.
 - responding to reports of sexual harassment in a timely manner.
 - providing training for those responsible for acting on reports of sexual harassment.
- Conducting ongoing monitoring and evaluation of bystander strategies.

If you feel your internal reports are being ignored or mishandled, or if the harasser is within your human resources department, or is your supervisor, you have the option of reporting the harassment to:

For private, county & municipal employment:
Civil Rights Unit of the Vermont Attorney General's Office
ago.vermont.gov/divisions/civil-rights
109 State Street, Montpelier, VT 05602
888-745-9195 or 802-828-3657
ago.civilrights@vermont.gov

For state government employment:
Vermont Human Rights Commission
hrc.vermont.gov
14-16 Baldwin St., Montpelier, VT 05633
800-416-2010 or 802-828-2480
human.rights@vermont.gov