

# CHOICE LONG ISLAND

*PUTTING PEOPLE TO WORK SINCE 1974*

## ANTI-SEXUAL HARASSMENT TRAINING

September 2018

**#MeTooMovement**

# AGENDA

- Discuss Choice Long Island's policies on Discrimination and Sexual Harassment in the Workplace
- NY State's agenda to combat Sexual Harassment
- Discuss the different types of Sexual Harassment
- Provide resources available to persons who experience sexual harassment;
- Provide Choice Long Island clarification on harassments complaints

# CHOICE LONG ISLAND POLICIES

## **Equal Employment Opportunity Statement**

Choice Long Island provides equal employment opportunities to all employees and applicants for employment without regard to race, color, religion gender, sexual orientation, gender identity national origin, age, disability, genetic information, marital status, amnesty or status as a covered veteran in accordance with applicable federal, state and local laws. Choice LI, Inc. complies with applicable state and local laws governing nondiscrimination in employment in every location in which the company has facilities. This policy applies to all terms and conditions of employment, including hiring, placement, promotion, termination, layoff, recall, transfer, leaves of absence, compensation and training.

## **Anti-Harassment Policy and Complaint Procedure**

Choice Long Island is committed to a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits unlawful discriminatory practices, including harassment. Therefore, Choice Long Island Inc. expects that all relationship among our temporary employees and our staff in the office will be business-like and free of bias, prejudice and harassment.

Please raise all concerns to Managing Partner, Heubert Rivera,  
email [hrivera@choiceco.com](mailto:hrivera@choiceco.com) or call 631-617-6002



Division of  
Human Rights

ANDREW M. CUOMO  
Governor

HELEN DIANE FOSTER  
Commissioner

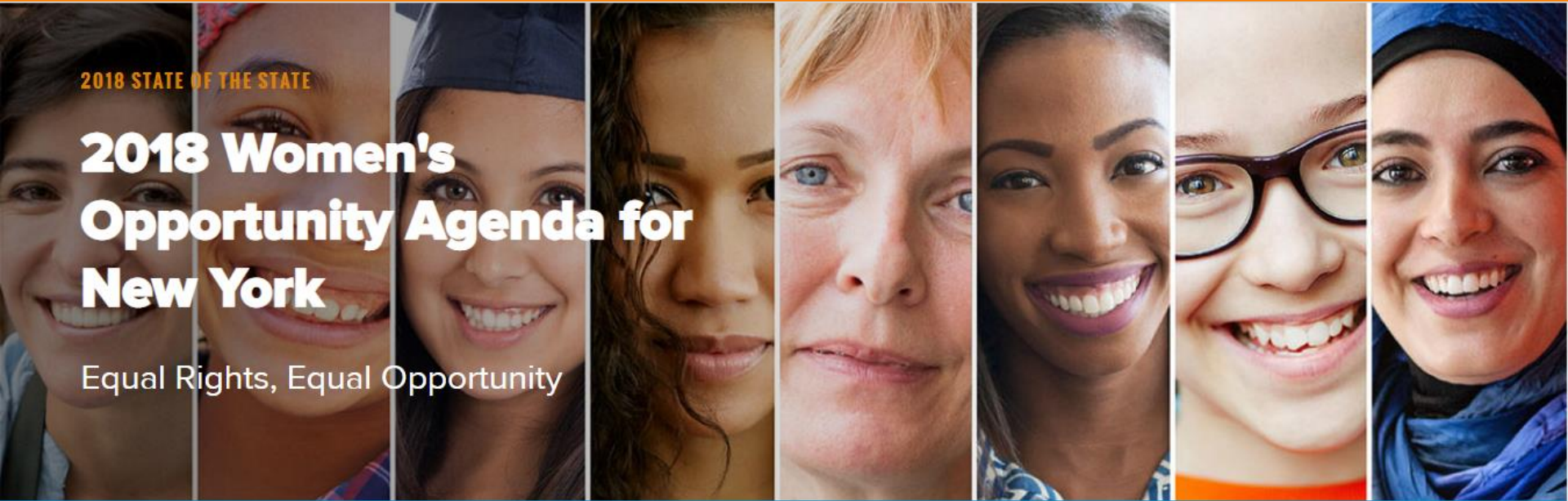
# NY State's Definition of Harassment

Sex discrimination is unlawful pursuant to the New York Human Rights Law and the federal Civil Rights Act of 1964, Title VII. The Human Rights Law applies generally to employers with four or more employees. Federal Title VII applies to employers with 15 or more employees.

**Sexual harassment** is a form of sex discrimination. Every employee in the State of New York is entitled to a working environment free from sexual harassment. The provisions of the Human Rights Law generally apply to employers with four or more employees. However, with regard specifically to sexual harassment, the Human Rights Law was amended in 2015 to apply to all employers, regardless of the number of employees.

Having a policy that recognizes that sexual harassment is unlawful, and that signals to all persons in the organization that sexual harassment will not be tolerated, is an important step in limiting the employer's liability by preventing sexual harassment, providing **a means for employees to alert management** if sexual harassment is occurring, providing for investigation of all allegations of sexual harassment and providing for prompt and **effective corrective action** to be taken when sexual harassment has occurred.

# Equal Employment Opportunity Commission DEFINITION OF SEXUAL HARASSMENT



2018 STATE OF THE STATE

## 2018 Women's Opportunity Agenda for New York

Equal Rights, Equal Opportunity

“Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when this conduct explicitly or implicitly affects an individual’s employment, unreasonably interferes with an individual’s work performance, or creates an intimidating hostile, or offensive work environment.”

# THE STAKES

- Multimillion dollar lawsuits
- Loss of productivity
- Absenteeism and turnover
- Low morale
- Increased use of medical and psychological services
- Negative publicity
- Increased Insurance Costs



# STATISTICS

- At least 25 percent of women experience Sexual Harassment in the Workplace
- Seventy-five percent of harassment victims experienced **retaliation** when they reported it
- Somewhere between 87 and 94 percent of employees experiencing harassment do not file a formal complaint
- Sexual harassment affects a business' bottom line. In 2017, the EEOC recovered \$164.5 million for workers alleging harassment claims." This number does not represent the cost associated with legal representation

# QUID PROD QUO

- Latin phrase means “This for That”- roles with influence at higher risk
- The “this” is usually a request by a supervisor/person with influence of an employee for sexual favors in exchange for favorable treatment on the assignment, which may mean continued employment or a permanent placement.





# HOSTILE ENVIROMENT

- The workplace is cluttered with regular or repeated actions or objects of a sexual nature that unreasonably interfere with job performance, creating an intimidating, hostile or offensive work environment. The actions can be either a single occurrence, or ongoing behaviors in combination with other forms of harassment that occur over time
- Most sexual harassment claims involve alleged hostile or offensive work environments

Sexual harassment can happen to any man or woman at any time, in any job level, regardless of age, appearance or dress habits



# Sexual Harassment

## May be any or all of the following:

- Visual Harassment – posters; magazines; pictures; cartoons; calendars; offensive gestures; leering or ogling
- Verbal Harassment – repeated sexual jokes; threats; gossip; terms of endearment; questions of a sexual nature; lewd comments; whistling
- Written Harassment – love poems; letters; graffiti; inappropriate e-mails or text messages
- Physical Harassment – unnecessary touching; patting, pinching, kissing or brushing up against another's body; physical assault; rape

The offender of sexual harassment can be anyone in the workplace

The harasser can be a coworker of the recipient

The harasser can be a supervisor or manager

The harasser can be any third-party, including: a non-employee, intern, vendor, building security, client, customer or visitor

# “Working 9 to 5”?

- **Discrimination and Harassment may also occur “off the clock”**

- Holiday party

- Client Parties

- After-hours meetings

- Business meetings/luncheons

- Client/Vendor dinners

- **Not limited to Agency Workers only**

- Clients and their staff

- Vendors

# Harassment through Social Media

- Transmitting obscene material
- Communicating with obscene or potentially obscene language/emoticons/avatars
- Accessing or circulating inappropriate graphics, photographs, videos or audio
- Accessing websites that contain offensive material (whether pornographic, or which promote sexism or racism)

**A word about emails...**

***Emails (like diamonds) are forever...***

# RETALIATION

Retaliation is any action taken to alter an employee's terms and conditions of employment (such as a demotion or sudden work schedule or location change) because that individual engaged in a protected activities. Such individuals should expect to be free from any negative actions by supervisors, managers or the employer motivated by these protected activities

Any employee who has engaged in "protected activity" is protected by law from being retaliated against because of that "protected activity."

Protected activities" with regard to harassment includes:

- Making a complaint to a Choice Long Island Manager or the Managing Partner
- Making a report of suspected harassment, **even if you are not the recipient**
- Filing a formal complaint about harassment
- Assisting another employee who is complaining of harassment
- Providing information during a workplace investigation of harassment, or testifying in connection with a complaint of harassment filed with a government agency or in court

Creating a more productive work environment means eliminating:

- Sexual slurs and innuendo
- Provocative posters
- Intimate touching, pinching and fondling
- Offensive written notes
- Propositions
- Leering or ogling
- Suggestive comments about appearance or body
- Repeated requests for dates
- Inappropriate jokes

# CHOICE LONG ISLAND'S COMMITMENT TO ITS WORKFORCE

If you or someone you know is being harassed:

- Do not joke about the problem. If you take it seriously, others will too.
- Advise the harasser, either verbally or in writing, that you are uncomfortable with his/her actions and you want him/her to stop.
- Promptly report the harassing conduct to Choice Long Island Personnel

All complaints are taken seriously and are investigated thoroughly and promptly. Except as may be necessary to adequately investigate and address such complaints, Choice Long Island will seek to keep complaints and the terms of their resolution confidential.

If the investigation substantiates the complaint, then Choice Long Island will take all appropriate steps to end the harassment or discrimination.



Choice Long Island, in partnership with the Client, will:

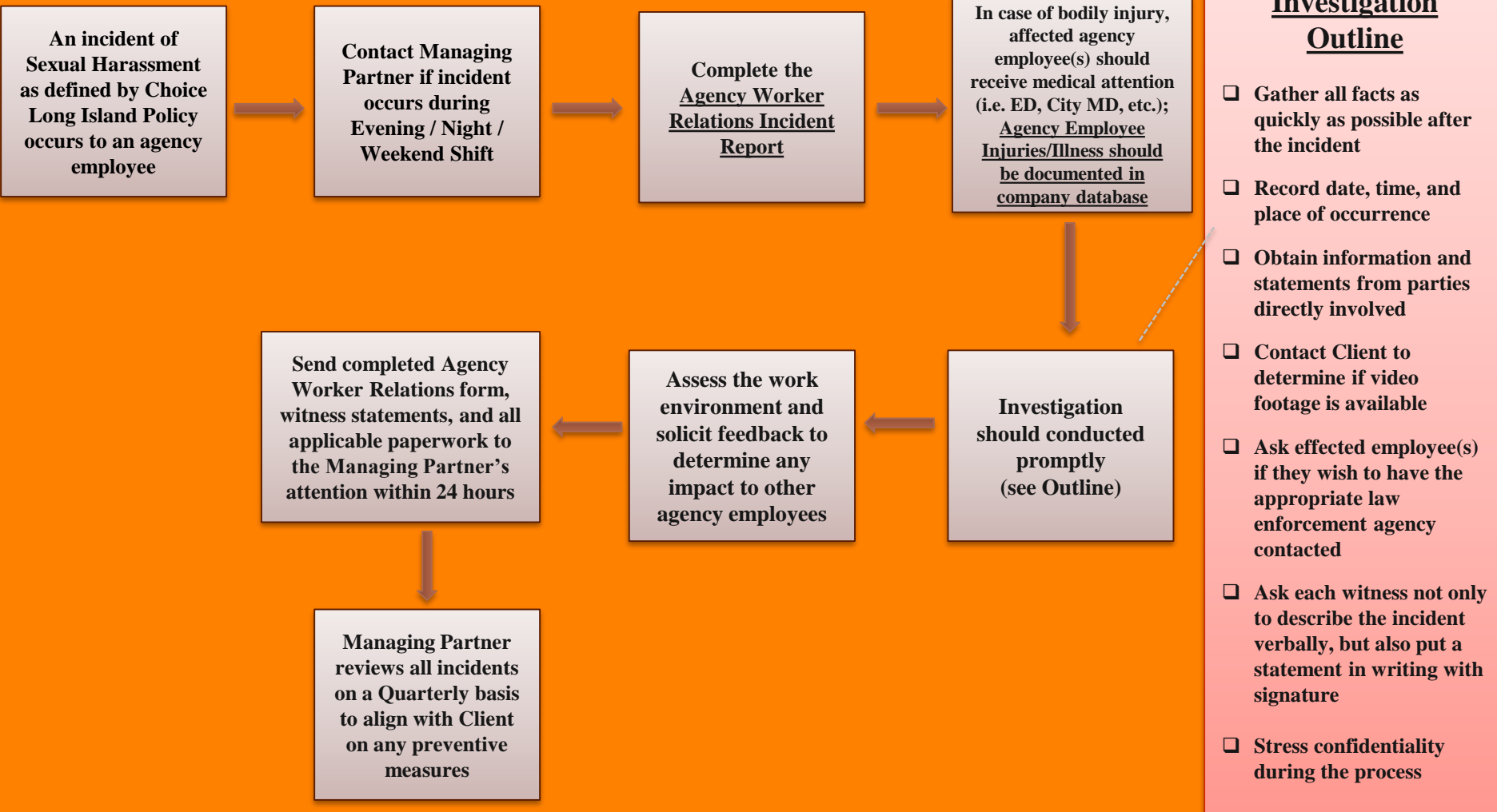
1. Interview the complainant
2. Meet with the alleged harasser and let the person know that he or she has been accused of sexual harassment by an agency employee. Remind the alleged harasser of Choice Long Island's policy against sexual harassment and let him or her know that Choice Long Island will not tolerate any form of workplace harassment or retaliation
3. Tell the alleged harasser that an investigation is being conducted into the matter and ask for his or her side of the story. Let the accused employee know exactly what the complainant says happened and allow the alleged harasser to defend his or her actions or tell his or her version of what happened

## Continued...

4. Conduct interviews with other employees to determine if there is any corroboration for either side of the story or if the alleged harasser harassed anyone else
5. Research past hiring, firing, and exiting patterns in the department. Carefully document its findings with specific examples
6. Meet with both parties separately to report its findings and explain what remedial action, if any, will be taken by Choice Long Island.

# ALLEGATION OF SEXUAL HARRASMENT WORKFLOW

## Managing Partner/Operations team member on Duty's Responsibilities



## In Closing

Choice Long Island prohibits **all** forms of unlawful harassment:

Choice Long Island is committed to maintaining a work environment that is free from unlawful discrimination and harassment. In keeping with this commitment, Choice Long Island will not tolerate discrimination or harassment against its employees by anyone, including any supervisor, co-worker or client.

Choice Long Island forbids retaliation against anyone for reporting discrimination or harassment, assisting in making a discrimination or harassment complaint, or cooperating in an investigation of alleged discrimination or harassment.

# Questions?

