

STOP BULLYING & HARASSMENT NOW! EEOC COMPLIANT HARASSMENT TRAINING

by

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IS THIS ILLEGAL HARASSMENT?

Wilma Flintstone is tired of Barney Rubble making fun of her red hair. Every so often, he will make a joke about her red hair and having a “bad temper.”

She has finally had it. She files a complaint of illegal sexual harassment with Catbert, the Evil HR director.

What should Catbert do?

Is this illegal sexual harassment under either Title VII or state law?

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IS THIS ILLEGAL HARASSMENT?

Catbert should investigate immediately.

However, this is not a case of illegal harassment.

First, being a red head and allegedly having a “bad temper” is not protected under either state or federal law.

Further, a few isolated comments are not enough to create a hostile environment for sexual harassment.

(Remember the Sniffing Case.)

However, just because this is not a legal issues, Wilma has made it clear that she does not like the comments, so Barney must stop making them. He also needs to be warned that “No means no.” When someone does not appreciate you doing something, you need to stop.

Are Barney’s comments offensive?

If it was on the front page of *USA Today* that he was making these comments, that Wilma asked him to stop and that he kept making them anyway, what would most reasonable people think?

I think most people would be offended because she made it clear she was offended.

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EMPLOYEE ACCUSED OF SEXUAL HARASSMENT II

Goofy, the company's HR director, has discovered that Foghorn Leghorn has been making some sexually suggestive comments around Minnie Mouse. Foghorn told Goofy that he thinks it is funny ... as does everyone on the office staff. Foghorn's behavior could be considered as not being blatantly offensive, but they are easily questionable.

(Remember: What would the reasonable person think if that was on the front page of *USA Today*?)

"They all laugh," Foghorn explained to Goofy.

However, in reality, Minnie and the rest of the office staff are offended, which includes Jessica Rabbit and Betty Rubble.

However, no one has said anything to Foghorn because they did not want to upset him. When Goofy talks to Foghorn about his behavior, Foghorn says he is just kidding around and that everyone thinks he is funny.

What should Goofy tell Foghorn?

What should Goofy tell the office staff?

What should Goofy tell the office staff if their response is that handling sexual and illegal harassment is his job...not theirs?

Would it make a difference if the office staff was saying the same things back to Foghorn?

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EMPLOYEE ACCUSED OF SEXUAL HARASSMENT II

ANSWER

Goofy should explain to the office staff that they have a responsibility to tell Foghorn that they do not appreciate his behavior, if they are comfortable doing that. If not, they need to tell Goofy. They can do this in a nice way, of course. (“I don’t appreciate that.” or “I would appreciate it if you would not do that.”)

Foghorn then has a responsibility to stop.

Of course, now that Foghorn knows his “**questionable**” behavior is offensive, he must stop. If he repeats the behavior, then more serious consequences should be imposed, since his behavior is clearly intentional.

However, if the office staff is doing the same thing as Foghorn, then they should all be addressed regarding their behavior as well.

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SUPERVISOR ACCUSED OF SEXUAL HARASSMENT

Tweety is a supervisor at ABC Company.

Tweety has now been accused of sexually harassing Minnie Mouse. Goofy has started his investigation. Jessica Rabbit and Betty Rubble have supposedly witnessed Tweety's "lurid" behavior.

How should Goofy proceed?

What should Tweety do?

Whose interpretation of Tweety's behavior **REALLY** matters?

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SUPERVISOR ACCUSED OF SEXUAL HARASSMENT

ANSWER

How Should Goofy Proceed?

Goofy should begin his investigation **IMMEDIATELY!** He should interview anyone who might have seen these alleged incidents, which includes Jessica and Betty. Goofy should also talk to Tweety. Even though Tweety's opinion as to "what he intended" is not relevant, Tweety can give Goofy his perspective of what happened, as well as some additional people Goofy should interview.

The most important opinion of what happened belongs collectively to the "Reasonable Person" in the workplace, which are all of Tweety's co-workers.

What Should Tweety do?

Tweety should fully cooperate in the investigation and tell Goofy his side of the story.

Again, Tweety's opinion of "what he intended" is irrelevant under the law. Therefore, it is no defense to say, "I was just kidding." Under the Harris case, all that matters is what Minnie thought about his actions, but more importantly, what the "Reasonable Person in the Community" would have thought of Tweety's actions. That is what really matters here.

(Remember: What would the reasonable person think if that was on the front page of *USA Today*?)

Tweety must also make sure that he does not retaliate against Minnie Mouse in any way. He also needs to make sure he does not retaliate against anyone who gives Goofy a statement in this investigation or anyone who is friends with Minnie or any of these witnesses.

REMEMBER: Creating an environment where the reasonable person would be "dissuaded" from speaking up is considered retaliation.

Whose Interpretation of Tweety's Behavior REALLY Matters?

In such an investigation, what really matters is what does the "Reasonable Person" in the community think. Therefore, Tweety's reputation will save him or hang him.