

Sexual Harassment Prevention Training for Supervisors and Managers - Manual

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Introduction

Governor's Introduction Video

This is Governor Brian Kemp. As Georgia's 83rd Governor, I'm proud to welcome you to this important training.

Since day one, I have made it a priority to ensure a workplace free of sexual harassment for our State employees.

By executive order, all State employees undergo mandatory training and must abide by uniform standards for preventing, reporting, and investigating allegations of sexual harassment in the State's Executive branch.

This course will walk you through those expectations to ensure a positive work environment in State agencies by preventing and properly responding to harassment in the workplace.

This training sets a high standard for workplace conduct, one that is important for us to strive towards as public servants.

As governor I will not tolerate sexual harassment in the workplace. To best serve the people of Georgia, it is up to all of us to ensure a safe, respectful work environment for all State employees and the constituents with whom they interact.

Together, we can achieve this goal, and work to keep Georgia the best place to live, work, and raise a family. Thank you for your commitment to a harassment free workplace throughout State government here in Georgia.



The Executive Order

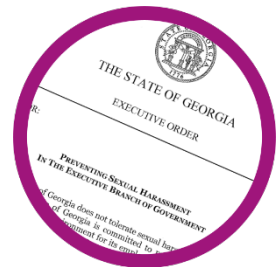
On January 14, 2019, Governor Brian Kemp signed an Executive Order to Prevent Sexual Harassment in the Executive Branch of the Government.



While there are multiple types of workplace harassment, incidents of sexual harassment present unique challenges which warrant increased emphasis and the implementation of a special approach to the prevention, detection, and elimination of sexual harassment.

The executive order requires:

- Mandatory sexual harassment training for employees, supervisors and managers
- The Creation of a state-wide sexual harassment prevention policy and
- Development of standardized reporting and investigation methods



This training was developed in response to the Governor's Executive Order.

Its purpose is to help supervisors and managers build and maintain respectful and harassment-free work environments.

Training is vital for supervisors and managers because they represent the first line of defense in preventing sexual harassment in the workplace.

Sexual harassment is a destructive behavior that creates a hostile or offensive work environment.

It not only harms individuals, it can also create legal liability for employers, supervisors, and managers.



The State of Georgia is committed to providing a safe and respectful environment that is free from sexual harassment.

For this reason, it is every supervisor's and manager's responsibility to:

- Demonstrate appropriate behavior
- Follow State and agency policies and
- Handle sexual harassment complaints promptly and properly



The learning objectives of this training include the following:

- Listing the special responsibilities of supervisors and managers as they relate to sexual harassment and retaliation;
- Explaining the State of Georgia's Sexual Harassment Prevention Policy;
- Describing the different types and forms of sexual harassment and retaliation;
- Outlining the steps that should be taken when receiving and reporting complaint and reports of sexual harassment and retaliation;
- Outlining the State of Georgia's sexual harassment investigative procedures and requirements and
- Providing guidance on how to prevent sexual harassment and retaliation in the workplace



Next Module

Now let's begin with Module 1, What is Sexual Harassment.

Module 1: What is Sexual Harassment?

Module Topics

Module1: What is Sexual Harassment?

This module covers the following topics:

- The definition of sexual harassment
- The definition of retaliation
- Examples of sexual harassment and retaliation



Module Introduction

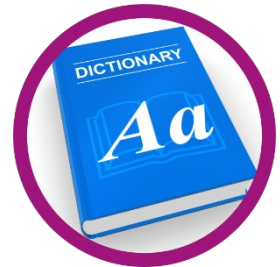
As a supervisor or manager, one of your most important responsibilities is creating a respectful and harassment-free workplace.

You have a unique responsibility to ensure that your employees work in an environment that is free of harassment and discrimination. It is the objective of this program to provide you with the knowledge and information you need to accomplish this goal.



Definition of Sexual Harassment

The Statewide Sexual Harassment Prevention Policy defines sexual harassment as physical, verbal, or non-verbal/visual conduct that is either directed toward an individual or reasonably offensive to an individual because of his or her sex.



Some examples of such conduct or actions may include:

- Unwanted sexual attention
- Sexual advances
- Requests for sexual favors
- Sexually explicit comments and
- Other conduct of a sexual nature

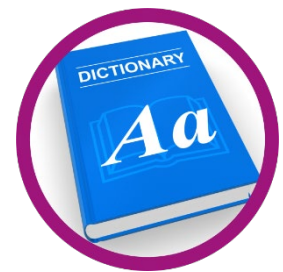


Whether it is direct or implied by an individual who knows, or reasonably should know, that such conduct is unwanted and offensive. It also includes conduct that is:

- Hostile
- Threatening
- Derogatory
- Demeaning
- Abusive
- Intended to insult, embarrass, belittle, or humiliate an individual because of his/her sex

Definition of Retaliation

The Statewide Sexual Harassment Prevention Policy also prohibits retaliation. Clearly understanding what constitutes retaliation is especially important for you as a manager.



The Statewide Policy defines retaliation as an act or omission intended to, or having the reasonably foreseeable effect of, punishing or otherwise negatively impacting an individual for any of the following:

- Submitting or assisting with submitting a complaint of or reporting sexual harassment
- Participating in a sexual harassment investigation or proceeding
- Opposing sexual harassment

Examples of Retaliation

The following actions could be considered unlawful retaliation if taken in response to an employee's involvement in a sexual harassment complaint or investigation:

- Demotion
- Discipline
- Termination
- Salary reduction
- Negative performance evaluation
- Change in job duties or shift assignment
- Other less obvious actions that may still be considered retaliation are:
 - Increased scrutiny
 - Unnecessarily making a person's work more difficult



Supervisors and managers must also be aware that the sources of harassing behavior can come from a variety of roles within and/or outside the organization. For example, an offender can be the:

- Complainant's supervisor
- Another supervisor
- Co-worker
- Contractor
- Lobbyist
- Or even a member of public



Next Module

In the next section, you will learn more about the training, reporting, and investigation requirements of the Statewide Sexual Harassment Prevention Policy.



Module 2: Statewide Sexual Harassment Prevention Policy

Module Topics

Module 2: Statewide Sexual Harassment Prevention Policy

This module covers the following topics:

- The State's commitment to a sexual harassment free workplace.
- Sexual harassment training requirements and
- Reporting of sexual harassment incidents and the investigation process.



Policy Requirements

The Statewide Sexual Harassment Prevention Policy is applicable to all Executive branch agencies, authorities, boards, and commissions. For the purpose of this training, the term "agencies" will be used for all state organizations.



Given the commitment to a harassment-free workplace, the State will not permit any employee to be sexually harassed by:

- Supervisors
- Managers
- Coworkers or
- Third parties such as
 - Contractors
 - Customers



Any employee who engages in sexual harassment will be subject to prompt disciplinary action, up to and including termination of employment.



As a part of your duties as a supervisor or manager you must ensure all your employees complete the training within 30 days of hire and thereafter take the training on an annual basis.

If any of your employees are also supervisors or managers, you must ensure they complete the manager training within 30 days of hire or promotion and annually thereafter.



Submitting a Complaint or Report

The Statewide Policy outlines multiple ways for employees to submit a complaint, or report of sexual harassment or retaliation.



Employees who believe they have been subjected to, or have witnessed sexual harassment may report the incident(s) to one of the following:

- The Employee's supervisor or manager
- The Employee's division director
- The Agency's Human Resource contact or
- Other agency designee



To the extent that any of the indicated officials are the alleged harasser or retaliator, the employee may submit a complaint of sexual harassment directly to the Office of the State Inspector General (OIG). The agency is responsible for promptly reviewing each sexual harassment complaint notification or report received whether:

- Written
- Verbal or
- Anonymous in nature



Agencies are required to report all sexual harassment complaints and reports to the Office of the State Inspector General (OIG).

If you believe physical harm or any criminal act has occurred or been threatened, immediately report it to law enforcement and notify Human Resources.



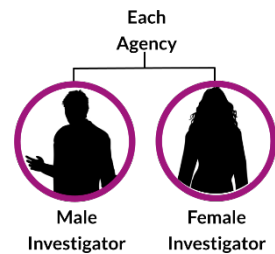
Investigating a Complaint or Report

The Agency investigation will also take place, however the OIG will advise the Agency on how to proceed with the investigation.



The Statewide Policy requires designated investigators to complete statewide investigator training to ensure consistency in sexual harassment investigations across the State.

Each agency must designate at least two investigators, not of the same gender, to receive this training and investigate complaints of sexual harassment and retaliation



Next Module

In the next module, you will learn more about the impact of sexual harassment on the workplace.



Module 3: Understanding the Impact of Sexual Harassment

Module Topics

Module 3: Understanding the Impact of Sexual Harassment

This module covers the following topics:

- Negative effects of sexual harassment on workplace culture
- Negative effects of sexual harassment on the individual employee
- Harmful impact of sexual harassment on the State or agency and
- Legal liability for sexual harassment



Negative Impact on Workplace Culture



Ignoring or downplaying complaints of sexual harassment can have significant adverse effects upon the State as an employer. These actions can lead to legal liability for your agency and for you as the supervisor or manager. This will be discussed in more detail later in this module.

State government must maintain a public image of fairness and integrity to maintain the trust of its citizens, employees, vendors and contractors.



The atmosphere, culture, environment, and employee perceptions of how issues and concerns are addressed are directly linked to employee satisfaction, trust and productivity.



Negative Impact on Employees

Sexual harassment, first and foremost, comes at a steep cost to those who are exposed to it.

Those who are subjected to sexual harassment often experience emotional and physical symptoms for years to come.



The effect of these symptoms can have a major impact not only on the lives of those directly affected but also on workplace productivity.

Sexual harassment affects all worker, and its true cost includes:

- Decreased productivity
- Increased turnover and
- Reputational harm



A tense or hostile environment has an impact on performance and the ability for an agency or team to fulfill its purpose. Absenteeism and tardiness rates go up, employees may stop giving their best, and may make more mistakes. It is difficult to focus in an unfriendly or harassing atmosphere.



Harmful Impact on the State and Agency

Every supervisor and manager in the state is challenged to recruit, train, and retain quality talent. The challenge of recruiting becomes harder due to the following:

- The State or agency is perceived to allow inappropriate behavior
- The decrease in quantity and quality of applicants for employment due to an injured reputation because of sexual harassment complaints or event reports



An injured party from sexual harassment obviously causes an immediate retention concern, but when others perceive the supervisor or manager as either involved or refusing to correct the behavior, talented people, who otherwise would have stayed, may leave.



High turnover can also be costly to the State due to the fiscal burden of continually recruiting for, hiring and training new employees.

A hostile work environment due to sexual harassment isn't just difficult for employees, it also damages the State's image.



It undermines the State's ability to do its job.

At a local level a team's image is severely damaged if sexual harassment occurs, or is even perceived to be occurring, within the team.

Legal Liability

An agency may be held liable for sexual harassment committed not only by employees, but also by non-employees if the agency is found to have known or should have known about the harassment or retaliation and failed to address it.



Personal liability may extend to supervisors and managers. Under certain circumstances, you may be personally held liable as a supervisor or manager, for tolerating, condoning, or otherwise knowingly ignoring sexual harassment.

Corrective Action

As a supervisor or manager, you are required to take appropriate corrective action in consultation with Human Resources to deter any future inappropriate behavior, up to and including termination.



Next Module

In the next module, you will learn more about the duties, responsibilities, and role of supervisors and managers related to sexual harassment and retaliation prevention.



Module 4: Management Duties, Responsibilities, and Roles

Module Topics

Module 4: Management Duties, Responsibilities and Roles

This module covers the following topics:

- Modeling proper workplace behavior
- Preventing sexual harassment and retaliation from occurring
- Proper handling of complaints and reports of sexual harassment or retaliation



Modeling Proper Behavior

As the leader of your team and a member of management you are responsible for building and maintaining a respectful workplace.

You must model proper workplace behavior every day. Employees look to you for what behavior is acceptable and unacceptable at work.



Preventing Sexual Harassment or Retaliation

What can you do to accomplish this goal? As a supervisor or manager, you can:

- Follow your agency's policies regarding acceptable conduct standards
- Take action to address inappropriate conduct or behavior as it happens
- Demonstrate respect towards your employees and encourage employees to treat each other with respect



Watch for and immediately address unacceptable behaviors such as:

- Sexually oriented jokes
- Offensive texts
- Inappropriate use of social media
- Offensive images or
- The use of sexually related language

Seek the help of your manager or Human Resources in addressing inappropriate behavior.

As the leader of your team, you are responsible for knowing – and following – all applicable policies and procedures for acceptable workplace performance and behavior.



You set the tone and establish the work environment.

The workplace you lead must be free of:

- Discussion of a sexual nature
- Sexual innuendo
- Sexually oriented jokes
- Offensive texts or
- Any other behavior that could escalate to sexual harassment



You are most likely to be the first person notified by an employee when they have been harassed or retaliated against. You are the key to:

- Identifying
- Addressing
- Reporting and
- Stopping sexual harassment and retaliation in your workplace



Therefore, ensure that you:

- Communicate organizational policies and ensure your employees attend the training required by the Statewide Sexual Harassment Prevention Policy.



If, as a part of your duties, you manage contractors, ensure the contractors have taken the training or followed the waiver requirements in the Statewide Sexual Harassment Prevention Policy regarding training and acknowledgement of the Statewide Policy.

Proper Handling of Complaints and Reports

All complaints and reports, whether written, verbal, or anonymous, must be accepted both from employees and non-employees. Complaints and reports of sexual harassment should be handled in the following manner:



- Listen to the complainant and objectively record the information without making judgement or sharing your opinions
- Inform the complainant that you are required to report the information they disclosed to you to Human Resources
- Let the complainant know that you will keep the information confidential to the extent that the investigation will allow
- Upon receipt of a complaint or report of sexual harassment, you are required to take the necessary steps to ensure the matter is promptly reported to Human Resources

At this point, you should work with Human Resources to determine if any interim measures are necessary while the investigation is ongoing.



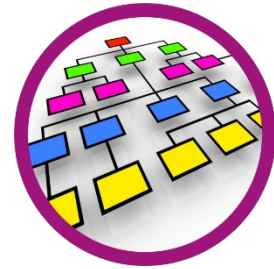
Interim measures are non-disciplinary administrative steps taken to ensure that alleged conduct does not continue and/or that the complainant and those participating in the investigation are protected from retaliation.

It is important to understand and communicate to the affected employee or employees that interim measures are not based on any determination that the allegations of the complaint or report are true.

Examples of interim measures include:

- Changes to employment arrangements
- Changes to work schedules
- Supervisory changes or
- Other directives designed to protect all parties involved in an investigation

If the complaint or report of sexual harassment or retaliation is against Human Resource leadership, you should report the complaint to other agency leadership.



Do not object if an employee prefers to or does bypass you in the chain of command.

It is more important that the employee is comfortable in submitting the complaint or report.

This is especially true if the employee is making a complaint or report against you.

After Human Resources or your agency leadership receives the complaint or report, your agency will proceed with an investigation in accordance with the Statewide Sexual Harassment Prevention Policy.



Throughout this process, you must keep all information you receive confidential, to the extent possible, and refrain from gossiping or otherwise disclosing what you know. Do not discuss the matter with anyone outside the investigation.



Also, be aware that any actions you take throughout this process may be perceived as retaliation. Think before you act and when in doubt, consult with Human Resources.



Next Module

In the next module, you will learn about the next steps in the process as well as consequences for improper complaint handling.



Module 5: Next Steps in the Process

Module Topics

Module 5: Next Steps in the Process

This module covers the following topics:

- The next steps in handling a complaint or report of sexual harassment
- The continuation of the investigative process and
- The consequences of improperly handling a complaint of sexual harassment or retaliation



Next Steps

After Human Resources receives the complaint, a designated investigator will be assigned to perform the investigation.



You should also be mindful of the way you treat the employee to ensure you are not inadvertently doing anything the employee may perceive as retaliatory.

Creating workplace environments free of harassment also includes making sure that employees who file a complaint or report of sexual harassment are not subjected to retaliation.



Agencies and employees are prohibited from retaliating against an employee for any of the following reasons:

- Submitting, or assisting with submitting, a complaint or report of sexual harassment
- For participating in a sexual harassment investigation or proceeding or for
- Otherwise opposing sexual harassment



Employees who are found to have engaged in retaliation in violation of the Statewide Sexual Harassment Prevention Policy will be subject to corrective and/or disciplinary action.

It is also imperative that you cooperate fully with the investigation including making yourself available for interviews and providing all the requested information.

Make sure employees, including the complainant and any witnesses, are made available for interviews.

Help your employees understand they will not be retaliated against for their cooperation in the investigation.

A report of investigative findings will be provided to your agency leadership within 45 calendar days of assignment of the investigation to a designated investigator.

Your agency head may grant an extension past 45 calendar days if there are extenuating circumstances.

A final determination based on the investigative report will be made by your agency within 21 calendar days of the report of findings being issued.

Human Resources, in cooperation with Agency leadership, will determine any necessary actions to be taken and you will be informed.

If the complaint is determined to be credible, the actions may be corrective or disciplinary in nature.



Agency / OIG
Investigation



Agency
Decision



The corrective or disciplinary action will be based on the severity of the violation of policy, up to and including termination of employment.

As the supervisor or manager, you may play a role in carrying out the action. This is determined by your agency.



Consequences of Improper Handling

It is important that you, as the supervisor or manager, handle complaints and reports of sexual harassment and retaliation properly from receipt of the complaint or report through resolution.



First and foremost, not responding properly when a complainant initially attempts to notify you of sexual harassment or retaliation allows the destructive behavior to continue to do harm. It will continue to:

- Erode morale
- Reduce Productivity and
- Increase the likelihood of legal action



Investigative entities like the EEOC consider how quickly the agency begins to address complaints and reports of sexual harassment and retaliation.

If an agency is slow to investigate or does not follow the established process to address complaints and reports, the agency is more likely to suffer sanctions.



As a supervisor or manager, you may be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue.

You will also be subject to discipline for engaging in any retaliation against the complainant or anyone participating in the investigation.



Thank You for Your Contribution

As Governor Brian Kemp stated at the beginning of this course, as a manager, you hold a special responsibility to ensure a safe, harassment-free workplace. He has set a high standard for workplace conduct in Georgia, and you, as a manager or supervisor, are key to maintaining a positive work environment.



Through your example and leadership, you will contribute to making a Georgia a wonderful place to live and work.