

## Excuses Don't Fly When It Comes to Sexual Harassment



### Scenario #1—The Golden Years Sexual Harasser

Yesterday afternoon, Rosa, the new Banquet Manager at Zzzz-Time Hotel, went into the Human Resources office to file a sexual harassment complaint. She told Blake, the HR Director, that Jorge, one of her Banquet Servers, had made some inappropriate comments about her.

According to Rosa, since she began working at the hotel 4 weeks ago, Jorge had made the following comments:

- On her first day of work, before Jorge knew who she was, he came up to Rosa and told her that when he saw her walk into the hotel, he thought to himself how beautiful she was, how good she looked, and what a great body she had, despite her age.
- Jorge constantly referred to Rosa as “*mi salvacion*” (“my salvation”) because she had fixed some work-related problems Jorge was having.
- Two days prior, Jorge was walking behind her with another coworker and Jorge started talking about Rosa and comparing her to his daughter. He made comments about how much Rosa looked like his daughter, how beautiful they were, that they had a similar body, that they even walked similarly, and had the same backside. He continued on about how generous their backsides were, and that his daughter’s was hereditary and she got it from her mother’s side of the family.

Rosa told Blake that the comments were innocent and did not warrant disciplinary action because Jorge was 66 years old and did not mean anything by it. She just wanted the comments to stop because it was inappropriate for him to be talking about his manager in that manner.

Blake talked to Jorge about the complaint and he admitted to making those comments. However, he apologized and said he did not intend to offend anyone. Due to Jorge’s obvious remorse and Rosa’s request, Blake was leaning towards not disciplining Jorge and, instead, simply documenting the conversation.

Luckily, Blake called an HR Professional before taking further action. The HR Professional reminded Blake that comments of that nature, regardless of the speaker’s intent constituted potential sexual harassment and that she had an obligation to eliminate such conduct in the workplace. After listening to the HR Professional’s explanation, Blake understood that Jorge’s comments exposed the company to a sexual harassment claim and she agreed that more serious action must be taken. As a result, Jorge was terminated.

### Scenario #2—The Gay Sexual Harasser

Brandon is a charismatic hair stylist at We-B-Stylin’ Salon. He is the only male employee at the salon and is well liked by all the other stylists.

Brandon often compliments his female coworkers on their appearance. It is not uncommon for Brandon to make comments like “Girl, that shirt makes your boobs look fabulous!” and “Ooh, girl! Your booty looks slammin’ in those jeans!” The other stylists don't mind because Brandon is gay, so they know he doesn't mean anything by the comments.

This morning, Tara, the salon owner, came into the salon and heard Brandon making those comments. Tara was shocked by the comments and asked her female employees about the comments. The other stylists laughed and said, “Oh, that's just Brandon. He's just one of us girls.”

Tara thought there must be something she should do to address Brandon's behavior, so she called an HR Professional for guidance. The HR Professional reassured Tara that she was not overreacting and agreed that this type of conduct could not be ignored. The HR Professional explained that even though the speaker was gay, his sexual orientation is not license to make sexually harassing comments. Moreover, even though the current staff had no complaints about the comments, it was important that this behavior be addressed with the entire staff.

Armed with the HR Professional's advice, Tara spoke with Brandon and explained to him why such comments were inappropriate for the workplace and issued a final written warning. In addition, Tara required the entire staff (Brandon included) to undergo sexual harassment training by using the online training programs available through her HR Risk Management Program.