



**South Carolina  
Association of Counties**

**ANTI-HARASSMENT: THE OBVIOUS  
AND THE NOT SO OBVIOUS**

**Webcast Training  
September 20, 2012 • Columbia, SC**

*"Building Stronger Counties for Tomorrow"*

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**Unlawful Harassment**

Unlawful harassment is verbal, nonverbal, or physical conduct that denigrates, belittles, or puts down an individual or shows hostility, distaste, or aversion toward an individual based on his/her:

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- Race
- Color
- National Origin
- Religion
- Gender
- Disability
- Age
- Participation in protected activity

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- To be unlawful, conduct must be unwelcome *and*:
  - submission to the conduct is made a term or condition of employment; or
  - submission to or rejection of conduct is used as the basis for employment; or
  - conduct has the purpose or effect of interfering with an individual's performance or creates an intimidating, offensive, or hostile work environment

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- Legal Issue**
- Problem – determining whether behavior is unwelcome
  - Solution – Any conduct which would violate the policy *if* unwelcome, violates the policy.
    - “No tolerance”

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- Practical Issue**
- Practical Problem
- Conduct might seem harmless to one person but may not be harmless to others
  - The fact that conduct is culturally or socially acceptable outside the workplace does not make it acceptable in the workplace

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Unlawful Harassment

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Race

Harassment based on race focuses on characteristics that may be associated with that race – such as facial features, hair texture, or skin color or complexion. Also includes actions deemed offensive by persons of another race.

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Color

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National Origin  
Harassment based on ethnicity

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Religion  
Harassment based upon a person's religious beliefs or religious practices, or lack thereof.

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Disability  
Harassment based upon an employee's mental or physical impairment, record of impairment, or perceived impairment.

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Age

Harassment based upon characteristics of persons 40 or older

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Gender

Harassment based upon an employee's gender , that is, the fact that someone is male or female.

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Sexual Harassment

Quid Pro Quo

Hostile Environment

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Participation in Protected Activity --  
Retaliation

– Standard

- Old – adverse employment action
- New – was retaliatory act “materially adverse”

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Management Responsibility

Own Conduct – do not harass

- Bad judgment – can affect your career
- Legal trouble for County – can end career
- Personal liability

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**RULE:** Do not say, send, or do anything that you would not say, send, or do in front of your parents, spouse, or children or that you do not want to see on the front page of the newspaper, or on television, or on You Tube

If you have to ask yourself, “should I?”– *don't*

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"Consensual" relationships

- Morale problems w/other employees
- Employee will later claim "not" consensual"
- Best Practice – no personal relationships with subordinates

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**Management Responsibility**

Conduct of Others –co-workers, vendors, the public

"Know or have reason to know"

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RULE: Take all complaints seriously and investigate promptly, preferably through Human Resources

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## Finally

There is no guaranteed way to eliminate or prevent harassment in the workplace. Laws alone will not keep some people from behaving disrespectfully towards those who are different from them. You can minimize the likelihood of claims if you:

- Learn to recognize harassment
- Respond to harassment (reported or observed) quickly, decisively, and fairly

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