Sexual Harassment Case Scenarios

Running Time: 1½ hours  
Materials: Flipchart and flipchart stand/chalkboard, markers;  
Handout: Case Scenarios 1-9  
Target Audience: can be used for awareness-raising with various audiences/participants

This session is best conducted after the session “What is Sexual Harassment?” has been presented.

Introduction

Facilitator: During this session we will examine various “real life” scenarios to further explore and better understand what constitutes sexual harassment.

Learning Objectives:

Facilitator: At the end of this session, participants will be able to:

- Increase their knowledge of sexual harassment.
- Clarify further the definition of sexual harassment.
- Distinguish between “quid pro quo” and “hostile work environment” sexual harassment.

Activity 1: Is This Sexual Harassment?

1. Facilitator introduces the exercise, highlighting the following ideas:

   - Applying international, regional and national standards (e.g. European Union, USA, Canada), there are four factors used to determine whether or not sexual harassment has occurred in the workplace:
     - Was the conduct sexual in nature or related to sex?
     - Was the conduct unwelcome, unwanted, humiliating, offensive or a violation of dignity?
     - Was the submission or rejection of the conduct tied to an employment action or condition of employment or was the conduct severe or pervasive enough to create a hostile working environment?
     - The focus of this session is to give you a working knowledge of sexual harassment as it is defined under international and regional law.

   - If you have not conducted “What is Sexual Harassment?” session, present the definitions of sexual harassment as explained in Activity 1, points 3 and 4 of that session before proceeding.

2. Facilitator asks participants to form small groups of 4-5 and gives them the following assignment:

   - In a minute I will distribute an actual case scenario to each group.
   - Read the scenario, discuss it, and decide whether it constitutes sexual harassment based on your understanding of the definition we have previously discussed
   - Use the 4 legal questions presented a few minutes ago as a guideline.
   - Write the questions on a flipchart sheet so participants can refer to them.
• Describe why your group decided the scenario did or did not constitute sexual harassment and record your conclusions on a flipchart sheet.

• You will have 10 – 15 minutes for this task, after which you will report your decision to the entire group.

3. Facilitator distributes a different scenario from Handout: Case Scenarios to each group and allows participants 10 – 15 minutes to complete the task.

✓ As participants work on the task, move from group to group and help clarify their task. Do not, however, give them the correct answers.

4. Presenter reconvenes the entire group and has each small group report their results using the following process:

• Ask a representative from the group with Scenario 1 to read their scenario so everyone understands the situation.
  
  ❖ It is advisable to distribute copies of Scenario 1 to all participants at this time.

• Ask another participant from the same group to display his or her group’s flipchart sheet and explain how they arrived at their conclusion. Other participants from that group should feel free to add points of clarification whenever necessary.

• Allow participants from the observing groups to ask the presenting group questions about their conclusion.

• Lead a brief discussion about the group’s conclusion, using the case scenario answers from the Answers page to guide the participants.

• Repeat the process until each group has reported its conclusions and thank all the participants for their hard work.

Summary and Closing:
Facilitator closes by reiterating that sexual harassment is unwelcome and unwanted conduct related to sex or of a sexual nature. The submission to or rejection of this conduct may be used as a basis for making employment decisions concerning the target of the conduct, or such conduct may interfere with an employee’s work performance or create an intimidating hostile or offensive work environment for the employee.

Questions and Comments:
Facilitator should end the session by asking if there are remaining questions or comments related to this material. Keeping track of feedback will allow the facilitator to make useful changes to future presentations.

Variations
• An alternative to forming small groups, especially in the case of time pressure, is reading the case scenarios and leading a discussion in the entire group.
Case Scenario 1

While at work, Nina frequently makes personal phone calls to her friends. Her conversations are loud and generously sprinkled with foul and obscene language. Her co-workers in nearby cubicles cannot help but overhear her conversations.

Can Nina’s behavior be interpreted as sexually harassing?
If no, explain why not.
If yes, explain why.

Adapted from: Preventing Sexual Harassment, New Media Leaning. Provided with the compliments of Personnel Dynamics, Inc. Available from http://www.personndynamics.com/sh_non/115.htm

Case Scenario 2

Mihai persists in asking his co-worker Maria out to dinner, even though she turns him down each and every time he requests a date. She has told him several times to stop asking.

Mihai’s behavior does not constitute sexual harassment, because sexual harassment may only occur between a male boss and a female subordinate.

True or False? Explain why.

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Case Scenario 3

Alexander frequently tells off-color jokes during team meetings. Lilia is very offended. She doesn't think Alexander's jokes are so funny. Alexander's behavior is not sexual harassment because his jokes are all in fun, and he does not intend to sexually harass anyone.

True or False? Explain why.

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Case Scenario 4

Suzanna and Haik enjoy a great working relationship and just recently have started dating. They can't seem to get enough of each other. They take breaks and lunch together and are often seen flirting at the copy machine. They are clearly infatuated with each other.

Romance has no place at work. This couple’s behavior is clearly at risk for sexual harassment

True or False? Explain why.

Adapted from: Preventing Sexual Harassment, New Media Leaning. Provided with the compliments of Personnel Dynamics, Inc. Available from http://www.personndynamics.com/sh_non/115.htm
Case Scenario 5

Timur and Olga, advertising sales executives, travel together on a week-long business trip. In the taxi ride from the airport to the hotel, Timur snuggles up to Olga and tries to hold her hand. Olga strongly objects, and Timur backs off.

While Olga finds Timur’s behavior offensive and unwelcome, the regulations regarding sexual harassment in the workplace are not relevant, since Timur and Olga were not at their usual workplace when the incident happened.

True or False? Explain why.

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Available from [http://www.personnedynamics.com/sh_non/115.htm](http://www.personnedynamics.com/sh_non/115.htm)

Case Scenario 6

Anton is a Vice President of Marketing at EZ Interactive Company and has hired Rosa, just out of graduate school, as his assistant. Some time after Rosa started working at the company, Anton tells her that the only way she can keep her job at EZ Interactive is by having sex with him. Rosa refuses and is fired a few months later for no reason.

Rosa is the target of sexual harassment.

True or False?

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Available from [http://www.personnedynamics.com/sh_non/115.htm](http://www.personnedynamics.com/sh_non/115.htm)

Additional Case Scenarios

Case Scenario 7

Andrei: Well let’s see, next order of business for the meeting here today is the new hire, Rita. She is hot. I just hired her a couple days ago. Have you guys checked this out yet?

Mark: Yeah, good job Andrei. She has the longest legs I’ve ever seen.

Elena: In reviewing Rita’s application, and as personnel supervisor, I see that I hired her for her computer skills, and her typing speed, and not her appearance or body measurements.

A.: Elena we realize that. All we’re saying is she’s a qualified individual but she just happens to look very nice and we’re commenting on that.

M.: I don't see any harm in that and I, for one, look forward to seeing her on a daily basis.

E.: Why are you guys talking about her as if she is a piece of furniture or a decoration? What on earth does what she looks like got to do with how she’s going to work for this company?

A.&M. Well, we’re just a bunch of guys, I mean it’s normal guy stuff. Men talk about these things, as do women sometimes.

What do you think? Are comments made about Rita sexual harassment or “guys being guys”? Explain and discuss your answer.

Adapted from: Sexual Harassment CD-ROM series: Objectionable Actions? An Interactive Look at sexual Harassment Situations, Cambridge Educational, 1997
Case Scenario 8

Victor: Well I think that the group meeting went pretty well?
Lana: Good, so did I.
V: You know, you really ought to wear that outfit to every group meeting. It was a big hit. And that perfume again? Terrific!
L: Victor stop it!
V: What do you mean?
L: I don't want you making comments like that about my appearance or my personal life. That's off limits.
V: Well lighten up. How was I supposed to know? You never said anything about this before.
L: I tried to. But you didn't take a hint. So now I'm telling you; I want it to stop. It makes me feel uncomfortable.
V: Can't you take a compliment?
L: I want you to stop talking to me this way. Your comments have made me feel uncomfortable. Don't do it again.
V: Fine. If that's the way you want it.

Are Victor's comments to his co-worker out of line? Out of line for the work environment? Out of line for this co-worker? Explain and discuss.

Adapted from Sexual Harassment CD-ROM series: Objectionable Actions? An Interactive Look at sexual Harassment Situations, Cambridge Educational, 1997

Case Scenario 9

Maria has returned from maternity leave and needs to leave work promptly at 5:00 to pick up her child at child care. Her boss is not happy about her early departure, but makes it clear to her that if she does something “extra” for him, it will be okay. It is clear to Maria that something extra means something sexual and she is very uncomfortable with the situation. Do you think the boss's behavior constitutes sexual harassment? Explain your answer.

Suggested Answers to Case Scenarios 1-6:

Case Scenario 1:
Harassment in the workplace does not have to be directed at a particular individual. Nina’s co-workers may view her behavior as offensive and unwelcome. They may believe that the behavior creates for them a hostile work environment, even though she is not speaking directly to them.

Case Scenario 2:
False. Although harassment frequently involves power relationships, sexual harassment may occur between any co-workers and may not necessarily affect a reporting relationship.

If Maria finds Mihai’s requests unwelcome and if he persists in asking her out in spite of her clear statement that she does not want to date him, his behavior may constitute prohibited sexual harassment.

Case Scenario 3:
False. Sexual harassment may occur even if the harasser does not intend the conduct to be offensive. Sexual harassment occurs when it has an impact on the work environment or employment status of a co-worker. Alexander may not intend to offend or harass any of his co-workers, but the impact of his behavior on his co-workers may nevertheless give rise to a sexual harassment claim.

While one off-color joke will probably not result in a sexual harassment claim, if this type of behavior pervades the working environment, chances are some workers will find it offensive and unwelcome.

In the countries like the United States, Canada where sexual harassment is prohibited, and soon in all Member States of the European Union, Alexander’s management would be obligated to keep the workplace free of offensive behavior of a sexual nature or related to sex.

Case Scenario 4:
False. The international, regional and national laws on sexual harassment refer only to non-consensual behavior of a sexual nature or related to sex. This means that at least one of the parties is not willing, does not consent, and does not find the behavior welcome.

Suzanna and Haik have a consensual relationship, so their behavior cannot be construed as sexual harassment.

However, romances may go sour and lead to harassment situations. That’s why some organizations in the United States, Canada and some EU Member States have made policies regarding office romances.

Case Scenario 5:
False. Courts in Europe, the United States and Canada have ruled that sexual harassment can occur both on regular work premises and at work-related sites, including business trip locations, conventions and holiday office parties.

Case Scenario 6:
Anton’s demand to Rosa, “have sex with me or you are fired,” is a clear example of the type of behavior most people recognize as sexual harassment. It represents the type of sexual harassment called “quid pro quo” harassment.

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