

Test Your Sexual Harassment IQ

By Karen Sutherland

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Kenneth Starr's pursuit of the Monica Lewinsky "story" put sexual harassment in the forefront of the news. Besides the "did he or didn't he" and "who's lying?" questions, many people are wondering, "What exactly is sexual harassment, anyway?" The following quiz is taken from sexual harassment in the workplace training materials that I prepared. Take the quiz, and see how your understanding compares with what has been taught to others in the workplace.

Sexual Harassment Quiz

1. What is quid pro quo harassment?

[Answer](#)

2. What is a hostile work environment?

[Answer](#)

3. If a male manager always pats the male employees on the backside for good work, could this be sexual harassment?

[Answer](#)

4. Is telling a co-worker that he or she looks nice sexual harassment?

[Answer](#)

5. Can an employee who has made a sexual harassment complaint be terminated or disciplined for making the complaint?

[Answer](#)

6. Can someone who has made a sexual harassment complaint be terminated or disciplined for an unrelated reason?

[Answer](#)

7. If a co-worker tells me a dirty joke, should I respond with a dirty joke of my own?

[Answer](#)

8. What should I do if a vendor or customer won't keep her hands off of me?

[Answer](#)

Answers:

1. Put bluntly, subjection to sexual requests or participation in sexual conduct in order to get or keep a job, or to be promoted, get a raise, be assigned good shifts, etc. The gist of quid pro quo harassment is that someone in power is using that power to take sexual advantage of a lower level employee.
2. A sexually charged work environment that is so bad as to be severe or pervasive and affect the employee's ability to do his or her job. Overly sensitive employees are not protected, though - the standard applied is one of a "reasonable" woman or man who has been subjected to the same environment.
3. It could - depending on the context. Professional baseball players do this fairly often, without any sexual connotations. It would be unusual behavior (perhaps with a sexual undertone) in other work environments. Overall, it is best to avoid ambiguous behavior because it could be misinterpreted. And, yes, same sex sexual harassment is illegal, as long as the harassment is because of the person's sex (as opposed to being on account of sheer meanness or some other reason).
4. It could - depending on context. "Nice blouse," for example, has a different connotation than "gee, you fill that blouse out nicely." An occasional comment when someone changes their looks or wears something new will be interpreted differently than daily commentary on someone's appearance. It's a matter of degree. If you're not sure, or if you would be offended by someone making the comment to your daughter or mother, don't say it.
5. This would be illegal. Federal law (and the law of most states, like Washington State, where I practice) forbids retaliation for making a harassment claim. If you deliberately made a false claim, though, that's a different story.
6. Yes.
7. No. You could be on the way to creating a hostile work environment for other employees who do not like dirty jokes.
8. The laws against harassment require an employer to try to protect employees from harassment by customers and vendors in addition to protecting employees from harassment by other employees. Obviously, the employer cannot fire or discipline a vendor or a customer, but the employer could caution them not to engage in the behavior, ban them from the workplace (bars do this by "86'ing" guests) or, in the case of a vendor, telling the vendor's employer to stop the conduct or for the vendor to send a different person to make the delivery or sale.

Scoring:

If you missed more than two questions, you should stop getting your sexual harassment training from the media and consider workplace harassment training. The training itself takes 2-4 hours, and most of the people trained have been pleasantly surprised. (Many have even said it was fun!) The training materials are tailored to the specific industry or workplace, and also cover discrimination. Costs range from \$1500 to \$2500, plus travel, if any.

For more details, call Karen Sutherland at 206.447.7000 or email her at ksutherland@omwlaw.com.

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