



IN-HOME SUPPORTIVE SERVICES (IHSS) RECIPIENT'S RESPONSIBILITY TO STOP SEXUAL HARASSMENT IN THE WORKPLACE

As the IHSS employer, it is your responsibility to keep the workplace safe. You may be sued by your provider/employee if you allow sexual harassment to occur in the workplace.

WHAT IS SEXUAL HARASSMENT?

There are two types of Sexual Harassment:

“Quid pro quo” (Latin for “this for that”) sexual harassment is when someone makes an employee put up with or accept sexual advances or other sexual behaviors in order to gain or keep a job or gain any other work benefit.

“Hostile work environment” sexual harassment occurs when unwelcome comments or behavior based on sex interferes with an employee’s work or creates a very uncomfortable, unfriendly, or upsetting work environment. The employee may experience sexual harassment even if the rude and unwelcome conduct was not aimed directly at them.

Sexual harassment behaviors include but are not limited to:

- Unwanted sexual attention;
- Offering benefits in exchange for sexual favors;
- Threatening to do something to get even with a person after receiving a negative response to sexual attention;
- Staring that makes the person being looked at uncomfortable; sexual movements with the body; or displaying objects, pictures, cartoons, or posters that make a person think of sex;
- Insulting or rude comments about sex;
- Rude name calling, slurs, or jokes that are about sex;
- Sexual words, comments, messages or invitations that make a person feel uncomfortable;
- Unwanted physical touching or assault; or
- Stopping or blocking a person’s movements.

Harassment does not have to be of a sexual nature and can include rude and hurtful remarks about a person's sex or gender. For example, it is illegal to harass a woman by making rude comments about women in general.

Both the victim and the harasser can be either a woman or a man, and the victim and harasser can be the same sex/gender.

HOW CAN I AVOID SEXUAL HARASSMENT IN THE WORKPLACE?

As an IHSS employer you must do everything you can to make the work place (your home) free from sexual harassment. Here are some tips that you can use to make sure you or someone in your home are not sexually harassing your provider/employee.

Observe

- Be aware of sexual-harassment behaviors or incidents and do not do them;
- Be sensitive to individuals who may be upset by the verbal and non-verbal behavior of others;
- Be aware of forms of sexual harassment that are not easily noticed such as staring or unnecessary touching; and
- Watch for the way others in the home act/ behave and do not do anything that may have a negative effect on the way you communicate with others.

Examine

- Pay attention to the response of others in order to avoid accidentally doing something they would find upsetting;
- Do not automatically think that anyone would enjoy or want to hear sexual jokes or sexual comments about their appearance;
- Do not automatically think that anyone would enjoy or want to be touched, stared at, flirted with, asked on dates or asked for sexual favors;
- Ask yourself if what you are saying or doing might have a negative effect on other people's feelings;
- Examine your behaviors, body language, and comments. Ask yourself, "Could I unknowingly be encouraging sexual feelings or conversations by the way I communicate?"
- Do not take sexual harassment lightly. If you think your provider/employee is being sexually harassed by an individual or a group, do not accept it as a joke. Do not encourage the harasser by smiling or laughing at his/her jokes. Let the harasser know that their behavior is not acceptable. If the behavior persists,

make sure to keep the harasser out of the workplace (home) when the provider/employee is present.

WHAT DO I DO IF SEXUAL HARASSMENT IS OCCURRING IN THE WORKPLACE (MY HOME)?

Resolve

- Change your behavior or tell the harasser that their behavior is upsetting and makes the workplace uncomfortable.
- Identify your behaviors or tell the harasser what behaviors (gestures, physical or verbal) are upsetting.
- Stop the sexual harassment right away. As the IHSS employer, it is your responsibility to keep the workplace safe.
- You may be sued by your provider/employee if you allow sexual harassment to occur in the workplace.
- Continued harassment by you as the employer, another individual, or a group may lead to your provider quitting and no longer working for you.
- Continued harassment by you as the employer, another individual, or a group may lead to involvement of the Department of Fair Employment and Housing (DFEH) or local law enforcement if the provider feels that they may be harmed or are at-risk.
- For more information on sexual harassment prevention please visit the DFEH website at: www.dfeh.ca.gov/resources/frequently-asked-questions/employment-faqs/sexual-harassment-faqs/