

# **NEW YORK STATE Sexual Harassment Prevention Training**

**October 2018 Edition**



**Combating  
Sexual Harassment**

# Introduction



# Sexual Harassment in the Workplace



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# Sexual Harassment in the Workplace

Sexual harassment will not be tolerated.

Today's training will:

- Help you better understand what is considered sexual harassment
- Show you how to report sexual harassment
- Show you external reporting options



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# What is Sexual Harassment?

## Sexual harassment:

- Is a form of sex discrimination and is unlawful
- Includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender.



# What is Sexual Harassment?

It includes unwelcome conduct, either of a sexual nature or which is directed at an individual because of that individual's sex when:

- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment;
- Such conduct is made either explicitly or implicitly a term or condition of employment; or
- Submission to or rejection of such conduct is used as the basis for employment decisions.

# Hostile Environment

Sexual or discriminatory displays or publications  
anywhere in the workplace

Hostile actions taken against an individual because of  
that individual's sex



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## Quid Pro Quo Sexual Harassment

Occurs when a person in authority trades, or tries to trade, job benefits for sexual favors.

Occurs between an employee and someone with authority, who has the ability to grant or withhold job benefits.





## Who can be the Target?

Sexual harassment can occur between any individuals, regardless of their sex or gender.

The law protects employees, paid or unpaid interns, and non-employees who work in the workplace.



# Who can be the Perpetrator?

Anyone in the workplace:

- A coworker
- A supervisor or manager
- Any third-party (non-employee, intern, vendor, customer, etc.)



# Where Can Workplace Sexual Harassment Occur?

Whenever and wherever employees are fulfilling their work responsibilities, including:

- Employer-sponsored events
- Conferences
- Office parties
- Off-site or during non-work hours



## Sex Stereotyping

Harassing a person because that person does not conform to gender stereotypes is sexual harassment.

Harassment because someone is performing a job that is usually or was previously performed mostly by persons of a different sex is sex discrimination.





# Retaliation



# Protected Activities

Any employee engaged in “protected activity” is protected by law from being retaliated against.

Protected activities include:

- Making a complaint about harassment or suspected harassment
- Providing information during an investigation
- Testifying in connection with complaint



# What is Retaliation?

Any action to alter an employee's terms and conditions of employment *because* that individual engaged in protected activities.

## Examples:

- Sudden change in work schedule or work location
- Demotion



## What is Not Retaliation

A negative employment action is not retaliatory merely because it occurs after the employee engages in protected activity.





# Supervisor's Responsibility



# The Supervisor's Responsibility

Supervisors and managers are held to a high standard of behavior. They are:

- Required to report any harassment reported to them or which they observe.
- Responsible for any harassment or discrimination they should have known about.
- Expected to model appropriate behavior.



# Mandatory Reporting

Supervisors must report any harassment that they observe or know of, even if no one is objecting to it.

- Harassment must be promptly reported to the employer.
- Supervisors and managers will be subject to discipline for failing to report suspected sexual harassment.
- Supervisors and managers will also be subject to discipline for engaging in retaliation.



# What Should I Do If I Am Harassed?





# What Should I Do If I Am Harassed?

We will provide you with a complaint form to report harassment and file complaints. Submit it to:

**Paul J. Winnie, President**  
**ARCON Construction & Management Services, Inc.**  
**8 Railroad Avenue, Albany NY 12205**

Sexual Harrassment Complaint Written Forms can be found at Main Office

**You may also make reports verbally.**

## **What Should I Do If I Witness Sexual Harassment?**

**Anyone who witnesses or becomes aware of potential instances of sexual harassment should report it to a supervisor, manager or designee.**

**It is unlawful for an employer to retaliate against you for reporting suspected sexual harassment or assisting in any investigation.**

## Investigation and Corrective Action

- Anyone who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action.
- An investigation of any complaint should be commenced immediately and completed as soon as possible.
- The investigation will be kept confidential to the extent possible.
- Any employee may be required to cooperate as needed in an investigation.





## Investigation Process

- **Paul J. Winnie, President of ARCON** will conduct an immediate review of the allegations, and take any interim actions
- Relevant documents, emails or phone records will be requested, preserved and obtained.
- Interviews will be conducted
- The individual who complained and the individual(s) accused of sexual harassment are notified of final determination and that appropriate administrative action has been taken.



# Additional Protections and Remedies



# NYS Division of Human Rights (DHR)

A complaint alleging violation of the Human Rights Law may be filed either with DHR or in NYS Supreme Court.

- Complaints may be filed with DHR any time **within one year** of the alleged sexual harassment.
- You do not need to have an attorney to file.
- More information: [www.DHR.ny.gov](http://www.DHR.ny.gov)



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# United States Equal Employment Opportunity Commission (EEOC)

- An individual can file a complaint with the EEOC anytime **within 300 days** from the alleged sexual harassment.
- You do not need to have an attorney to file.
- A complaint must be filed with the EEOC before you can file in federal court.
- More information: [www.EEOC.gov](http://www.EEOC.gov).



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## Local Protections

Many localities enforce laws protecting individuals from sexual harassment and discrimination.

- Contact your county, city or town to find out if laws exist.

Harassment may constitute a crime if it involves things like physical touching, coerced physical confinement or coerced sex acts.

- Contact the local police department.



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# Summary



## Other Types of Workplace Harassment

Any harassment or discrimination based on a protected characteristic is prohibited in the workplace and may lead to disciplinary action against the perpetrator.

- Age, race, creed, color, national origin, sexual orientation, military status, sex, disability, marital status, domestic violence victim status, gender identity and criminal history.

**Much of the information presented in this training applies to all types of workplace harassment.**

## Summary

- How to recognize harassment as inappropriate behavior.
- Harassment because of any protected characteristic is prohibited.
- Why workplace harassment is employment discrimination.
- All harassment should be reported.
- Supervisors and managers have a special responsibility to report harassment.



# Important Resources

## Find the Complaint Form:

ARCON Construction & Management Services, Inc.  
8 Railroad Avenue, Albany NY 12205

## For additional information, visit:

[www.ny.gov/programs/combating-sexual-harassment-workplace](http://www.ny.gov/programs/combating-sexual-harassment-workplace)



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## Paul Winnie

**From:** National Tank Outlet <sales@ntotank.com>  
**Sent:** Tuesday, October 09, 2018 10:38 AM  
**To:** Paul Winnie  
**Subject:** National Tank Outlet: New Order # R41330

## NATIONAL TANK OUTLET

Hello, Paul Winnie

Thank you for your order from National Tank Outlet. Once your package ships we will send an email with a link to track your order.

For customer pickups we will email you a pickup number when your order is ready. Please do not go to the plant without the pickup number.

If you have any questions about your order please contact us at [sales@ntotank.com](mailto:sales@ntotank.com) or call us at (888) 686-8265 Monday - Friday, 8am - 5pm PST.

Your order confirmation is below. Thank you again for your business.

Please review our [Shipping Policy](#) before you receive your order.

Your Order #R41330 (placed on October 9, 2018 9:37:32 AM CDT)

### Billing Information:

Paul Winnie  
Creek Locks Mobile Home Park, LLC  
220 Crow Hill Road  
Delanson, New York, 12205  
United States  
T: 518-895-8506

### Payment Method:

#### Credit or Debit Card

Credit Card Type  
American Express  
Credit Card Number  
xxxx-2008

### Shipping Information:

Paul Winnie  
Creek Locks Mobile Home Park, LLC  
8 Railroad Avenue  
Albany, New York, 12205  
United States  
T: 518-459-1128

### Shipping Method:

Norwesco - Sheldon - IA : Shipping Rate - Standard (7-10 Business Days) \$93.07  
Delivery Date :

| Item                                                                                       | MPN   | Qty | Subtotal |
|--------------------------------------------------------------------------------------------|-------|-----|----------|
| 10 Gallon Vertical Storage Tank<br>Outlet Fitting Options<br>3/4" Outlet Fitting Installed | 44844 | 2   | \$99.98  |
| Subtotal                                                                                   |       |     | \$99.98  |

Shipping & Handling

\$93.07

**Grand Total**

**\$193.05**

**COMMENTS:**

Thank you again, National Tank Outlet