

IN-HOME SUPPORTIVE SERVICES (IHSS) PROVIDER'S RIGHT TO FILE A SEXUAL HARASSMENT COMPLAINT

You have a right to be free from sexual harassment in the workplace. As your employer, it is the IHSS recipient's responsibility to keep the workplace free from sexual harassment.

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 you 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 your work or creates a very uncomfortable, unfriendly, or upsetting work environment. You may experience sexual harassment even if the rude and unwelcome conduct was not aimed directly at you.

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 any sex, gender, or gender identity, and the victim and harasser can be the same sex/gender.

HOW CAN I AVOID SEXUAL HARASSMENT IN THE WORKPLACE?

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 you are being sexually harassed by an individual or a group, do not accept it as a joke. Do not encourage the harasser by smiling, laughing at their jokes, or flirting back. Let the harasser know that you do not enjoy and do not want this type of attention.

WHAT DO I DO IF I AM BEING SEXUALLY HARASSED?

Confront

- Write down what happened whenever you have been sexually harassed. Write down as much detail as you can. Know the exact date it happened, as well as the time, location, and person/persons involved.

- If possible, tell the harasser that they are bothering you right away. Using your detailed notes, tell them that you find that type of attention upsetting.
- If possible, tell the harasser that their behavior upsets you and makes you uncomfortable;
- If possible, tell the harasser what behaviors (gestures, physical or verbal) you find upsetting;
- Consider writing a letter to the harasser and keep a copy for yourself.
- If you feel that the sexual harassment behavior places your safety at risk, leave the workplace and call 911 or local law enforcement immediately.

Resolve

- If you cannot resolve your problem with your employer/recipient, you may inform the county that you no longer wish to be a provider for that recipient.
- You may also seek out new employment by registering with the IHSS Public Authority registry in your county. The provider registry may be able to connect you with new recipients who need a provider.
- You may also make a complaint to the Civil Rights Department (CRD) by calling the Contact Center at 800-884-1684 (voice), 800-700-2320 (TTY) or California's Relay Service at 711. You may also submit a complaint form on-line by visiting the CRD website.
- For more information on sexual harassment prevention please refer to CDR.