



RD 920 – 564002281

Harassment in the Workplace

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Pat Trombello, Author

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RD 920 Harassment in the Workplace

(3 hour Elective)



What is harassment?

The Merriam-Webster Dictionary defines harassment as:

- 1.) To persistently annoy
- 2.) To create an unpleasant or hostile situation especially by uninvited and unwelcome verbal or physical contact.

But, what does this really mean?

The US Equal Opportunity Employment Commissions defines harassment as the unlawful discriminatory conduct based on a person's membership in a protected class which has the intentional or unintentional effect of interfering with a person's work, or creates an intimidating and hostile workplace environment.

As a reminder, the federally protected classes are: race, color, religion, national origin, sex, familial status, and disability. Both state and local governments may have additional protected classes in their legislation.

In addition to the federally protected class, the State of Illinois adds the following additional twelve (12) protected classes:

- Marital status
- Age (over 40 years)
- Ancestry
- Perceived disability
- Sexual orientation
- Citizenship status
- Military status
- Unfavorable military discharge
- Gender identity
- Victims of domestic violence
- Order of protection status
- Arrest record

In fact, Cook County, Illinois has legislation that includes Housing Choice voucher holders as a locally protected class.

What are the types of harassment?

The US Department of labor has defined two (2) specific types of harassment as follows:

- Quid Pro Quo
- Hostile Work Environment

Quid Pro Quo Harassment

Quid Pro Quo Harassment is Latin for “Something for Something”, or in terms of workplace harassment “This for That”. This type of harassment is most often committed by someone who can make, or recommend formal employment decisions such as termination, demotion, or denial of promotion that affect the victim.

Let’s look at a few examples and decide if you believe these situations constitute Quid Pro Quo Harassment.

1. Windy Hill Apartments - Brad

Brad is the new Assistant Property Manager at Windy Hill Apartments, and assists in managing a 3 person leasing team. Jenny, a Leasing Agent at Windy Hill, receives an email from Brad saying he would like to get to know her better and would like to take her out to dinner.

Jenny isn’t interested and doesn’t respond to Brad’s email.

Brad ceases all communication with Jenny. He schedules weekly leasing meetings on Jenny’s day off so that she is not informed of changes in property policy, and as a result, Jenny receives written warnings from the Property Manager for not following policies.

Is this Quid Pro Quo Harassment?

The answer is yes. First, it should be mentioned that it is inappropriate of Brad, Jenny’s supervisor, to approach her on this topic. Many companies have strict policies that regulate the relationships between supervisors and their employees.

When Jenny does not respond to Brad’s invitation, presumably to date, then Brad excludes her from team meetings. Because Jenny is not attending team meetings, she’s unaware of

any community policy changes. As a result, she receives a written warning from the Property Manager. Remember, Quid Pro Quo Harassment literally means “something for something”, and we can assume that if Jenny had accepted Brad’s invitation, she would have continued to be included in team meetings.

2. ACE Property Management - Mack

Mack is the Regional Property Manager for ACE Property Management. Mack meets monthly with the Property Manager of Blue Oaks Apartments, Becky. In their monthly meeting, Becky and Mack discuss downsizing the office staff from 3 Leasing Agents to 2.

Maria, a Leasing Agent, is quiet and introverted, and often struggles to meet her leasing goals. Becky suggests terminating Maria. Mack tells Becky not to fire Maria because she’s a minority, and he doesn’t want to be sued for discrimination. Mack recommends terminating John, who is a non-minority. Becky voices her concerns to Mack. Mack tells Becky that if she doesn’t fire John, he’ll fire her.

Is this Quid Pro Quo Harassment?

Yes, this is Quid Pro Quo Harassment. Becky is clearly uncomfortable terminating John, when in her mind, Maria is the under-performing leasing staff member. This situation becomes Quid Pro Quo Harassment when Mack, Becky’s supervisor, tells Becky that she can either fire John, or be fired - “This for That”. And, remember, this type of harassment most commonly occurs between an employee and their supervisor, or someone in a position of power.

Hostile Work Environment Harassment

The US Department of Labor states that Hostile Workplace Environment Harassment occurs from the unwelcome conduct of supervisors, co-workers, customers, contractors, or anyone else who interacts with the victim while on the job. This unwelcome conduct creates a hostile, offensive, or intimidating atmosphere in the workplace.

Hostile Work Environment Harassment can take several forms. For your reference, some examples are listed below:

- Discussing sexual activities
- Telling off-beat or offensive jokes - In general, avoid telling jokes with co-workers. Most jokes play off of a stereotype of characteristic of a certain person or group of people.
- Commenting on someone's physical attributes - As innocent and well intentioned as your comment may seem, it's how the person perceives your comment that matters.
- Displaying sexually suggestive or racially insensitive pictures
- Using indecent gestures - This includes bodily gestures or eye movements. Remember, actions speak volumes!
- Engaging in hostile physical conduct - Bullying
- Sabotaging the victim's work - This means making someone look bad at their job. This is not teamwork!

Consider the following examples - Do they constitute hostile behavior or create a hostile environment?

- Yelling
- Foul Language
- Offensive sexual references
- Threatening stares
- Touching a person's hair
- Tapping someone constantly on the shoulder
- Throwing objects

Yes, they do, but not all harassing workplace behavior is so obvious. What do you think could be some less obvious examples of workplace harassment? Below are some less obvious harassing workplace behaviors, many of which are real life examples.

- Supervisors or co-workers that have no respect for others
- Snide remarks - "Hey, you fill out that sweater nicely."
- Being touched or touching someone else
- Using bad language around other employees
- Cat Calls
- Staring someone up and down suggestively
- Discussing your sex life in front of others
- A tenant who wants you to look at the rash on their stomach.
- Discussing someone's personal hygiene - A person from a different culture asks a co-worker "Why do you wear a different outfit every day? I only change clothes when I shower once per week."

Harassment isn't just what you say or do, it's how those words or actions are perceived by the recipient. Let's continue - below are two case studies. Read each carefully and determine whether or not you think that these situations constitute workplace harassment.

1. La Hacienda Apartments - Frank

Frank, a paraplegic, is a Leasing Agent at La Hacienda Apartments. Tony, the maintenance supervisor, and his staff have knick-named Frank "Wheels". They refer to Frank as "Wheels" over the maintenance radio system, and write his name as "Wheels" on their service tickets.

Frank, however, has told Tony several times that he does not like to be called "Wheels". Tony laughs off Frank's concern

and says it's all in good fun. However, their nickname makes Frank feel uncomfortable and isolated at work.

Is this work environment harassment?

Yes, it absolutely is work environment harassment. Frank takes the correct steps in addressing the harassment by clearly telling Tony that he doesn't like the nickname that Tony and his staff call him, and yet, Tony continues using the nickname. Tony's repeated use of this nickname causes Frank to feel unwelcome and isolated, thus creating a hostile work environment.

2. The Cove Apartments - Alyse and Brent

Alyse and Brent are Leasing Agent's at The Cove Apartments and begin dating. After several months, Brent decides he no longer wants to continue the relationship and breaks up with Alyse.

Alyse wants some closure as to why the relationship ended and proceeds to email Brent, asking if they can meet to discuss the relationship. Brent ignores her email. With no response from Brent, Alyse decides it's best for them both to move on. Brent and Alyse continue a professional working relationship, but no longer have any contact outside of work.

Is this work environment harassment?

No, this does not constitute work environment harassment. Both Alyse and Brent are Leasing Agents, so there's no issue of seniority here. Alyse does approach Brent via email about their relationship, but when she receives no response, she does not pursue him and the two maintain an amicable working relationship.

Now, let's look at work environment harassment from a supervisory point of view. Can you, as a supervisor or manager, be responsible for creating a hostile work environment? Yes, absolutely. Often times, a hostile work environment can stem from a supervisor who lacks communication and team building skills. As a supervisor, you're responsible for enforcing or developing anti-harassment and bullying policies in your workplace. Your ability to do so effectively is crucial to creating a safe and comfortable work environment.

What about as co-workers? Are we responsible for, or affected by, a hostile work environment around each other? Absolutely, we spend more time around our co-workers than we often do at home with our own families. You need to understand and take responsibility for your work environment. Your words and actions towards your co-workers define your work environment. Take ownership of your workplace environment. Make it one where you, and everyone else, want to come to each day!

REVIEW 1

Review the statements below and decide whether each statement is TRUE or FALSE.

Please check your answers on page 15.

1. Harassment is illegal.
2. Harassment can create an intimidating and hostile workplace environment.
3. There are 7 federally protected classes.
4. "Quid Pro Quo" means "this for that".
5. A hostile work environment occurs from unwelcome conduct of employees or supervisors.

6. Sometimes a work environment can be both “hostile” and “illegal”.
7. Unwelcome touching and constant yelling at employees are not considered a hostile environment.
8. Telling offensive jokes is acceptable in the workplace.
9. Displaying sexually suggestive or racially insensitive pictures is acceptable in the workplace.
10. Supervisors are not responsible for creating a hostile environment.

Do's and Don'ts of Workplace Behavior

Today's workplace is a dynamic environment. Your job requires you to interact not only with clients, but with vendors, contractors, delivery persons, and more, all of whom may come from diverse and varying backgrounds and cultures. Below are some examples of workplace verbal and physical actions to avoid.

Verbal behaviors to avoid:

- Referring to another employee as sweetie, honey, babe, or doll
- Whistling, making cat calls, or commenting about someone else's body
- Making fun of someone's religion
- Attempting to convert someone to your religion
- Limiting someone's job opportunities because of their age
- Making offensive comments, or telling offensive jokes about someone as it relates to their protected class.

Visual and physical actions to avoid:

- Mimicry
- Giving gifts with inappropriate intent

- Displaying pictures or items that are offensive to a protected class
- Stalking
- Intentionally brushing up against someone
- Hugging, kissing, or patting
- Touching shoulders, or giving a neck massage

As a general rule of thumb, KEEP YOUR HANDS TO YOURSELF!

How do I know if my behavior is unwelcome, or unwanted?

It's critical to understand that it is the RECIPIENT of your words or actions who determines whether those words or actions are unwelcome or unwanted.

Remember, it's the impact of your words or actions, not your intention, that determines whether or not harassment has occurred. Your intent may not always equal the impact.

What is intention? Intention is a settled direction of the mind toward a certain act (Funk & Wagnall's Dictionary).

- I intend to drive the speed limit.
- I intend to arrive earlier at work.
- I intend to take less sick days.
- I intend to start exercising.

Types of Harassment in Rental Communities

Harassment isn't just between co-workers and supervisors. Harassment can occur between Landlords and Tenants as well. First, we'll take a look at what constitutes Landlord harassment and some examples, followed by Tenant harassment and examples.

Landlord Harassment

We can define Landlord harassment as the creation of an unwelcome, or hostile living environment for one, or more, tenants living in a rental community, created by the property owner, or the property owner's agents.

A Leasing Agent's job can include responsibilities such as enforcing community rules and regulations and collection of rent money, so how do we know if we've crossed the line from doing our job, to harassing our tenants? Below are a few examples of what constitutes harassment by a Landlord.

- Verbal or physical intimidation
- Threatening financial injury to a tenant
- Entering units without proper notification or permission
- Trading rent discounts for sexual favors from tenants
- Withholding standard maintenance requested by a tenant
- Interfering with a tenant's ability to access their unit
- Interfering with a tenant's right to quiet enjoyment

There are less obvious ways that a Landlord can harass a Tenant. Examples can include a Landlord who constantly threatens to not renew a tenant's lease, a Landlord who threatens to have a tenant removed from the property if they don't date them, or excessive visits to a tenant regarding unsubstantiated claims such as violations in lease terms.

To test your understanding, review over the following case study carefully. Does this situation constitute Landlord harassment?

1. Sunny Villa Apartments - Sandra

Sandra is the Assistant Property Manager of Sunny Villa Apartments. Sandra's under a lot of pressure from her Property Manager to reduce the property's delinquencies. And, as a result, Sandra decides she needs to be more forceful in her rent collection methods, especially with tenants who consistently pay late. One tenant, Carmen, consistently pays her rent late. Sandra decides that she needs to collect more aggressively from Carmen in order to meet her new goal.

By the 6th of the month, Carmen has still not paid her rent, and she's officially late. Sandra deliver's a 5 Day Notice to Carmen's apartment. On the 8th of the month, Sandra notices that Carmen still has not paid her rent. Sandra calls Carmen's cellphone. Carmen doesn't answer and Sandra leaves a message asking when Carmen intends to pay her rent.

That same day, Sandra notices that Carmen has submitted a Service Request online. Sandra tells the maintenance staff to ignore Carmen's Service Request, and that Carmen's Service Requests can only be completed once her rent is paid in full.

Does this constitute Landlord harassment?

Yes, this is harassment by the Landlord. It is harassment, and even illegal, to withhold general maintenance to a tenant's residence for non-payment of rent.

Tenant Harassment

Tenant Harassment can be defined as a tenant, or group of tenants, who threaten or attempt to intimidate the office, or

maintenance staff, which interferes with the staff's ability to perform daily tasks and creates a hostile work environment.

Tenant harassment includes, but is not limited to, the following:

- Threatening gestures
- Hitting
- Threats of violence
- Stalking staff or other tenants
- Constantly calling the property management professional at home
- Damaging your vehicle
- Threatening to report you to a local or government agency, such as HUD

As property management professionals, we've all dealt with our fair share of difficult tenants. Tenants that, no matter how much effort we put forth to meet their expectations, are simply never satisfied. So, how do we distinguish between difficult tenants, and tenants that are harassing our office?

The following are unacceptable actions by a tenant:

- Threatening the health, or safety, of anyone on staff
- Verbally harassing someone because of their membership in a protected class
- Writing threatening letters or emails
- Acting in a manner that causes anyone on staff to feel unsafe

Review the two case studies below. Are the tenant's harassing the community office staff?

1. River Park Apartments - Bonnie

Bonnie, a resident of River Park Apartments, believes that the dogs in the neighboring apartments are going to the bathroom in the outdoor, common area courtyard.

She drafts a 2 page email to the Property Manager to express her concerns. The Property Manager conducts a thorough investigation into Bonnie's complaint and contacts Bonnie to explain that they cannot discuss other tenants, but that the issue has been addressed.

Bonnie is unsatisfied with the Property Manager's response. Bonnie searches the courtyard lawn for dog poo, which she photographs as evidence and emails to the Property Manager. The Property Manager receives up to 10 of these emails, daily. In each email, Bonnie threatens to report the community to the City Health Department.

Bonnie also uses the photos to attempt to extort the Property Manager into making improvements to her apartment. She demands painting, new blinds, and new bathroom fixtures in exchange for not contacting the City Health Department.

Does Bonnie's actions constitute harassment?

Yes, Bonnie's actions constitute harassment by a tenant. Not only does Bonnie email blast the Property Manager on the same topic, several times per day, but she threatens to report the community to the City Health Department in an effort to receive upgrades to her apartment.

2. Moving Day - Mike & Sandy

Mike and Sandy Anderson had contacted the Management Office to reserve the freight elevator weeks ago. On their moving

day, they stop into the Community office to complain that someone is using the service elevator they reserved. Dana, a Leasing Agent, calls maintenance and asks them to help the Anderson's get situated with the freight elevator.

A few minutes later, Mrs. Grant from Apartment #409 comes into the Community Office demanding to know why the office won't allow her to use the freight elevator. Dana tells Mrs. Grant that the freight elevator must be reserved in advance for moves, and that Mrs. Grant may resume using the elevator once the other tenant's who reserved the elevator complete their move.

Mrs. Grant tells Dana that either Dana allows her to finish her move, or she'll stab Dana. Mrs. Grant then leaves the office in a frenzy. Concerned about Mrs. Grant's threat, and a potential conflict between tenants, Dana calls the police.

Does Mrs. Grant's behavior constitute harassment?

YES. It is never acceptable for a tenant to threaten the health or safety of anyone on your staff. This is an extremely serious matter and must be dealt with appropriately for everyone's safety.

3. Brookdale Apartments - Louis

Louis, a Leasing Agent at Brookdale Apartments, receives an email from Mr. DiMaggio asking Louis to enter a service request because he feels the water pressure in his shower is too low. Louis enters the service request and responds to Mr. DiMaggio to let him know that maintenance will address the issue within 24-36 hours.

Maintenance replaces Mr. DiMaggio's showerhead. However, Mr. DiMaggio is still unsatisfied with the water pressure. Again, he emails Louis and enters the same service request.

Maintenance investigates Mr. DiMaggio's water pressure and replaces the showerhead a second time. Mr. DiMaggio is still unsatisfied. He sends Louis a third email, stating that he felt he received poor service from Louis and wants to be contacted by the Property Manager. Louis discusses the situation with his Property Manager who reaches out to Mr. DiMaggio to discuss his concerns.

Does Mr. DiMaggio's behavior constitute harassment?

No. While it must be frustrating for Louis to have done his best to resolve Mr. DiMaggio's concerns promptly and professionally, Mr. DiMaggio is simply being difficult by complaining and asking to speak to Louis's supervisor.

Bullying in the Workplace

Workplace bullying, as defined by the Workplace Bullying Institute, is the repeated mistreatment of one, or more than one person, by an individual or group of people, which can take the form of verbal abuse, offensive conduct, or work interference. Let's look at some examples of workplace bullying:

- Shouting and/or swearing at co-workers - Public Humiliation
- Preventing someone from receiving training or a promotion
- Name calling
- Ignoring or excluding another co-worker
- Instructing co-workers in a demeaning manner
- Issuing punishments without clear justification
- Spreading rumors
- Increasing someone's workload to an excessive degree

- Sabotaging someone's work
- Timing someone's bathroom breaks
- Using social media to harm the professional image of a co-worker

It's critical that we, as apartment professionals, understand the impact that workplace bullying has on our company. Some of the many adverse effects felt by our company due to workplace bullying include:

- Reduced productivity
- High staff turnover
- Loss of job satisfaction
- Tense work atmosphere
- Rise in absenteeism
- Costly legal proceedings filed either against a co-worker or an employer

In fact, recent surveys regarding our satisfaction at work reflect the challenging dynamics of the workplace. A recent survey found that only 18% of people would say that they are happy at work, while 52% report they are dissatisfied, and 30% are actively seeking a change in employment. There are many factors that make up workplace satisfaction, but our interactions with our supervisors and co-workers take up a significant part of our work day.

There are, of course, obvious bullying behaviors that most of us would have no problem recognizing. Other bullying behaviors, are much more discrete. Review the obvious and less obvious bullying behaviors below. Would you be able to spot any of these behaviors in your workplace?

Obvious bullying behaviors

- Shouting and cursing at staff whether in private or in public
- Giving staff members instructions in a disrespectful or condescending manner
- Spontaneous rages
- Public Humiliation
- Threatening other staff members
- Undervaluing effort
- Dispensing unwarranted punishments
- Labeling of other staff members
- Constantly interrupting others during a conversation

Less obvious bullying behaviors

- Excessively increasing someone's workload and responsibility
- Reducing workload to make someone feel unimportant
- Meetings scheduled to exclude certain individuals
- Sabotaging someone's work
- Changing someone's targets or work deadlines
- Blocking someone's promotion or training opportunities
- Refusal to delegate work

You, as an employee, are a valuable asset to your company. Your company wants you to feel safe, comfortable, and valued in your workplace. It can cost a company upwards of 2x an employee's annual salary to find and train a replacement. This is why your company wants to ensure that you understand what is and is not acceptable behavior towards your co-workers, supervisors, and clients.

In 2010, the Workplace Bullying Institute conducted a survey of more than 4,000 US workers and found that 35% reported experiencing bullying in their workplace - 26% of these people reporting having been bullied, while 9% were being currently bullied by someone in their workplace. And in this same 2010

survey, the Workplace Bullying Institute found that almost 70% of all workplace bullying is same gender harassment.

There can be many varying reasons why someone can be singled out by another co-worker or superior and subject to bullying. These reasons are not limited to, but include people who are:

- More popular with colleagues or clients
- More successful
- Highly conscientious workers
- Older or Younger than the office norm
- Outspoken
- Over-enthusiastic
- Attractive
- Knowledgeable about a personal indiscretion
- Disabled
- Timid and shy

Do you know what to do if you experience workplace bullying? It's important to review your company's policy on reporting bullying in the workplace and reporting procedures. Many companies make this information available to their employees through an employee handbook.

Keep detailed records of your encounters with the bully. Where did the bullying occur? What happened? Be sure to mark down dates and times. If possible, confront the person who is bullying you and tell them to stop. If your bully is your supervisor, you don't have to discuss the harassment with them - reach out to another supervisor, or an HR Manager instead.

Key Points

In closing, workplace harassment affects everyone - you, your co-workers, your supervisor, and your company. You're valuable to your company and they want you to have a safe and comfortable workplace. Review the following points below and be sure to remember them in your day-to-day business interactions.

- It is not the INTENTION of your words or actions, it's the IMPACT felt by the affected individual that defines harassment.
- If you're being harassed or bullied, tell someone! If you see someone else being bullied or harassed, say something!
- Everyone has a right to a workplace free from discrimination.
-

FINAL REVIEW

Review the statements below and decide whether each statement is TRUE or FALSE.

Please check your answers at the end of the materials.

1. Making fun of someone's religious beliefs is inappropriate and illegal.
2. Mimicry and stalking in the workplace should be avoided.
3. Unwelcome hugging, kissing, and patting should be avoided.
4. Limiting someone's job opportunities because of their age is illegal.
5. "Keep your hands to yourself" is a good rule to follow.
6. It's the impact of your words or actions that will determine if harassment has occurred.
7. Harassment by landlords against tenants is legal.
8. Interfering with a tenant's access to their unit is not illegal.
9. Routinely entering a tenant's apartment without notice is acceptable behavior.
10. Threatening financial injury to a tenant is acceptable.
11. Sometimes, tenants harass landlords.

12. Threatening a landlord could be considered harassment.
13. Bullying in the workplace is not acceptable.
14. Calling employees unwelcome names is a form of bullying.
15. According to a survey conducted in 2010, almost 70% of bullying is same gender harassment.

REVIEW ANSWER KEY

REVIEW 1

1. TRUE
2. TRUE
3. TRUE
4. TRUE
5. TRUE
6. TRUE
7. FALSE
8. FALSE
9. FALSE
- 10.FALSE

FINAL REVIEW

1. TRUE
2. TRUE
3. TRUE
4. TRUE
5. TRUE
6. TRUE
7. FALSE
8. FALSE
9. FALSE
- 10.FALSE
11. TRUE
12. TRUE
13. TRUE
14. TRUE
15. TRUE