



ServSafe Workplace
Sexual Harassment Prevention Online Course
State of Washington Supplement

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Introduction

In 2019, Washington State enacted SB 5258, a new law that requires employers in the hospitality industry to provide sexual harassment prevention training to their employees.

Every hotel, motel, retail, or security guard entity, or property services contractor, who employs an employee, must:

- (a) Adopt a sexual harassment policy;
- (b) Provide mandatory training to the employer's managers, supervisors, and employees to:
 - (i) Prevent sexual assault and sexual harassment in the workplace;
 - (ii) Prevent sexual discrimination in the workplace; and
 - (iii) Educate the employer's workforce regarding protection for employees who report violations of a state or federal law, rule, or regulation;
- (c) Provide a list of resources for the employer's employees to utilize. At a minimum, the resources must include contact information of the U.S. Equal Employment Opportunity Commission, the Washington State Human Rights Commission, and local advocacy groups focused on preventing sexual harassment and sexual assault; and
- (d) Provide a panic button to each employee.

The information found in this section was taken from the [Washington State Legislature website](#).

Sexual Discrimination in the Workplace

Sexual discrimination in the workplace is prohibited on the federal level by Title VII of the Civil Rights Act of 1964. Title VII applies to private employers, state and local government employers, labor organizations, and employment agencies with 15 or more employees. The Equal Employment Opportunity Commission, or EEOC, and certain state agencies enforce Title VII provisions. They may investigate, mediate, or file lawsuits on behalf of employees.

Sex or gender discrimination is defined as an employer treating an employee or applicant unfavorably because of their sex or gender. Discrimination on the basis of gender applies to women and men. Title VII also includes protections for pregnancy, sexual orientation, gender identity, and transgender status. For sex discrimination to be unlawful, the discrimination has to negatively affect the employee's terms or conditions of employment, such as employment status, position or duties, work schedule, pay rate or benefits, and promotion or other job opportunities.

Examples

Discrimination based on sex or gender may include:

- Stereotyping individuals based on their sex or gender
- Making derogatory comments about someone because of their gender
- Denying opportunities to someone because of their gender
- Paying an individual less based on their gender

Case Studies

Tasha's Story

Tasha recently got a new job. She's one of two women in her department. She's noticed that her boss always asks her or the other woman to take notes in meetings. When Tasha speaks up to offer an opinion, she is often interrupted. Several times a male coworker has talked over her only to say, "What she's trying to say is ..."

Lynn's Story

Lynn started in an entry-level position and worked her way up to supervisor. A male with the same qualifications gets the other supervisor position in Lynn's department, and Lynn finds out that his salary is higher than hers.

Marshall's Story

Marshall tries to apply for a job at a restaurant and is told that only women can apply for front-of-the-house positions.

1. Is each of the above scenarios sex discrimination? Why or why not?
2. If the scenario shows discrimination, how might it be remedied? How can similar incidents be prevented from happening in the future?

Prevention

Preventing sex discrimination in the workplace is a vital step in ensuring a safe and secure work environment for everyone. Here are some strategies for building a workplace culture free from sex discrimination:

- Educating employees and managers on what does and does not constitute sex discrimination in the workplace. Training should take place frequently to reinforce concepts.
- Taking immediate action when sex discrimination occurs. Action can be as simple as asking a coworker to stop using a demeaning term or stereotype, or intervening in a situation or reporting discrimination. Employers should address complaints immediately and take steps to ensure that similar incidents do not occur in the future. Not taking action can make it seem like the discriminating behavior is being tolerated.
- Understanding our own unconscious biases. We all have unconscious biases, but we must take care that we are not acting on or making decisions based on those biases. Employees and managers should take time to think about their own perceptions of sex and gender, and consider whether they are treating people differently because of their gender.

External Reporting

Employees can report sexual harassment or discrimination to the following government entities:

- Washington State Attorney General's Office, www.atg.wa.gov/have-civil-rights-complaint or call 1-800-551-4636
- Washington State Human Rights Commission, www.hum.wa.gov/discrimination-complaint
- U.S. Equal Employment Opportunity Commission, www.eeoc.gov/employees/charge.cfm