



# Disclosure

- ▶ I have no actual or potential conflict of interest in relation to this program/presentation.

Who am I?  
Why am I up  
here?

- ▶ 35 years of psychiatric nurse
- ▶ 30 years of advance practice psych nurse
- ▶ 26 years Therapeutic Alternative in Crisis Training instructor
- ▶ Passionate about ending Workplace Violence

# The implications of Nurses being Heros





Heros help others at the  
expense of themselves



We need to  
put on our  
own oxygen  
mask before  
helping others

# Harassment and Violence in Nursing

- ▶ Nurses have accepted harassment and violence as part of the job
  - Don't report
  - Excuse behaviors
  - Don't press charges

# Sexual Harassment = Workplace Violence

- ▶ Common themes:
  - Unwelcomed
  - Unwanted
  - Power move
  - Hurtful
  - Threatening
  - Emotionally and physically damaging
  - Interferes with work

# Prevalence

- ▶ EEOC (Equal Employment Opportunity Center) ranks Healthcare as 4th in industries for prevalence of sexual harassment
- ▶ Medscape Survey completed 2018:
  - 71% of all nurses have experience sexual harassment by a patient
    - 90 % Female
    - 10% Male

# Prevalence

Chuang & Lin, 2006

55.7% verbal abuse

39.1% physical harassment

Bronner et. Al, 2003

91% of nurses reported various kinds of sexual harassment in workplace

78.8% from patients and their relatives

55.2% asked by patients to initiate romantic relationship

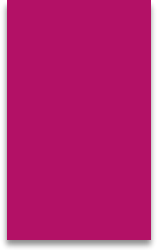
48.5% experience sexual jokes by patients

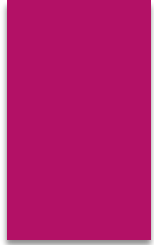
45.8% experienced non-sexual touches

20.8% experienced sexual touch during the performance of nursing tasks

Shaikh 2000

16.9% experienced physical sexual harassment from male physicians, male patients and male co-workers







From *The Eye of Eisenstaedt*:

I was walking through the crowds on V-J Day, looking for pictures. I noticed a sailor coming my way. He was grabbing every female he could find and kissing them all — young girls and old ladies alike. Then I noticed the nurse, standing in that enormous crowd. I focused on her, and just as I'd hoped, the sailor came along, grabbed the nurse, and bent down to kiss her.



# Perpetuation of Sexual Image

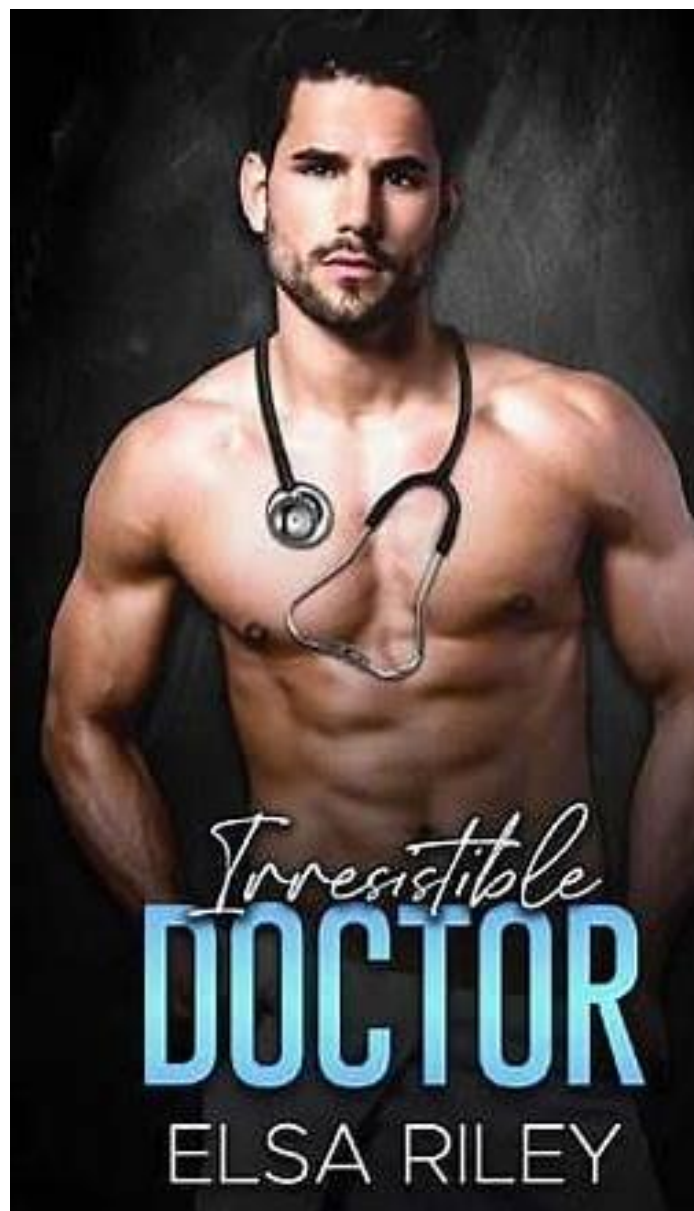
ROMANCE NOVELS

HALLOWEEN COSTUMES

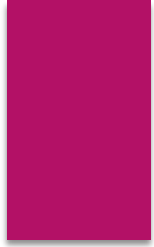
SOCIAL MEDIA

JOKES

SEXUAL FANTASIES







# What is sexual harassment?

- ▶ EEOC definition:
- ▶ Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when
  - Submission to or rejection of such conduct by an individual is used as basis for employment
  - Submission to or rejection of such conduct by an individual is used as basis for employment decisions affecting such individual, or
  - Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance, otherwise adversely affects an individual's employment opportunities, or creating an intimidating, hostile, or offensive working environment

# Types

- ▶ Quid Pro Quo
  - Something in exchange for something else
- ▶ Hostile Work Environment
  - Inappropriate jokes, inappropriate posters, sexual innuendos
  - By supervisors, co-workers, or third parties (patients in case of healthcare)



# Forms



- ▶ Visual conduct
  - Non-verbal behaviors-licking, hand gestures, provocative eating
  - Posters, pictures, cards
  - Texts, emails, technology
  - Social media
- ▶ Verbal conduct
  - Telling offensive/sexual jokes
  - Derogatory/sexual comments
  - Sexual slurs, graphic comments about a person's body
- ▶ Physical conduct
  - Touching
  - Trapping
  - Assault/rape

# Key Points

- ▶ Unwelcome
- ▶ Unwanted





# Intent?

- ▶ Whether someone intended to offend others does not matter
- ▶ According to law, harassment is determined by the receiver or observer
- ▶ In general if a reasonable person would be offended, then it can be determined sexual harassment.
- ▶ Because the standard is subjective it is often really hard to determine

# Social Justice

- ▶ United Nations:
  - The Universal Declaration of Human Rights Propose that person has the right to a safe workplace.

# Social Justice

- ▶ Tarana Burke-  
American Activist –  
NYC--Started MeToo in  
2006
- ▶ The # movement  
started in 2017
- ▶ 2018 #Timesup –  
workplace equality for  
women and people of  
color



# Nursing Statements

- ▶ American Nurses Association
  - 1993 -Wrote position statement on the elimination of sexual harassment for nurses in all work settings
  - 2017 #endnurseabuse – zero tolerance

# Nursing Statements

- ▶ Australian Health Practitioner Regulation Agency
- ▶ NSW Nurses and Midwife Association
- ▶ Australian College of Nursing
  - All released positions statements urging healthcare staff to report incidents of workplace sexual harassment and through doing so highlighted the need for change.

# Employer Regulating Bodies

- ▶ Title VII 1964 Civil Rights Act—enforced by Equal Employment Opportunity Commission
  - Sexual Harassment is illegal
  - Employer has an obligation to:
    - Have a program to prevent sexual harassment
    - Address sexual harassment if they are aware of it

# Employer Regulating Bodies

- ▶ IL Human Rights Act
  - Sexual Harassment is illegal
  - Requires employers to provide sexual harassment prevention and response training
  - Employers must have policies to address sexual harassment prevention, education and response

# Employer Regulating Bodies

- ▶ WI Fair Employment Act
  - Protects employees from harassment including sexual
  - Requires employer to have policies, prevention and education and response to sexual harassment
  - Identifies three types of sexual harassment
    - Quid pro quo sexual harassment
    - Hostile work environment sexual harassment
    - Sexual harassment by employer

# Leaders can be held liable

- ▶ If a leader knows of sexual harassment occurring and fails to address it they can be held liable
- ▶ If the leader had no knowledge, it was never reported to them-they have no liability

# Responses to Sexual Harassment

- ▶ Ignore the behavior
- ▶ Avoidance of the perpetrator/patient/staff
- ▶ Using dismissive humor
- ▶ Report to management-HR
- ▶ Verbal redirection
- ▶ Education about professional boundaries
- ▶ Assigning a same sex (or different sex) provider
- ▶ Involve Risk Management and Security
- ▶ No 1:1 cares – team up to provide cares
- ▶ Press charges

# Why don't people report?

UNCOMFORTABLE  
EMBARRASSED  
FEAR OF RETALIATION  
EMOTIONAL SAFETY  
PHYSICAL SAFETY  
FEAR NOTHING WILL BE DONE



Embracing that your safety and well-being is of the most importance; seeing reporting as a type of self-care; Speak up

“I took an oath to care for others, but that does not mean that I have to sacrifice my physical or mental well being

-Trista Long, RN, DNP, MBA, ON-C

# Reporting and Pressing Charges

## Why we don't report?

- ▶ Why we don't report:
  - ▶ Too much paperwork
  - ▶ It's not that big a deal
  - ▶ I've experienced worse
  - ▶ They don't know what they are doing
- ▶ Why we don't press charges:
  - ▶ I don't want my name and address on the case
  - ▶ The charges won't stick
  - ▶ It wasn't that bad/I wasn't injured
  - ▶ The patient is mentally ill

# Federal : H.R.1309 - Workplace Violence Prevention for Health Care and Social Service Workers Act – 11/21/2019

This bill requires the Department of Labor to address workplace violence in the health care and social service sectors. Specifically, Labor must promulgate an occupational safety and health standard that requires certain employers in the health care and social service sectors, as well as employers in sectors that conduct activities similar to the activities in the health care and social service sectors, to develop and implement a comprehensive plan for protecting health care workers, social service workers, and other personnel from workplace violence.

In addition, those employers must

- investigate workplace violence incidents, risks, or hazards as soon as practicable;
- provide training and education to employees who may be exposed to workplace violence hazards and risks;
- meet record keeping requirements; and
- prohibit acts of discrimination or retaliation against employees for reporting workplace violence incidents, threats, or concerns.

# H.R. 1195 Workplace Violence Prevention for Healthcare and Social Service Workers Act -4/16/21

- ▶ This bill requires the Department of Labor to address workplace violence in health care, social service, and other sectors.
- ▶ Specifically, Labor must issue an interim occupational safety and health standard that requires certain employers to take actions to protect workers and other personnel from workplace violence. The standard applies to employers in the health care sector, in the social service sector, and in sectors that conduct activities similar to those in the health care and social service sectors.
  - ▶ Provide annual training and education to employees
  - ▶ Maintain detailed records of workplace violence, hazard assessments and violent incidents
  - ▶ Submit annual summaries of such incidents to the Secretary of Labor
- ▶ In addition, Labor must promulgate a final standard within a specified time line

# National Institute of Occupational Safety and Health – Types of Workplace Violence

- ▶ Type 1 Criminal intent
- ▶ Type 2 Customer, Client or Patient
- ▶ Type 3 Worker on Worker
- ▶ Type 4 Personal Relationship

# WI Statute 940.204 Battery or Threat to health care provider and staff

**(2)** Whoever intentionally causes bodily harm or threatens to cause bodily harm to a person who works in a health care facility or to a family member of a person who works in a health care facility under all of the following circumstances is guilty of a **Class H felony**:

- (a)** At the time of the act or threat, the actor knows or should have known that the victim works or formerly worked in a health care facility or is a family member of the person who works or formerly worked in a health care facility.
- (b)** The act or threat is in response to an action occurring at the health care facility or an action by an official, employee, or agent of the health care facility acting in his or her official capacity.
- (c)** There is no consent by the person harmed or threatened.

**(3)** Whoever intentionally causes bodily harm or threatens to cause bodily harm to a health care provider or to a family member of a health care provider under all of the following circumstances is guilty of a Class H felony:

- (a)** At the time of the act or threat, the actor knows or should have known that the victim is a health care provider or is a family member of a health care provider.
- (b)** The act or threat is in response to an action by the health care provider acting in his or her capacity as a health care provider.
- (c)** There is no consent by the person harmed or threatened.

# Illinois 820 ILCS 275 Workplace Violence Prevention Act

Text - H.R.5223 - 115th Congress (2017-2018): Health Care Workplace  
Violence Prevention Act | Congress.gov | Library of Congress

- ▶ Allows for workplace protection restraining order
- ▶ Limiting access to workplace venues by potentially violent individuals

Assaulting a nurse in Illinois will be classified as aggravated battery – a third-degree felony carrying a prison sentence of two to five years - August 2013

# Victim Protection

Officers should be asking for the employee's work addresses, department, and work telephone number. The employee is entered into our Records Management System (RMS) as a "Professional Contact." No personal identifying information will be entered other than their name and date of birth.

For example, there could be 2 Jane Smith's in our RMS.

- One may be from another LE related incident (ex. Traffic Crash),
- the other would be a professional contact through your employer. The difference is if it is work related, if subpoenaed, the DA's office should issue the subpoena to the professional contact. This would prevent access to the Defendant, or their attorney, from obtaining your personal information. Any Open Records Requests to our department should have your personal identifying information redacted prior to being released.

# State of WI Victims of Crime Amendment



[Approved Wisconsin Victims of Crime Amendment \(equalrightsforwi.com\)](http://equalrightsforwi.com)



# Legal Sources

- ▶ H. R. 5223 March 8, 2018
- ▶ H.R. 1195 April 16, 2021
- ▶ 820 ILCS 275 Workplace Violence Prevention Act
- ▶ [Approved Wisconsin Victims of Crime Amendment \(equalrightsforwi.com\)](http://equalrightsforwi.com)
- ▶ Illinois Human Rights Act
- ▶ Title VII 1964 Civil Rights Act
- ▶ U.S. Equal Employment Opportunity Commission
- ▶ WI Statute 940.204 Battery or Threat to health care provider and staff

# Literature Sources

- ▶ Androus (2023) “Sexual Harassment in Nursing: How Far is Too Far” Registered Nursing.org
- ▶ Hope and Munro (2021) “Getting to Zero Sexual Harrassment in the Workplace” Am J Crit Care (2021) 30 (4): 250-252. <https://doi.org/10.4037/ajcc2021198>
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- ▶ “Sexual Harrassment by Patients: What Every Nurse Needs to Know” (2019) Magazine, Minority and Community Health, Nurse Health
- ▶ Smith, Gullick, Art, Perez, and Einboden (2022) “A peek behind the curtain: An integrative review of sexual harrassment of nursing students on clinical placement” <https://doi.org/10.1111/jocn.16600>