

Sexual Harassment

Defend Yourself By Knowing the Law

Sexual Harassment: Still A Problem for Women In the Workplace

More and more women are moving into the workforce every year. But today's labor force remains male-dominated. As a result, work still may be a difficult and unfriendly place for female employees. Sexual harassment is one of the many barriers women face as they enter and re-enter a traditionally male workforce. Fortunately, many women have learned that they don't have to put up with sexual harassment.

Sexual harassment is illegal under **Title VII of the Civil Rights Act of 1964**. Title VII acknowledges that sexual harassment can occur in many different ways. Some people mistakenly believe that sexual harassment is illegal only if it comes in the form of a physical assault or threat. Under the law, harassment is defined as physical or verbal threats or even sexually offensive materials displayed in the workplace. It is important for women to learn how to recognize and respond to the many different signs of sexual harassment. Knowing your rights may be your best defense.

Know Your Rights

According to the law, you have the right to work in an environment free from sexual harassment. Always remember: **you don't have to put up with it.**

Sexual Harassment May Be:

- unwanted sexual advances, by a man or woman toward a man or woman
- requests for sexual favors
- economic threats (termination, demotion, hardship transfer, or extreme cut in pay)
- a hostile and sexually offensive environment: you do not need to be the target of the harassment as long as you are affected by the offensive conduct
- verbal or physical sexual conduct, including consensual contact because of fear, intimidation, force, or threat of force

These Behaviors Are Illegal When:

- the behavior is unwanted and offensive
- the behavior makes it difficult for you to work
- the behavior creates an intimidating, hostile, or offensive environment
- you have to go along with the harassment to get benefits, promotions, or to influence other job-related decisions
- you have to accept the harassment in order to keep your job and benefits
- you suffer psychological or emotional harm



The Many Forms of Harassment

Harassment In The Workplace

Sexual harassment does not need to come from an employer to be illegal. A supervisor, a co-worker or even a client can sexually harass an individual at work. Even if the employer is not the one doing the harassing, she or he can still be held responsible for the harassment. Employers may be held responsible for sexual harassment if they knew of the situation, or should have known and did nothing to stop it. They can also be responsible if the client or employee accused of harassment was under the supervisory power of the employer. However, an employer is usually not held liable if the victim failed to take advantage of workplace policies designed to prevent or correct sexual harassment.

It is possible for sexual harassment to come in a form other than physical attack or verbal abuse. Many individuals find sexual pictures displayed in the workplace to be offensive. The law states that a hostile or offensive environment can constitute sexual harassment.

Forced quitting (sometimes called "constructive discharge") may also constitute sexual harassment. If the sexual harassment is so severe that it would force a reasonable employee to quit, the Supreme Court has ruled that it should be treated the same as outright dismissal (firing). In these cases, the victim should try to take advantage of company policies before quitting. However, if the harassment was too severe to remain on the job, the court will allow the victim to proceed even if they have not done everything in their power to end the harassment.

Sexual Harassment In the Classroom

The workplace is not the only place where sexual harassment is illegal. **Title IX of Educational Amendments of 1972** requires all schools to develop

and implement policies to prevent and correct sexual harassment. A student could be harassed by a teacher or by other students. In addition, schools can be held responsible for allowing sexual harassment to occur in a school building, if the harassment is severe and pervasive; that is, if the harassment interferes with the learning environment.

Harassment as a Pattern of Behavior

One incident does not necessarily constitute sexual harassment, particularly if the individual does not repeat the behavior after being asked to stop, or if an employer takes immediate action to end the harassment. However, repeated incidents or a pattern of offensive behavior can constitute sexual harassment. When the harassment is verbal, a repeated pattern of incidents is usually necessary to prove harassment.

Enforcing Your Rights Under Title VII of the Civil Rights Act

If you are experiencing sexual harassment, it is important to make it clear to the harasser(s) and his or her supervisor that the harassment is **unwanted**. Ask that it be stopped immediately. Make it clear that the harassment is interfering with your work.

Take accurate notes of all offensive behavior and what you have done to try and make it stop. These notes will help you if and when you decide to take action against the harasser(s).

For many women, being sexually harassed is often an emotionally draining experience. Look for support among your family, friends and co-workers. If other women you work with have the same problem you do, work with them to bring an end to the harassment.

Company Policies

Many places of employment have policies forbidding sexual harassment, or company procedures for filing a complaint against the harasser. Find out what types of policies your employer has for dealing with these situations. Some harassers may want to discredit you by accusing you of not doing your job, so keep track of how well you are doing your work.

It is of utmost importance that any victim of sexual harassment follow his/her company's procedures for resolving a complaint before taking further action, including legal action. If the victim fails to complain to a superior about the sexual harassment it makes taking legal action much more difficult.

Filing a Charge

If you decide to file a complaint against the harasser or his or her supervisor, you have the legal right to do so. **You can get more information and free publications from the Equal Employment Opportunity Commission (EEOC) by calling toll free 1-800-669-EEOC.** If you want to report the harassment, the EEOC can provide you with the telephone number of the appropriate authority in your area. The EEOC's guidelines on sexual harassment and filing a charge can also be found on the web at: http://www.eeoc.gov/types/sexual_harassment.html

Keep in mind there are time constraints:

- A charge must be filed with EEOC within 180 days from alleged violation.
- This 180-day filing deadline is extended to 300 days if the charge is covered by a state or local anti-discrimination law. (Only state laws extend limit to 300 days.)
- Time limits do not apply to claims under Equal Pay Act, and you do not have to file a claim with EEOC to go to court. EPA claims raise Title VII sex discrimination issues, so it may be advisable to file charges under both laws.

Resources

The local chapter of the **American Bar Association (ABA)** can assist you in locating a legal representative. The address and telephone number of the local ABA may be found in a telephone directory or on the web at: http://www.abanet.org/legalservices/findlegalhelp/faq_hiringlawyer.cfm

National Women's Law Center

11 Dupont Circle, N.W. Suite 800
Washington, D.C. 20036
(202) 588-5180
www.nwlc.org

Women's Momentum:

<http://www.legalmomentum.org/issues/work/sharassment.shtml>

This organization used to be the NOW Legal Defense Fund. It is the exact same organization with a different name and email address.

Legal Advocacy Fund of the American Association of University Women:

<http://www.aauw.org/laf/cases/index.cfm>

This page is for women who have encountered sexual harassment issues in higher educational settings.

The U.S. Equal Employment Opportunity Commission:

<http://www.eeoc.gov/>
1-800-669-EEOC (toll free)

** This tip sheet is strictly for informational purposes and does not constitute legal advice or representation. For legal advice, consult an attorney who has thorough knowledge of current laws and your issues of concern.*