

# Sexual Harassment in the Workplace

Sexual harassment is a form of sex discrimination that violates Title VII of the Civil Rights Act of 1964. Title VII applies to private employers, most public employers, labor organizations, employment agencies and joint employer-union apprenticeship programs with 15 or more employees.

## What is sexual harassment in the workplace?

Sexual harassment is a form of sex discrimination that violates Title VII of the Civil Rights Act of 1964. Title VII applies to private employers, most public employers, labor organizations, employment agencies and joint employer-union apprenticeship programs with 15 or more employees.

This law makes these employers responsible for preventing and stopping sexual harassment that occurs on the job. Sexual harassment can happen to both men and women and is not necessarily done by someone of the opposite sex.

Sexual harassment in the workplace can include (but is not limited to):

- › Unwelcome sexual advances
- › Requests for sexual favors
- › Verbal or physical conduct of a sexual nature
- › Telling lewd jokes
- › Making sexual gestures
- › Displaying pornographic or sexual materials
- › Sending suggestive emails or other messages

These examples constitute sexual harassment in the workplace when either participating in or refusing to participate in said activities affects an individual's employment, interferes with work performance or creates an unsafe work environment.

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 this conduct explicitly or implicitly affects an individual's employment; unreasonably interferes with an individual's work performance; or creates an intimidating, hostile or offensive work environment.

## Reporting Sexual Harassment

If an act is either severe or pervasive (happens more than once), you should report the harassment to a superior. A severe act can include a physical act, such as rape or assault.

Here are a few guiding questions to help determine if an act is pervasive:

- › How many times has the act occurred?
- › How long has the harassment, in general, been going on?
- › Have others been subjected to the same treatment?

Even if an act is not severe or pervasive, but if affects your job performance, it is still a good idea to report the incident(s) to your manager.

Reporting sexual harassment to an employer can be a difficult and sometimes embarrassing thing to do. It is important to remember that it is never the fault of the person who was harassed. Reporting sexual harassment is an

important step to take to end the harassment.

Retaliation by a harasser or an employer toward someone who reported sexual harassment is also illegal.

Before and after reporting an incident, consider fully documenting any information you may have:

- › Write down what happened in full detail.
- › Create a paper trail. Make the initial complaint to your employer in writing.
- › See if your company has a complaint or grievance procedure for harassment – many do. If your employer does, complete the necessary steps.

## Preventing Sexual Harassment

The easiest way for employers to end sexual harassment is to prevent it from happening in the first place. The following help cultivate an environment of tolerance and acceptance of everyone:

- › A no-tolerance policy regarding any form of harassment
- › Clear consequences for anyone who chooses to harass a fellow employee
- › An easy-to-use system that employees can access to report any harassment
- › An open dialogue with managers, so employees feel safe reporting harassment

## Resources

U.S. Equal Employment Opportunity Commission: [www.eeoc.gov](http://www.eeoc.gov)

U.S. Small Business Administration: [www.sba.gov](http://www.sba.gov)

U.S. National Archives: [www.archives.gov/eeo/terminology.html#p](http://www.archives.gov/eeo/terminology.html#p)

Equal Rights Advocates: [www.equalrights.org](http://www.equalrights.org)

## Additional Information

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