

Know Your Rights: Sexual Harassment in the Workplace

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What is Sexual Harassment?

Sexual harassment is a type of sex discrimination that violates federal law under Title VII of the Civil Rights Act of 1964. Illegal sexual harassment can happen between any two people at work – a man and a woman, two people of the same sex, coworkers, an employee and a client or customer, or an employee and his or her supervisor. There are two types of unlawful harassment:

- ▶ One is offensive conduct that a worker has to endure as a condition of employment. This form of harassment, called “**quid pro quo**” (or “this for that”), may involve a supervisor requesting or requiring sexual favors from a subordinate in return for continued employment, promotion, favorable hours or shifts, time off or a positive review.
- ▶ The other occurs when a person experiences severe or pervasive conduct that creates a work environment that a reasonable person would find intimidating, hostile or abusive. This is called a “**hostile work environment**” and it exists when conduct is intentional, recurring, severe and/or pervasive and interferes with an employee’s ability to perform her or his job.

What You Need to Know

- ▶ Title VII does not protect everyone. Workers whose employers have fewer than 15 employees, independent contractors, farm workers and domestic workers are not protected by federal law.
- ▶ If someone experiences offensive conduct at work, she or he may be the victim of sexual harassment even if not directly harassed.
- ▶ It is illegal for an employer to retaliate against an employee for filing a claim of sexual harassment.
- ▶ Employers have a responsibility to take steps to prevent and correct sexual harassment that occurs in the workplace.

What You Can Do About Harassment at Work

Most people who experience workplace harassment do not report it. If you are facing harassment at work, you should:

- ▶ Tell the person who is doing something you find inappropriate, intimidating, hostile or abusive to stop – if it is safe to do so – so it is clear that the conduct you are experiencing is unwanted.
- ▶ Write down what happened each time it occurs. Include the date and time, who harassed you, where it took place, who – if anyone – witnessed it, what was said and/or done. Save a copy of the information somewhere outside of your workplace so that you

can retrieve it easily.

- ▶ Find out if your employer has an anti-harassment policy. If so, read it to learn how to report incidents of sexual harassment and follow the policy. Typically, you should report harassment to human resources or to a manager in your organization. If the first person you report it to doesn't act, report it to someone else. Save all communications and take notes on all conversations. You can also report harassment to your union representative, if you have one.
- ▶ Contact the Equal Employment Opportunity Commission ([EEOC](#)) or your local [EEOC field office](#) to learn about your rights and/or to file a charge. In many cases, you must file within 180 days of when the harassment occurred or 300 days in a jurisdiction with a state or local law prohibiting harassment. If you are interested in finding a lawyer, you can use the National Employment Lawyers Association (NELA) Exchange [Find-A-Lawyer database](#) or contact the [TIME'S UP Legal Defense Fund](#).
- ▶ Urge your employer to adopt more robust and meaningful anti-harassment policies and procedures, conduct employee trainings, and provide greater transparency.

How to Change Sexual Harassment Laws at the State and Federal Levels

We need to strengthen state and federal laws to prevent and remedy workplace harassment. Advocate to your state and federal elected leaders to:

- ▶ **Expand Protections.** Make sure that all workers are covered by anti-discrimination and harassment laws, regardless of employer size, industry or occupation.
- ▶ **Require Robust Prevention Measures.** Require employers to take proactive steps to prevent harassment, like adopting policies that are written clearly and in plain language that define what harassment is and what employees can do if they experience it; conducting climate surveys; and holding mandatory, effective workplace training for all employees.
- ▶ **Demand Greater Transparency.** End forced arbitration of harassment claims and the use of employer-required confidentiality clauses in employment agreements; and require greater transparency from employers through reporting requirements.
- ▶ **Increase Funding for Enforcement.** The EEOC and state agencies often do not have the resources necessary to investigate claims of harassment or provide education and training for employers.
- ▶ **Eliminate the Tipped Minimum Wage.** Require tipped workers to be paid the regular minimum wage plus tips. Workers who rely on tips, such as restaurant workers, are particularly vulnerable to harassment as tips often are their only real source of income.

The National Partnership for Women & Families is a nonprofit, nonpartisan advocacy group dedicated to promoting fairness in the workplace, access to quality health care and policies that help women and men meet the dual demands of work and family. More information is available at [NationalPartnership.org](#).

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