

Know Your Rights: Experiencing Sexual Harassment at Work

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What is Workplace 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 workplace sexual harassment can happen between people of the same gender, different genders, coworkers, an employee and a client or customer, or an employee and their supervisor, among others. Harassment can occur in a range of settings, including in the workplace, at a work-related event outside of the workplace, or during work travel. There are two types of unlawful workplace sexual harassment:

- One type is conduct that a worker is forced to endure as a condition of employment. This form of harassment, called "**quid pro quo**" (or "this for that"), may involve a supervisor pressuring or coercing a subordinate to engage in sexual acts in return for continued employment, a promotion, favorable hours or shifts, time off or a positive review.
- The other occurs when conduct is intentional, recurring, severe and/or pervasive and impacts one's ability to perform their job. This is called a "**hostile work environment.**" Examples include a colleague making offensive jokes, comments or insults, or sharing offensive images.

What You Need to Know

- Title VII does not protect everyone. Workers whose employers have fewer than 15 employees (including many domestic workers and some farm workers), independent contractors and self-employed individuals are not protected from workplace sexual harassment by federal law.
- If someone witnesses offensive conduct, she or he may be the victim of sexual harassment even if not directly harassed.
- It is illegal for an employer who is covered by Title VII to retaliate against an employee for filing a claim of sexual harassment or participating in an investigation.
- Employers have a responsibility to take steps to prevent and correct sexual harassment that occurs in the workplace.

What You Can Do If You Experience Harassment at Work

If you are facing harassment at work, you have rights, protections and options.

- **Communicate:** If you feel that directly addressing the harassment is safe, you can tell the person who is doing something you find inappropriate, intimidating, hostile or abusive to stop, either in the moment or in a follow-up conversation so it is clear the conduct is unwanted.
- **Record:** Whether you experience a single incident or recurring harassment, write down the details each time it occurs. Include the date and time, who harassed you, where it took place, who – if anyone – witnessed it, and what was said and/or done. Be sure to keep a copy of the information outside of your workplace.
- **Report internally:** Read your employer’s policy on harassment and follow it to report an incident. If your employer does not have a policy, consider reporting harassment to a trusted supervisor or human resources specialist. 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.
- **Report externally:** Contact the Equal Employment Opportunity Commission ([EEOC](#)) or your local [EEOC field office](#) to learn about your rights, resources and/or to file a charge. You can submit a charge of harassment online or in person within 180 days of when the harassment occurs (and you don’t need a lawyer to do so). Some states have laws that extend this to 300 days; you can [check here](#) to see if your state has an extended timeline. Once you have [filed a charge](#), a notice will be sent to your employer, and the EEOC will determine how to proceed. Possibilities include mediation with your employer or an investigation by the EEOC. You can check the status of your claim via the [EEOC Public Portal](#).
- **Contact a lawyer:** If you are interested in finding a lawyer, you can refer to the National Employment Lawyers Association (NELA) Exchange [Find-A-Lawyer database](#), the American Association of University Women’s [list of legal aid organizations](#), or contact the [TIME’S UP Legal Defense Fund](#).
- **Request improved internal policies:** If you feel comfortable doing so, you can request that your employer implement climate surveys and staff trainings on sexual harassment, bystander intervention, and diversity and inclusion.

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

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, such as adopting clear policies that define harassment and what employees can do if they experience it; conducting climate surveys; and holding mandatory, effective workplace trainings for all employees.
- **Demand greater transparency.** End the use of forced arbitration for harassment and discrimination claims and employer-required confidentiality clauses, and require greater transparency from employers through reporting requirements.
- **Eliminate the tipped minimum wage.** Require that tipped workers be paid the regular minimum wage plus tips, rather than the subminimum wage that many are currently paid. Workers who rely on tips, such as restaurant workers, are particularly vulnerable to harassment by customers since tips are often their primary source of income.

The National Partnership for Women & Families is a nonprofit, nonpartisan advocacy group dedicated to promoting fairness in the workplace, reproductive health and rights, access to quality, affordable health care and policies that help all people meet the dual demands of work and family. More information is available at NationalPartnership.org.

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