



HARASSMENT FACT SHEET

1. Sexual Harassment is Unwelcome and Illegal Sexual Conduct

- Sexual harassment is behavior of a sexual nature that is unwanted by and unwelcome to its target.
 - Victims may experience emotional or physical harm or become unable to perform their jobs.
 - Workplaces may suffer from poor working relationships, morale, and productivity.
- Sexual harassment is illegal discrimination under the Civil Rights Act, Title VII.
 - Employers, government agencies, and the courts are receiving more complaints of sexual harassment.
 - Large and small employers have been ordered to pay large financial awards to employees who were sexually harassed on the job.
- Workers' compensation insurance may cover emotional distress resulting from sexual harassment as a workplace injury.

2. Sexual Harassment Can Take Many Forms

- It may be one highly offensive incident or a series of smaller incidents.
- It may be a request for sexual favors, unwanted touching, or repeated sexual comments.
- Harassers or victims may be of either sex, the same sex, or the opposite sex.
- Harassment may be physical, ranging from unwanted touching to kissing to rape.
- Harassment may be verbal, ranging from sexual threats to sexual teasing to sexual jokes or comments to personal sexual questions.
- Harassment may be nonverbal, ranging from lewd gestures to leering to circulating sexual printed materials.
- Harassment is generally defined by how the behavior is received.
 - Unwanted, unwelcome behavior of a sexual nature is harassment.

3. Quid Pro Quo Sexual Harassment Ties Sex to Employment Decisions

- Quid pro quo ("something for something") is often an abuse of power.
 - A job-related reward such as a raise or promotion may be promised in exchange for sexual favors.
 - A job-related penalty such as being fired may be threatened for failing to provide sexual favors.
- The U.S. Supreme Court says a quid pro quo sexual situation is harassment even if the harasser doesn't follow through on the promise or threat.

4. Sexual Harassment May Create a Hostile Work Environment

- A hostile work environment unreasonable interferes with someone's work performance.
 - Sexual teasing, constant sexual discussion or jokes, or other behavior by one or more people may create this type of sexual harassment.
- A hostile, intimidating, or offensive work environment is generally defined by how the individual perceives it.

5. Sexual Harassment is Defined by the Behavior's Result, Not Intent

- The victim defines what's undesirable or offensive.
- Harassment victims should always clearly tell harassers that the behavior is unacceptable.
 - If that doesn't stop the harassment, the victim should report it according to company procedures.
- Employers can be liable for sexual harassment claims unless they develop, communicate, and enforce policies that:
 - Define and ban sexual harassment.
 - Spell out how to report and investigate sexual harassment.
 - Follow through on investigations and take appropriate action to correct situations and penalize harassers.
- It is illegal for employers to retaliate against employees who make sexual harassment claims or cooperate with such charges or lawsuits.

Applicable Regulations: Civil Rights Act Title VII, Civil Rights Act of 1991