

What is Sexual Harassment?

Sexual harassment is any deliberate or repeated sexual behavior that is unwelcome to its recipient, as well as other sex-related behaviors that are hostile, offensive or degrading.

Two types of sexual harassment

Quid Pro Quo: Sexual favors are openly or implicitly suggested as a condition of employment (e.g. “Have sex with me or you’re fired,” “Sleep with me and you get the promotion,” etc.)

Hostile Environment: This is sexual conduct that is unwelcome and sufficiently severe and pervasive to create a hostile working environment. This could include sexual jokes, lewd posters, leering, inappropriate touching, rape, etc. (For the less severe examples, patterns are important; a single crude remark or request for a date would not qualify.) This type of sexual harassment comprises 95 percent of the total cases.

How prevalent is sexual harassment?

Studies have shown that between 50 and 85 percent of women experience sexual harassment during their academic or working lives. About 5 percent of these women will make formal complaints, and about 2 percent will seek outside action.

Although women are more frequently the targets of sexual harassment, it is not uncommon for men to be the focus of sexual harassment.

What to do if you are harassed

- 1) Talk to the harasser. Tell that person the behavior must stop.
- 2) Keep a log with specific dates, times, locations, possible witnesses, etc.
- 3) Talk to a supervisor, formally or informally.
- 4) Contact the personnel officer or human resources department.

What can employers do to stop sexual harassment?

Employers should have a well-written sexual harassment policy that includes: a definition, language that clearly states that it will not be tolerated, description of disciplinary measures for violations, procedures for filing a complaint and the consequences of retaliation.

Employers should demonstrate their strong disapproval of sexual harassment and show that they will not tolerate it in the workplace. If complaints of sexual harassment surface, an employer should act promptly, vigorously, and visibly to remedy the problem.

Employer obligations

- 1) Fully inform complainants of their rights.
- 2) Fully and effectively investigate.
- 3) Promptly and effectively remedy (law requires more than a request to stop the conduct).

National Sexual Assault Hotline
Free. Confidential. 24/7.

1-800-656-HOPE

Confronting Sexual Harassment in the Workplace



taasa
TEXAS ASSOCIATION AGAINST SEXUAL ASSAULT

6200 La Calma, Suite 110
Austin, Texas 78752
www.taasa.org

The Impact of Sexual Harassment in the Workplace:

What are the costs of sexual harassment to the employee?

- ▶ Emotional & physical consequences
- ▶ Poor concentration at work
- ▶ Stress on personal relationships
- ▶ Fear or anxiety
- ▶ Depression
- ▶ Sleep or weight problems
- ▶ Alcohol or drug abuse

What are the costs of sexual harassment to the employer?

- ▶ Staff turnover
- ▶ Increased absenteeism
- ▶ Tarnished company reputation
- ▶ Increased payouts for sick leave and medical benefits
- ▶ Vulnerability to hostile confrontations
- ▶ Legal & consultant costs
- ▶ Lower staff productivity
- ▶ Poor staff morale
- ▶ Less teamwork

Filing a Complaint

An individual has two basic options for filing a sexual harassment complaint; an internal procedure or an external procedure. Both options have their merits and potential drawbacks.

Internal Procedure

Advantages

- ▶ This allows for an informal resolution; can be handled before the situation gets worse.
- ▶ It is multilevel; if not satisfied, you can go to the next level of supervision.
- ▶ Most employers appreciate employees who try to resolve things internally first.
- ▶ This option does not cost you any legal fees.
- ▶ The remedy may be better than the court would award.

Disadvantages

- ▶ The process may favor the company over the employee.
- ▶ Organization is investigating itself, so it may do well; it may not.
- ▶ The remedy may be better on the outside.

External Procedure

Advantages

- ▶ The complaint may be heard by a more objective party.
- ▶ The complainant is not working on a daily basis with the investigators.
- ▶ An attorney is looking out for your best interests.
- ▶ The complainant may get a better remedy.

Disadvantages

- ▶ The complainant may look like a troublemaker which can have repercussions on the job.
- ▶ It is very expensive – legal fees can quickly reduce your assets.
- ▶ There may be publicity surrounding the case.
- ▶ It may be harder to find future employment.
- ▶ It may take many years for the case to be settled.

Rights of Sexual Assault and Stalking Victims

The most extreme forms of sexual harassment are sexual assault and stalking. Workers who are sexually assaulted or stalked by co-workers or in the workplace may have additional rights. For example, victims who quit their jobs for their safety or the safety of their families remain eligible for unemployment benefits.

Filing Deadlines

Under Title VII, the employee has **180 days after the last incident** in which to file a complaint. If you have filed locally or with the state, you may have **up to 300 days after the last incident**. The federal sector generally allows **only 45 days to file a complaint**.

