

# SEXUAL HARASSMENT FACT SHEET



## WHAT SHOULD YOU KNOW?

Sexual harassment is a form of sex discrimination that violates Title VII of the Civil Rights Act of 1964 and most, if not all, state and/or local human or civil rights laws. Various counties (e.g., Montgomery, Prince George's, Baltimore, and Howard) also have laws prohibiting sexual harassment.

## FOR EMPLOYEES...



### WHAT CONSTITUTES SEXUAL HARASSMENT?

- Unwelcome sexual advances,
- Requests for sexual favors, and/or
- Other verbal or physical conduct of a sexual nature that 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.



### DID YOU KNOW?

- The harasser does not have to be a different gender.
- The harasser can be the victim's supervisor, a supervisor in another area, a coworker, or a non-employee (for example, a client or customer).
- The victim does not have to be the person harassed, but can be anyone affected by the offensive conduct.
- Unlawful sexual harassment may occur without economic injury to or discharge of the victim.



### WHAT SHOULD YOU DO?

- If feasible, inform the harasser directly that the conduct is unwelcome and must stop.
- Use any employer complaint mechanism or grievance system available.
- Put your sexual harassment complaint in writing and be specific.
- Document the sexual harassment: keep a contemporaneous journal describing how you were sexually harassed.

## FOR EMPLOYERS...

Title VII applies to employers with 15+ employees. State and local laws may have different applicability provisions. For example, the D.C. Human Rights Act applies to all employers, regardless of size; the MD Fair Employment Practices Act only covers employers with 15 or more employees; the VA Human Rights Act covers employers with 6-14 workers.

Prevention is the *best* tool to eliminate sexual harassment in the workplace.



### HOW DO YOU PREVENT SEXUAL HARASSMENT?

- Clearly communicate to employees that sexual harassment will not be tolerated:
  - Provide sexual harassment training to employees.
  - Establish an effective complaint or grievance process.
    - Consider the reporting structure—ensure that there are multiple avenues for reporting.
- Prepare and distribute a sexual harassment policy to employees and post a copy in an accessible and prominent location. Take immediate and appropriate action when an employee complains.



### DID YOU KNOW?

It is also unlawful to **RETALIATE** against an individual for:

- Opposing employment practices that discriminate based on sex and/or
- Filing a discrimination charge, testifying or participating in any way in an investigation, processing or lawsuit under Title VII.

**IF YOU HAVE QUESTIONS ABOUT FILING A SEXUAL HARASSMENT COMPLAINT OR A COMPLAINT HAS BEEN FILED AGAINST YOU, CONTACT AN EMPLOYMENT LAW ATTORNEY. THE WOMEN'S BAR ASSOCIATION OF THE DISTRICT OF COLUMBIA CAN HELP YOU FIND AN ATTORNEY THAT PRACTICES IN THIS AREA.**

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