Sexual Harassment

In the late 1980’s, the Supreme Court interpreted Title VII of the Civil Rights Act of 1964 to include discrimination based on “sex” as sexual harassment in the workplace. Sexual harassment can occur in a variety of ways, according to the U.S Equal Employment Opportunity Commission (EEOC):

* The victim, as well as the harasser, may be a woman or a man. The victim does not have to be of the opposite sex from the harasser.
* The harasser may be the victim’s supervisor, an agent of the employer, a supervisor in another area, a co-worker or a nonemployee, such as a vendor or customer.
* The victim does not have to be the person harassed but could be anyone affected by the offensive conduct.
* Unlawful sexual harassment may occur without economic injury to or discharge of the victim.
* The harasser’s conduct must be unwelcome.

Sexual harassment is a specific form of intimidation in the workplace that creates a hostile work environment. There are no parameters for how sexual harassment “must” occur to give the employee grounds to file a complaint. It is any unwelcome verbal or physical conduct of a sexual nature that relates to or affects the individual’s employment.

Simple examples of sexual harassment:

* Unnecessary touching
* Excessive touching
* Friendly massages
* Invasion of personal space
* Not stopping the behavior when asked
* Sexting
* Making lude gestures
* Comments on body parts
* Statements of how both would be great together
* Standing in someone’s way
* Locking an exit

Although there are always two sides to every story, the general consensus regarding harassment is that if the person being subjected to the offense considers it harassment, then the business should treat it as harassment regardless of whether the harasser intended or considered it harassment.

If a third person witnesses the harassment, that person is equally responsible to report the incident to a supervisor.

Employers should establish a policy for the prevention, reporting, investigation, and punishment of sexual harassment in the workplace. It is the employer's responsibility to maintain a workplace that is free from sexual harassment.

An employer can be held liable for sexual harassment committed by their employees whether or not the employee is in a supervisory position. The employer can also be held liable for sexual harassment committed by non-employees. Therefore, it is in the employer's best interest to prevent sexual harassment in the workplace and, if sexual harassment occurs, to take immediate action to resolve the issue before it escalates.