

Sexual Harassment and Your Rights on the Job

Sexual harassment in the workplace is:

- Any verbal or physical interaction with you that is sexual and that you do not want.
- Sexual suggestions or explicit language about sex that you do not want.
- A pattern of sexually discriminatory remarks.

This behavior is harassment if it is offensive to you or you object to it. It is harassment if it causes you to be uncomfortable, it creates a hostile atmosphere, or it interferes with your job performance. Sexual harassment is not limited to any class or level of employee. You can be sexually harassed at work by someone you are currently dating or previously dated.

Sexual harassment violates the law when:

- You must submit to sexual demands to keep your job. These demands can be spoken or unspoken, or
- an employer makes employment decisions about you depending on whether or not you submit to sexual demands. These decisions can be about hiring, promotions, raises or other employment issues, or
- the behavior creates an intimidating, hostile, or offensive working environment.

Examples of Sexual Harassment

- Verbal abuse, jokes, or conversations about sex.
- Pressure for sex. For example, this can be flirting, asking for sex, staring or brushing up against a person's body.
- Physical contact that you do not want. This can be patting, pinching, hugging, kissing or other unneeded touching.
- Showing sexually explicit or degrading materials. These can be posters, calendars, graffiti, signs or clothing with offensive messages. These can include materials on email or other communication tools that your company uses.
- Comments on a person's appearance that make the person feel uncomfortable because of her or his sex.
- Sexually oriented entertainment at a work-related event.
- Demanding sexual favors.
- Giving promotions or other job favors because of saying yes or no to sex.
- Physical assault.

What Can You Do If You Are Sexually Harassed?

1. Speak directly at the time the harassment occurs. You can say things like “I’m not interested,” or “I prefer that you do not touch me when we talk.” Say it firmly, without smiling or apologizing. Make it clear that you do not like the behavior. You may want to practice doing this in case the behavior happens again.

Filing a Complaint

The Equal Employment Opportunity Commission (EEOC) is the federal agency that enforces the law. This covers employers with at least 15 employees. You must file a complaint within 300 days of the harassment. You may be able to get back pay, money for damages, a job back, or other help. To find the EEOC office nearest you, go to www.eeoc.gov/offices.html or call 1-800-669-4000. The TTY number is 1-800-669-6820.

States and some counties and cities have agencies that also enforce anti-sexual harassment laws. Check with your state government for your state’s Fair Employment Practice Agency (FEPA) as well as local government for county and city agencies.

In Illinois, the Illinois Department of Human Rights covers sexual harassment claims. 100 West Randolph, Chicago • 312/814-6200; TTY: 312/263-1579.

In Cook County, the Cook County Commission on Human Rights can help wherever city laws do not provide protection. 69 West Washington, Chicago • 312/603-1100; TTY:312/629-6929.

In Chicago, the Chicago Commission on Human Relations covers violations that occur in Chicago. 740 N. Sedgwick, Chicago • 312/744-4111; TTY:312/744-1088.

These three agencies cover any size employer for sexual harassment. You must file a complaint within 180 days. Some of these agencies can help you get back pay or get other help.

2. Keep a diary of what is happening to you in a bound book in which sheets of paper cannot be added. Take notes of what is said and done. Include dates, times, and places. Write down direct quotes. Save any letters, cards, notes or materials sent to you. Keep the book in a secure place, preferably at home. Don’t keep this in your desk or locker at work.

3. Talk to your co-workers to learn if anyone saw the harassment. Find out if anyone else has been harassed. Perhaps someone left a job because of this. Witnesses can help provide evidence of sexual harassment. Otherwise, the only evidence may be your word against the harasser’s word.

4. If the harassment continues, you may want to put in writing that you object to it. Writing a letter to the harasser allows you to communicate your feelings without being interrupted. When you write a letter, most of the time the harasser does not say anything, but the behavior changes. The

harasser may be surprised at the way you see the behavior. The harasser may also fear that you will make a formal charge and worry about who else has seen the letter.

Here are some suggestions for writing a letter:

Paragraph 1: Report the basic facts of what has happened. For example, you might say, "During the meeting you commented on my appearance," or "You brush against me when you pass me in the hall."

Paragraph 2: Describe how you feel about it. For example, you might say "My stomach turns to knots when I come to work," or "I am thinking of asking for a transfer."

Paragraph 3: Explain what you want to happen next, for example, "I want our relationship to be purely professional" or "I want you to stop making comments about my appearance."

You may decide to send a copy of the letter to a supervisor if the letter does not get the harasser to stop. Keep a copy. If the letter doesn't stop the harassment, it can later be used as evidence in a formal complaint or lawsuit.

Retaliation

Retaliation for filing a charge is illegal. If you file a complaint and, as a result, you are transferred to a lower-paying job, passed over for promotion, or fired, you can report this to an enforcement agency.

5. Use formal complaint procedures where you work. Report the harassment to human resources or to your supervisor. If your supervisor is harassing you, report the harassment to that person's supervisor.

When you confront harassers, they may try to make you feel bad. But ignoring the problem won't make it go away. If women remain silent, workplace harassment will continue to be seen as a personal problem rather than a social issue.

Employer Responsibility

The law holds your employer responsible if you are sexually harassed. This is called "liability."

An employer is liable when a supervisor harasses someone, and this results in a concrete employment action, like firing, demotion, or no promotion. This is called "quid pro quo" which means "this for that." One example is if a supervisor tells an employee to date him or be fired.

An employer is also liable when there is a hostile environment (words, actions or pictures that are offensive to the employee) caused by co-workers or by others (such as customers) if the employer either knew or should have known, and then did not take quick and appropriate action to change the environment.

In some cases, the employer is not liable for sexual harassment or a hostile environment caused by a supervisor if 1) the employer can show it tried to prevent and stop

harassment and 2) you did not use the employer's procedures to prevent and stop harassment and you did not have a good reason not to use the procedures.

Sexual harassment is illegal whether or not your employer has its own anti-harassment policy. To prevent harassment, employers should create, publicize and enforce a policy against sexual harassment. Employers should publish this policy in personnel manuals and circulate it to employees. The policy should include a procedure for reporting harassment.

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