

WHAT EACH PERSON SHOULD KNOW ABOUT SEXUAL HARASSMENT

Much attention has been focused on the issue of sexual harassment in the workplace, but what constitutes sexual harassment can still be subjective.

Is it an invitation to dinner? Is it a suggestive look? Or is it a pat on the rear? The more obvious forms of sexual harassment, such as demands for sexual favors, are not hard to define. Yet there are acts which some consider offensive that others tolerate in the workplace.

If men or women find a particular action offensive, what can they do about it? To whom can they turn for resolution? What laws protect their rights?

Some Important Questions Regarding Sexual Harassment

- ❖ **What is Sexual Harassment?**
 - ❖ **What is the Law?**
 - ❖ **What Can Employers Do to Prevent Sexual Harassment?**
 - ❖ **If You Feel You Are a Victim of Sexual Harassment You Should:**
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❖ WHAT IS SEXUAL HARASSMENT?

As defined by the Equal Employment Opportunity Commission (EEOC) guidelines, sexual harassment is “unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is either explicitly or implicitly a term or condition of employment.
- Submission or rejection is used as the basis of employment decisions affecting such individuals.
- Such conduct has the effect of unreasonably interfering with a person’s work performance or creating an intimidating, hostile or offensive work environment.”

In short, sexual harassment can be any of those things a person finds sexually offensive on the job. Simple flirtation to one may be harassment to another.

Sexual harassment may be directed from supervisors, co-workers or non-employees.

❖ WHAT IS THE LAW?

Under Title VII of the Civil Rights Act of 1964, sexual harassment is considered to be sex discrimination when the victim’s response to sexual advances made by a supervisor or co-employee preclude the victim from being promoted, getting a pay raise or receiving training.

As time passed, the courts broadened the definition of sexual harassment to include the victim’s being subjected to a hostile work environment involving sexual harassment in the workplace, even without adverse effect on promotion, pay raise or training, and a victim is allowed to recover for that non-economic loss.

The law of Colorado protects against discrimination and harassment in the workplace based on sex, whether or not the victim's response results in loss of compensation.

❖ WHAT CAN EMPLOYERS DO TO PREVENT SEXUAL HARASSMENT?

- ❖ Educate managers, supervisors and employees as to the inappropriateness of this kind of behavior. Employers must demonstrate a genuine concern by affirmatively stating their disapproval and must follow through with the consequences for such behavior as outlined in the company's policy;
 - ❖ Additionally, employers should develop and consistently apply a sexual harassment policy that:
 - Defines sexual harassment.;
 - Identifies behaviors that may be considered sexual harassment;
 - Specifies a procedure for reporting and confidentially handling such complaints;
 - Specifies the disciplinary actions that will be taken.
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❖ IF YOU FEEL YOU ARE A VICTIM OF SEXUAL HARASSMENT, YOU SHOULD:

- **Not ignore the behavior. Seldom will this make it stop.**
- **Tell the harasser the conduct is unwelcome and be specific about what bothers you. You need not justify why you find this behavior offensive.**
- **Enlist the aid of co-workers when you feel uncomfortable approaching the harasser alone.**
- **Have one or more present during the confrontation.**
- **Take the complaint to your supervisor if it does not stop. If your supervisor is the harasser, go to his or her supervisor or the person designated to handle such complaints for the company.**
- **Remember, you were hired to do a job. You were not hired to tolerate offensive conduct.**
- **If none of the above steps result in the cessation of sexual harassment, you may file a charge of discrimination with the Colorado Civil Rights Division or the Equal Employment Opportunity Commission.**

Colorado law also prohibits sex discrimination, including sexual harassment, as a term or condition of housing or access to a place of public accommodation.

From the date of the alleged act of discrimination, a charge must be filed with the Colorado Civil Rights Division regarding Employment within 6 months; regarding housing within 1 year; and, regarding Public Accommodation, within 60 days.