

Some Facts about Sexual Harassment

Sexual harassment can occur between parties of the same sex; men can be victims of sexual harassment; and women can be harassers. Victims of sexual harassment may also include third parties who are exposed to harassment aimed at another person. Harassers may be coworkers, supervisors, employers, or even non-employees, such as customers, contractors, clients or vendors.

It is AGAINST THE LAW TO RETALIATE against anyone who has made a discrimination complaint or participated in an investigation.



For more information about your rights and responsibilities under the law, contact us:



WASHINGTON STATE HUMAN RIGHTS COMMISSION

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PREVENTING SEXUAL HARASSMENT



WASHINGTON STATE HUMAN RIGHTS COMMISSION

Established in 1949 by the Washington State Legislature, the Washington State Human Rights Commission administers and enforces the Washington State Law Against Discrimination, Chapter 49.60 RCW

The Mission of the Washington State Human Rights Commission is to prevent and eliminate discrimination through the fair application of the law, the efficient use of resources, and the establishment of productive partnerships in the community.

What is Sexual Harassment?

Sexual Harassment is a form of illegal discrimination that violates the Washington State Law Against Discrimination, RCW 49.60, and Title VII of the Civil Rights Act of 1964.

It is illegal for an employer to subject an employee to unwelcome sexual advances, comments or conduct when submission to such conduct is made an implicit or explicit term or condition of employment or used as the basis of employment decisions, or when such conduct has the purpose or effect of unreasonably interfering with an individual's work performance, or creating an intimidating, hostile, or offensive work environment.



Examples of Sexual Harassment

A supervisor tells an employee that in order to stay employed or earn a promotion, the employee must give in to the supervisor's sexual demands.

An employee repeatedly comments on a coworker's appearance and makes requests for dates, although it was made clear that the comments were unwelcome and there was no interest in dating.

A client who regularly visits the employer's place of business tells sexually explicit jokes, flirts with staff, makes sexist comments and uses demeaning terms when referring to one particular gender.



The U.S. Supreme Court identifies Two Types of Sexual Harassment

(1) "Quid pro Quo" (Latin meaning "this for that") is defined as unwelcome sexual conduct where submission is implicitly or explicitly made a term or condition of employment, or is used as a basis for employment decisions.

(2) A Hostile Work Environment results from Severe or Pervasive Harassment; a Reasonable Person would not be able to work in this environment due to the harassment.

A Hostile Work Environment is not limited to sex.

Harassment may be based on any **legally protected class in employment**: race/color, sexual orientation/gender identity, disability, national origin, creed, veteran status, HIV or Hepatitis C; marital status, or age (40+).



Harassment may include but is not limited to:

Unwelcome jokes, comments, gestures; Offensive or threatening words; Pictures and displays in the work environment, on clothing, sent by email or other media; Unwelcome touching, bodily contact or threats, such as grabbing, slapping, shoving, pinching or interfering with an individual's freedom of movement; Unwelcome requests for dates or flirting; Derogatory comments or language against one gender.

Employers have a duty to prevent and correct harassment.

Employers are responsible for having anti-harassment policies and reporting procedures in place. Employers must investigate complaints and take prompt and remedial action to stop the harassment, even when done by a non-employee. Best employment practices include training employees to create a harassment-free climate, provide complaint channels, and making sure that employees are aware of reporting procedures.



Employees have a duty to avoid engaging in harassment and use the employer's complaint procedures to report harassment.

If you believe you have been subjected to harassment, tell the offending party that the behavior is unwelcome and to stop immediately; document the incident; report the behavior to the appropriate manager or supervisor; use your employer's complaint procedures; cooperate in the employer's investigation.