

HR Insights

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Sexual Harassment

Sexual harassment is a form of discrimination that violates Title VII of the Civil Rights Act of 1964. Title VII applies to employers with 15 or more employees, including state and local governments. It also applies to employment agencies, labor organizations and the federal government.

Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, offensive remarks about a person's sex and other verbal or physical conduct of a sexual nature. Harassment is illegal because it affects an individual's employment, unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment.

Types of Sexual Harassment

Sexual harassment can occur in a variety of circumstances:

- 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.
- The harasser can be the victim's supervisor, an agent of the employer, a supervisor in another area, a co-worker or a non-employee.
- 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 victim should directly inform the harasser that the conduct is unwelcome and must stop. The victim should also use any employer complaint system available.

When investigating allegations of sexual harassment, the Equal Employment Opportunity Commission (EEOC) looks at the circumstances, such as the nature of the sexual advances, and the context in which the alleged incidents occurred. A determination on the allegations is made from the facts on a case-by-case basis.

Prevention is the best tool to eliminate sexual harassment in the workplace. Employers are encouraged to take steps necessary to prevent sexual harassment from occurring. They should clearly communicate to employees that sexual harassment will not be tolerated. They can do so by providing sexual harassment training to their employees and by establishing an effective complaint or grievance process and taking immediate and appropriate action when an employee complains.

It is unlawful to retaliate against an individual for filing a discrimination charge, testifying or participating in any way in an investigation, proceeding or litigation under Title VII. It is also unlawful to retaliate against someone for opposing employment practices that discriminate based on sex.

Source: Equal Employment Opportunity Commission:
www.eeoc.gov/



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