

SEXUAL HARASSMENT

The American Psychological Association estimates that 71 percent of working women will be subjected to sexual harassment during their careers.

Harassment on the basis of sex is a violation of state and federal law. Sexual harassment is defined as any form of unwelcome physical conduct of a sexual nature.

WHAT IS SEXUAL HARASSMENT?

The most extreme form of sexual harassment occurs when an employee loses a job, benefit or other privilege of employment, or is fired or loses a benefit or opportunity because the employee has rejected sexual demands.

However, a determination of sexual harassment does not depend on whether the victim was threatened with the loss of a job or other benefit. Conduct which unreasonably interferes with an individual's work performance or which creates an intimidating, hostile or offensive work environment is also prohibited by law.

Finally, retaliation by an employer against one who resists sexual harassment or who reports acts of sexual harassment involving co-workers is also illegal.

Examples of conduct which may be prohibited by law include but are not limited to, the following:

- Unwanted sexual advances, flirtations or propositions.
- Demands for sexual favors in exchange for favorable treatment or continued employment.

- Unwanted sexually oriented jokes or remarks.
- Verbal abuse of a sexual nature.
- Graphic verbal commentary about an individual's body, sexual prowess or sexual deficiency.
- A display in the workplace of sexually suggestive objects, pictures, posters or reading materials.
- A coerced sexual act or assault.
- Physical contact of a sexual nature such as pinching, grabbing, patting or brushing unnecessarily against another person's body.
- Leering, whistling or gestures of a sexual nature.

AN EMPLOYER CAN PREVENT SEXUAL HARASSMENT FROM OCCURRING IN THE WORKPLACE

Prevention is the best tool for the elimination of sexual harassment. An employer should take all steps necessary to prevent sexual

harassment from occurring, such as affirmatively raising the subject, expressing strong disapproval, developing appropriate sanctions, informing employees of their right to raise the issue of harassment, and developing methods to sensitize all concerned. Suggested strategies for preventing sexual harassment include the following:

Develop a written sexual harassment policy statement. This policy statement should begin by stating that sexual harassment is illegal and will not be tolerated. The policy statement may further include the employees' right to work in an environment free from harassment and from retaliation for reporting harassment, the fact that sexual harassment is a violation of state and federal law, identification of specific behaviors that constitute sexual harassment, and an outline of consequences for engaging in harassing behavior.

Communicate the policy by posting it in the workplace and including the policy in employee handbooks or policy manuals.

Develop procedures that will be followed upon filing a claim of sexual harassment and identify the person(s) to whom the employee should report the harassment.

Charge employees with the responsibility to report harassment or discriminatory practices.

A VICTIM OF HARASSMENT CAN SEEK RELIEF

There are a number of options available for seeking relief from sexual harassment. An employee may wish to resolve the complaint informally through use of the employer's established procedures. However, if no complaint procedures have been established in the workplace and the employee feels unable to report the harassment to supervisory personnel, the employee may seek relief in an external forum such as the United States Equal Employment Opportunity Commission, the Florida Commission on Human Relations or the judicial system.

UNITED STATES EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION
1-800-669-3362

FLORIDA COMMISSION ON
HUMAN RELATIONS
1-850-488-7082

The material in this pamphlet represents general legal advice. Since the law is continually changing, some provisions in this pamphlet may be out of date. It is always best to consult an attorney about your legal rights and responsibilities regarding your particular case.

The Florida Bar
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