

How Is Sexual Harassment Defined?

Q: How is sexual harassment defined?

A: The EEOC defines sexual harassment as "unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature...when...submission to or rejection of such conduct is used as the basis for employment decisions...or such conduct has the purpose or effect of...creating an intimidating, hostile or offensive working environment."

Thus, sexual harassment consists of two types of prohibited conduct: 1) quid pro quo--where submission to harassment is used as the basis for employment decisions; and 2) hostile environment--where harassment creates an offensive working environment.

What Victims of Sexual Harassment Can Do

Employees subjected to sexual harassment should immediately notify their supervisor. If the supervisor is the harasser, the worker should go to the supervisor's superiors. Employers cannot solve the problem if they do not know about it. If there is a grievance procedure, employees should use it.

Victims should keep a written record of all incidents of harassment, detailing the place, time, persons involved and any witnesses. Victims can also express their disapproval of the conduct to the perpetrator and tell him or her to stop.

An employee can file a claim with the EEOC. If the state in which the employee lives prohibits sexual harassment, the worker should contact the proper state agency.