

“Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when submission to or rejection of this conduct explicitly or implicitly affects an individual’s employment; unreasonably interferes with an individual’s work performance; or creates an intimidating, hostile, or offensive work environment.”

Definition of Sexual Harassment, U.S. Equal Employment Opportunity Commission



Preventing and Stopping Sexual Harassment

A Serious Legal Infraction

Sexual harassment is a form of sex discrimination that violates Title VII of the Civil Rights Act of 1964. Not all behavior of a sexual nature that occurs in the workplace is sexual harassment, but it is critical for employees to know what constitutes sexual harassment, so it does not happen. Huge penalties have been levied against companies for not stopping sexual harassment. About 85 percent of EEOC complaints of sexual harassment are filed by women and about 15 percent are filed by men.

Some Key Points

- The victim does not have to be the opposite sex.
- The harasser can be a coworker, customer, boss, or nonemployee.
- The harasser’s behavior must be unwelcomed.
- Your employer does not want you to be sexually harassed. There is a vital interest and obligation to ensure that it does not happen or stops.
- Employees who feel harassed have an obligation to communicate that they want the behavior to stop. Employers have policies that guide employees in how to do it. The promise of no retaliation is a vital part of it.

Stop It—Don’t Do It Again

The U.S. Equal Employment Opportunity Commission (EEOC) has stated that the behavior must be “sufficiently frequent or severe to create a hostile work environment or result in a ‘tangible employment action,’ such as hiring, firing, promotion, or demotion.” This statement gives those who feel harassed wide latitude to decide what behavior or act is offensive or unwanted and constitutes harassment. If you are asked by an employee to stop doing something or saying something that is unwanted—stop it immediately. Don’t continue the behavior because you think it is not really sexual harassment or that the person doesn’t really mean “no.” Don’t let denial, anger, or your attraction for a coworker prevent you from accepting what the person is telling you.

Everyone Has a Role

You can help yourself, coworkers, and your organization to maintain a safe and supportive work environment by knowing and following your organization’s anti-sexual harassment policy.

Encourage fellow employees to act on it if they feel harassed. Assume your employer wants all employees to be safe, happy, healthy, and productive. Confront what you think is unprofessional or inappropriate behavior, especially if it makes someone else a victim. Don’t be a bystander because someone else has not voiced a complaint first.

What the EAP Can Do

Your organization’s policy on sexual harassment is your guide on what to do if you face a sexual harassment situation. Follow it first. But if you are unsure of what to do, or just need a confidential, listening ear, the EAP is available. We won’t take the place of human resources or interfere with the organization’s policy. We will help you take the right steps. Are you concerned about your behavior, and do you worry about whether you are at risk of being accused of sexual harassment? Do you sometimes say or do things accidentally or impulsively that offend others whom you didn’t mean to hurt? The EAP is available to help you be the person you want to be in the workplace.

It’s Not Your Fault: Frequently victims of sexual harassment feel guilty, ashamed, or in some way responsible for the behavior of the harasser—that they did something to provoke the unwanted behavior by what they said, how they dressed, the tone of voice they used, or what they did not say or do. If you feel harassed, it’s harassment. Ask that the behavior stop. Then expect that to happen. Talk confidentially to someone who can help.