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Workplace Sex Harassment: The Basics

This is not legal advice. It gives you general information only.

There are federal, state, and local laws that may protect you from workplace sex harassment. This fact sheet talks only about federal law.

Federal laws set the minimum protections. Depending on your state or city, you may have more protections.

If you are facing workplace sex harassment, the [Legal Network for Gender Equity](#) can help connect you to attorneys. Attorneys in our network will do an initial consultation with you for free.

What is workplace sex harassment?

Sex harassment is unwelcome behavior in the workplace that is based on your sex, sexual orientation, or gender identity. Sex harassment includes behavior of a sexual nature as well as harassment based on pregnancy, childbirth, or a related medical condition, including unwelcome conduct based on your decision to have, or not to have, an abortion. Sex harassment can come **from a supervisor, co-worker, or a customer**. It can happen **in the workplace**, but it can also happen **outside of the workplace**. Sex harassment can happen to someone of any gender, and the harasser can be any gender as well.

Here are some examples of sex harassment:

- Asking someone out repeatedly
- Making comments about another person's body
- Putting another person down because of their sex, even if the comments are not explicitly sexual ("women can't do this job", "lesbians are not welcome")
- Asking personal questions about another person's body, gender identity or expression, or gender transition
- Showing or sending unwanted sexually explicit photos, emails, or text messages
- Linking something at work (a job, a raise, a shift, enough hours) to whether an employee takes part in sexual conduct
- Grabbing, groping
- Sexual assault

Look here for more information about [Legal Protections for LGBTQ Employees](#).

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Is what happened to me enough for a case against my employer?

It depends.

Generally, under federal law, employers are responsible for sex harassment that is severe behavior, like sexual assault, even if it only happens once, or it can be less severe behavior that keeps happening again and again. Whether your employer is responsible for the sex harassment also may depend on who did the harassment. It can vary depending on whether the person is a supervisor, co-worker, or customer.

To figure this out, you may want to speak with a lawyer. For help connecting with a lawyer, you can reach out to the [Legal Network for Gender Equity](#).

Legal ways workplace sex harassment is described:

Quid Pro Quo – This is when a worker is forced or coerced to engage in sexual conduct in exchange for a job benefit, such as being hired or being given an assignment. It also may occur if a worker is threatened with having a job benefit taken away, for example, being fired if they do not engage in sexual conduct. The employer is usually automatically responsible for this type of harassment.

Hostile Work Environment – This can be verbal or physical harassment. To be considered harassment under federal law, it must be so severe *OR* pervasive that it creates an intimidating, hostile, or offensive work environment. For a hostile work environment, an employer's responsibility depends upon who did the harassing and what the employer knew. For example, if the owner of a company harasses an employee, the employer is usually automatically responsible. If it is a supervisor, the employer may be able to escape responsibility if it shows that it had a way to report the harassment, the worker did not use the system set up by the employer, and the worker's failure to use the system was unreasonable. If the harassment is done by a coworker or a client, the employer is usually responsible if it knew, or should have known, about the harassment.

I am being harassed on the basis of sex at work. What should I do?

First, know it is not your fault. Workplace sex harassment is very common. It happens to lots of people, in all industries and types of jobs.

Here are some steps for you to consider:

- If you believe you can do so safely, tell the harasser you want the behavior to stop.
- Read your employer's policy and see where it says you should report the harassment. Follow it if you feel you can do so safely.
- If your employer does not have a policy or you do not feel safe following it, report it to a supervisor, if you can.
- Keep copies of your work records, including performance evaluations and other things that show the quality of your work.
- Make and keep in a safe place detailed notes about what happened.
- Keep copies of any harassing messages or other evidence of harassment.
- Contact the [Equal Employment Opportunity Commission \(EEOC\)](#). This is the federal agency that is the first stop if you want to make a legal complaint.
- Contact the [Legal Network for Gender Equity](#). We can help connect you to an attorney to talk to about your situation and discuss your legal options.

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What will happen if I report the sex harassment to my employer?

Different companies have different procedures. Generally, the employer will investigate the claim. This may mean you will have to talk to an investigator. The investigator will also usually interview the person who harassed you and witnesses. Some employers will move the harasser away from you during the investigation.

If the investigation finds that harassment happened, the employer's response will depend on the type of harassment and the employer's disciplinary procedures.

What is retaliation?

Retaliation is when an employer treats you less favorably because you reported sexual harassment or supported someone else's report. Some things that may be retaliation:

- Being given fewer shifts or hours getting cut
- Being given less responsibility at work or taken off projects, especially if this means you are paid less
- Suddenly being disciplined for something that was not a problem before
- Being fired

The same federal laws that make sex harassment illegal also make it illegal to retaliate against you for reporting it. Some employers or harassers may threaten to sue you for defamation if you speak out publicly about your experience; you can [learn about your rights relating to this form of retaliation here](#).

I am scared to report sex harassment to my employer.

Coming forward to report sex harassment is a difficult thing to do. Employees are often afraid to talk to their employer about sex harassment because they are worried about retaliation. Here are a few options:

- Report without giving your name, perhaps through a call-in number if that is an option.
- Seek support from your union if you belong to one.
- Get help from organizations that support workers' rights in your industry or location.

In some situations, the law says you cannot win a discrimination case unless you let your employer know about what happened, so the employer has a chance to fix it. So, if you do not report the situation to your employer, it can hurt your legal case if you later choose to bring one.

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I reported the harassment to my employer, and nothing happened. Now what should I do?

Here are some options you can consider:

- Discuss your situation in a free consultation with an attorney in the Legal Network for Gender Equity.
- Ask your employer for an update on your complaint.

How long do I have to start the legal process?

NOTE: These deadlines do NOT apply to workers for the federal government or people in the military.

- The **Equal Employment Opportunity Commission (EEOC)** is a federal government agency. If you think you have been harassed on the basis of sex at work and may want to bring a federal legal claim in court, you first must go to the EEOC and file a charge.
- In some cases, you must file a complaint with the EEOC within 180 days from the violation.
- If your complaint is also covered by state or local employment laws, you may have 300 days to report to the EEOC. Other laws have different time frames.
- The EEOC's web page with field offices has information about what timelines apply in each state. <https://www.eeoc.gov/field-office>.

For Federal Government Workers:

You must contact the agency's Equal Employment Opportunity (EEO) counselor within 45 days of harassment occurred. The counselor will provide you with the next steps. These can include mediation or, if that fails, an investigation. You can learn more about the process [here](#).

For Members of the Military:

The military has its own rules about how to report. You can learn about the process [here](#).

Do I need a lawyer?

- You do not have to have a lawyer to report what happened to your employer or the EEOC, but it can be helpful to have one.
- For help connecting to lawyers about workplace sex harassment, contact the **Legal Network for Gender Equity**.

More Information

To learn more about the EEOC process

To learn more about the litigation process