Sexual Harassment at Work: Know Your Rights
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Employee Rights

All employees have the right to freedom from sexual harassment

If you have experienced workplace sexual harassment you are not alone.

A survey of 2,235 female employees by a major nationwide magazine uncovered that one in three women have experienced sexual harassment at work. In the past, harassment has often gone unreported. Therefore it is important to understand how the law can protect employees who have been harassed. The attorneys at McCormack and Erlich will listen to your goals and concerns, and can advise you of your legal options.

Sexual harassment happens regardless of career, status, or income, and can take many forms. It may be as extreme as pressure for unwanted relationship in exchange for employment benefits (“quid-pro-quo” harassment), but may also appear as a pattern of inappropriate sexual language, content, or behavior permeating the workplace (“hostile work environment”).

Your employer is required to promptly investigate sexual harassment and take action so that it stops.

It is illegal for an employer to retaliate against a worker for reporting sexual harassment. If an employer does not take action to stop the sexual harassment, or terminates an employee for reporting it, then the employee can take legal action to recover damages for any lost pay, pain and suffering. You are also protected when the nature of your employment situation makes it impossible to complain to your employer.

Most report being verbally harassed by male coworkers.

1 in 3

Women report experiencing sexual harassment at work
What type of harassment are women reporting in the workplace?

Verbal harassment is most common, followed by unwanted touching and unwanted advances, texts or emails.

What Creates a Hostile Work Environment?

A hostile work environment occurs when an employee is repeatedly subject to unwelcome conduct of a sexual nature. The behavior has to be severe enough, or happen often enough, that any reasonable person would feel the situation was abusive and altered the conditions of employment.
The following actions contribute to a hostile work environment

The types of harassing behavior are almost limitless, but some common examples include:

**Unwanted physical contact or graphic materials**

This includes unwanted touching of any part of the body. If the contact is unwelcome to you it is not appropriate for the workplace.

**Unwanted pressure or advances**

Unwanted pressure includes pressure for sex, physical contact, or romantic involvement; repeatedly asking for dates, after rejection; or excessive and inappropriate personal questions about romantic or sexual life.

**Verbal harassment or graphic materials**

This most common form of workplace sexual harassment includes sexual jokes, spreading sexual rumors or gossip, sexual innuendo, and telling sexual stories. Harassment may also include being shown or being sent obscene or pornographic writing or pictures in print, internet or social media.

**Most other inappropriate behavior**

Almost any other form of unwanted sexual content, or conduct is sexual harassment, including referring to an adult as “girl”, “honey”, “babe”, etc. and whistling or cat calls.
What is Quid Pro Quo Harasment?

**SEXUAL HARASSMENT**

**Pressure for favors: Quid Pro Quo harassment**

If someone with power pressures a coworker into an unwanted relationship in exchange for employment opportunities, then that is a very severe form of sexual harassment.

**SEXUAL HARASSMENT**

**This in exchange for that**

The legal term quid pro quo is derived from a Latin phrase meaning roughly “this, in exchange for that.”

The most common situation is where someone with power in the organization promises a raise or promotion, or threatens to fire, or harm the reputation of an employee. This may be a boss, or some other powerful figure, and the threat may be clear, or implied. You should never have to tolerate this type of pressure in the workplace.
What if there is no one to report the harassment to?

The law encourages employees to report sexual harassment using the company’s internal complaint procedures, to allow the company to correct the problem. But the law also recognizes it may not be possible to complain, for instance where the harasser owns the business or past complaints were ignored. If you are in an intolerable situation it is best to speak to an employment attorney immediately.

Harassment is widely underreported

Most people, both men and women, do not report harassment internally or file a legal complaint. Approximately 70 percent do not talk to a manager, supervisor or union representative and approximately 90 percent do not file a complaint. Even in this environment, 76 harassment charges are filed daily.

When people experience harassment, most choose to handle it without reporting it.

- 70% do not report internally
- 90% do not file a complaint
- 76 charges are filed daily
CASE STUDY

Sexual harassment and wrongful termination

A dental hygienist was fired after she complained that a dentist at her practice made inappropriate sexual remarks. Her complaint was an attempt to rectify the situation.

WHAT HAPPENED

1. Our client, a dental hygienist complained that a dentist at her practice made inappropriate sexual remarks to her.

2. They hygienist was dedicated to the practice and had worked there nearly ten years.

3. She wanted to continue with the practice and requested that she have a workplace free from rude and suggestive comments.

4. The dentist responded with hostility. When our client complained again to HR she was fired.

RESULT

We obtained compensation for lost wages due to the termination and damages for severe emotional distress caused by the harassing and retaliatory treatment. Also as a result of the case the dentist came under scrutiny by his institution and no longer practices there.
We understand it can be difficult to come forward in cases of workplace harassment. The experienced wage attorneys at McCormack & Erlich are available to answer your questions or concerns. We will investigate your case and fight on your behalf for the compensation you deserve. Call us for a free consultation.

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