

# Sexual Harassment

The Office of Civil Rights (OCR) manages the Department of Commerce's Equal Employment Opportunity (EEO) programs, including the EEO complaint process. This fact sheet provides basic information about sexual harassment. Sexual harassment is a form of sex discrimination which violates Title VII of the Civil Rights Act of 1964.

## Q. What is sexual harassment?

**A.** Sexual harassment is sex discrimination that involves unwelcome sexual conduct at work. There are two kinds of sexual harassment:

**Quid pro quo harassment** occurs when:

- (a) submitting to unwelcome sexual advances is directly or indirectly made a requirement of employment, i.e., the individual has to go along with it to get or keep a job; or
- (b) an employment decision is based on submission to or rejection of unwelcome sexual advances, i.e., the individual has to go along with it to get a raise or a vacation or to influence other job-related decisions.

**Hostile environment harassment** occurs when unwelcome sexual conduct:

- (a) is intended to or does unreasonably interfere with work performance, or
- (b) creates an intimidating, hostile, or offensive work environment.

## Q. What is unwelcome sexual conduct?

**A.** Sexual conduct includes both verbal and physical behavior. Some examples are pressure for dates or sex; sexually suggestive looks, comments, or gestures; sexual jokes or "kidding;" displaying material of a sexual nature; and deliberate touching. Sexual conduct is unwelcome if it was not solicited or invited and the employee or applicant considers it undesirable and offensive.

## Q. Who is protected from sexual harassment?

**A.** Both male and female employees and job applicants are protected from sexual harassment.

## Q. Must the victim and the harasser be of different sexes?

**A.** No. The victim and the harasser may be of the same sex. Same-sex harassment is prohibited by Title VII.

## Q. Must the harasser be the victim's supervisor?

**A.** Only a supervisor or another manager who has authority to make decisions about the victims' employment can cause **quid pro quo** sexual harassment, which is an abuse of power or authority.

In contrast, **any person** who comes into the work environment can cause **hostile environment sexual harassment**. The person may be a manager, coworker, or even a client, contractor, or inspector.

## Q. Can a single incident of unwelcome sexual conduct be sexual harassment?

**A.** It depends on the circumstances. A single sexual advance by a supervisor may be quid pro quo harassment if it linked to an employment decision. But single or isolated incidents usually will not amount to hostile environment harassment unless they are very severe. The more severe the behavior, the less need there is to show repetition.

**Q. What actions can a person take if they are subjected to unwelcome sexual conduct?**

**A.** If the person feels comfortable doing so, they can tell the harasser directly - orally or in writing -- that they find the behavior offensive and expect it to stop. In some cases, the harasser may stop the behavior.

An employee may also report the behavior to their supervisor, another appropriate management official in their chain-of-command, their Administrative Officer, or their servicing personnel specialist.

A victim of harassment may also contact an EEO Counselor. With the person's approval, the Counselor will inform management of the situation and work with management and the employee to try to resolve the situation informally.

To preserve the right to file a formal complaint, the individual should request EEO counseling within 45 days of the most recent incident of harassment.

It is best to address the situation as soon as possible, whatever approach is taken.

**Q. What are the responsibilities of supervisors and managers with respect to sexual harassment?**

**A.** Supervisors and managers are responsible for ensuring that the workplace is free of sexual harassment. This includes taking immediate and appropriate action when harassment is reported. They should also take steps to stop any harassment they become aware of or could reasonably be expected to discover, even if the victim does not report it to them. Supervisors are also encouraged to take preventative steps, including clearly communicating to employees that sexual harassment will not be tolerated.

If the employee or applicant believes that the person they reported the harassment to has not taken sufficient action, they should raise the matter with another appropriate official.

**Q. Must a victim of harassment suffer some monetary loss to be protected by Title VII?**

**A.** No. Unlawful sexual harassment can occur when there is no economic injury to the victim.

**Q. Does the harasser have to intend to sexually harass the victim?**

**A.** No. The victim does not even have to be the person harassed but can be anyone affected by the offensive conduct. Offensive behavior or remarks that an employee witnesses or hears in the workplace can interfere with their ability to do their job or create a hostile work environment, even when the behavior is not directed at them.

**Q. How can a person tell if their own behavior amounts to sexual harassment?**

**A.** Many people worry that innocent actions might be mistaken for sexual harassment. The key difference between harassment and a friendly interaction is that harassment is unwelcome. Be alert for signs, verbal or nonverbal, that your behavior is unwelcome. You might consider asking if you are not sure. Keep in mind that your behavior may offend someone other than the person to whom you are directing it. Also be aware that some conduct is never appropriate in the workplace.

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