

SEXUAL HARASSMENT -- ARE YOU A VICTIM IN YOUR WORKPLACE?

By Attorney Michael H. Wald

Recent polls have shown that between 60 to 80 percent of women experience some form of sexual harassment at one time or another throughout their working lives. Harassment of this type can have a profound detrimental effect on the victim's physical, psychological, and emotional well-being. This can inevitably result in absenteeism, poor job performance and high employee turnover.

The subject of sexual harassment has a very broad interpretation. It is not necessarily limited to men harassing women, either. The definition as outlined in the Equal Employment Opportunity Commission (EEOC) guidelines regards sexual harassment as either physical or verbal behavior which is unwelcome and which must in some way be related to employment. It also states that "an employer has the affirmative action duty to insure a workplace that is free from sexual harassment or intimidation." The EEOC outlines the following instances where unwelcome sexual advances may be illegal:

1. if submission to sexual advances is a condition of employment
2. if the employee's response to such advances becomes the basis for promotion, transfer, or termination decisions
3. if a hostile, intimidating, or offensive environment is created which affects the employee's performance.

Sexual harassment can be found in many circumstances and it may take subtle forms, such as sexual slurs, unsuitable language, sexual jokes, and unwelcome and unwanted physical contact.

You may find that your employer has an unacceptable procedure for reporting sexual harassment (for example, the policy states that the complaint must be brought to the attention of the immediate supervisor and complaint is actually against this supervisor). Or you may find that your employer is unresponsive to your complaints. In such cases, you may wish to pursue your legal courses of action against this company.

As more women enter the workforce, the occurrence of sexual harassment will grow until companies take an active role in recognizing and treating this problem. Ignoring the problem will not make it go away. If you are a victim or just aware of an existing discriminatory circumstance, bring it to the attention of the appropriate party so that corrective action can be taken.

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