

# Know Your Rights

## Sexual Harassment in the Workplace



### What is sexual harassment?

- It is the harassment of a person based on that person's sex, including unwelcome sexual advances, requests for sexual favors, other verbal or physical harassment of a sexual nature, and offensive remarks about a person's sex.
- Conduct is harassment when it affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment.
- The harasser can be a coworker, supervisor (does not need to be the harassed person's supervisor), an agent of the employer, or non-employees such as clients and customers.
- You do not have to be the person harassed in order to bring a claim; you must be affected by the harassment.
- Economic or financial harm or losing one's job is not required to bring a claim.

### What are my rights?

- Under Title VII of the Civil Rights Act of 1964, sexual harassment is considered unlawful as a form of sex discrimination.
- This law only applies to employers with 15 or more employees, although some states have laws that cover employers with fewer employees.

### Types of claims

- **Quid pro quo** - occurs when submission to sexual harassment is made a condition of an individual's employment or when submission to or rejection of harassment is used as the basis for employment decisions.
  - This type of harassment happens when submission is required to obtain or keep a job or benefit or to avoid getting in trouble.
- **Hostile work environment** - when the harassing "unreasonably interferes with an individual's work performance or creates an intimidating, hostile, or offensive working environment."
- **Retaliation** - An employer or manager may not fire, demote, harass or otherwise retaliate against an individual for filing a complaint of discrimination, participating in a discrimination proceeding, or otherwise opposing discrimination.
  - Reporting or threatening to report someone's lack of immigration status to a government agency could be a form of retaliation.

*This information is not legal advice and is not a substitute for individualized legal advice supplied by a lawyer familiar with a client's case, and should not be used as a substitute for independent legal research. If you have any questions, please contact Jane Liu at [jliu@napawf.org](mailto:jliu@napawf.org)*

1225 New York Avenue NW  
Suite 800  
Washington, DC 20005

[www.napawf.org](http://www.napawf.org)

Facebook, Twitter, Instagram: @napawf



## What can I do if I am sexually harassed?

- **Keep a record of the harassment**
  - Write down the dates, times, places, and other details of the harassment.
  - Keep any and all evidence, including pictures, letters, emails, voicemails, etc.
- **Let the harasser know that the conduct is unwelcome, if it is safe to do so.**
- **Raise your grievances with your employer.**
  - Talk to a supervisor, other manager, human resources, or your union representative, if you have one.
  - Ask for a copy of your employer's sexual harassment policy.
  - Follow your employer's complaint or grievance procedures.
- **If your employer's complaint process fails to work, you may also file a complaint directly with the Equal Employment Opportunity Commission (EEOC).**
  - You must file a complaint within 180 days from the day that the sexual harassment took place.
    - ▷ The deadline to file is extended to 300 days if a state/local agency enforces a law that prohibits the same type of employment discrimination.
  - Ways to File an EEOC Complaint
    - ▷ You may file a charge online at <https://publicportal.eeoc.gov/portal/>
    - ▷ You may also file a charge in person at an EEOC office.
      - You can schedule an appointment online using the portal above.
    - ▷ EEOC offices accept walk-in appointments. Check the walk-in hours of your local office:
      - <https://www.eeoc.gov/field/index.cfm>
    - ▷ While you cannot file a charge over the phone, you can start the process by calling 1-800-669-4000.
    - ▷ EEOC will offer assistance through its toll-free number at 1-800-669-4000 (TTY: 1-800-669-6820 or ASL Video Phone 1-844-234-5122) for those who do not have Internet access or who need language assistance.
- **After you have gone through the EEOC complaint process, you may be able to sue in court.**
  - After the EEOC closes its investigation, it will give you a Notice of Right to Sue. Once you receive that notice, you must file your lawsuit within 90 days.
  - Seek the advice of a licensed attorney.

## Legal help resources

- **EEOC offices can provide you a list of local labor and employment attorneys.**
- **Workplace Fairness:** <http://www.workplacefairness.org/find-attorney>
- **TIME'S UP Legal Defense Fund:** <https://nwlc.org/times-up-legal-defense-fund/>
- To find a **legal aid organization** in your area, visit:
  - <https://www.aauw.org/what-we-do/legal-resources/legal-referral-network/>
- **National Asian Pacific American Women's Forum:** NAPAWF provides legal assistance to Asian American and Pacific Islander women who have been targeted by sexual harassment in the workplace. If you require assistance, please contact **Jane Liu at [jliu@napawf.org](mailto:jliu@napawf.org) or 202-688-5672.**

*This information is not legal advice and is not a substitute for individualized legal advice supplied by a lawyer familiar with a client's case, and should not be used as a substitute for independent legal research. If you have any questions, please contact Jane Liu at [jliu@napawf.org](mailto:jliu@napawf.org)*

1225 New York Avenue NW  
Suite 800  
Washington, DC 20005  
[www.napawf.org](http://www.napawf.org)  
Facebook, Twitter, Instagram: @napawf

