

Sexual Harassment

Issues important to you -
brought to you by the Human Resource
specialists at the **Extensis Group**.



Sexual harassment is a form of sex discrimination that violates Title VII of the Civil Rights Act of 1964. Title VII applies to employers with 15 or more employees, including state and local governments. It also applies to employment agencies and to labor organizations, as well as to the federal government.

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment.

Sexual harassment can occur in a variety of circumstances, including but not limited to the following:

- The victim as well as the harasser may be a woman or a man. The victim does not have to be of the opposite sex.
- The harasser can be the victim's supervisor, an agent of the employer, a supervisor in another area, a co-worker, or a non-employee.
- The victim does not have to be the person harassed but could be anyone affected by the offensive conduct.
- Unlawful sexual harassment may occur without economic injury to or discharge of the victim.
- The harasser's conduct must be unwelcome.

It is helpful for the victim to inform the harasser directly that the conduct is unwelcome and must stop. The victim should use any employer complaint mechanism or grievance system available.

When investigating allegations of sexual harassment, EEOC looks at the whole record: the circumstances, such as the nature of the sexual advances, and the context in which the alleged incidents occurred. A determination on the allegations is made from the facts on a case-by-case basis.

Prevention is the best tool to eliminate sexual harassment in the workplace. Employers are encouraged to take steps necessary to prevent sexual harassment from occurring. They should clearly communicate to employees that sexual harassment will not be tolerated. They can do so by providing sexual harassment training to their employees and by establishing an effective complaint or grievance process and taking immediate and appropriate action when an employee complains.

It is also unlawful to retaliate against an individual for opposing employment practices that discriminate based on sex or for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or litigation under Title VII.

Source: Equal Employment Opportunity Commission www.eeoc.gov.

About Extensis Group, LLC

Extensis Group, LLC is the largest leading New Jersey-based Professional Employer Organization (PEO), providing outsourced human resources, benefits and risk management services, including payroll, tax, insurance, human resources and regulatory compliance. Freeing its clients to focus on growing their businesses, Extensis Group offers local, high-touch solutions to a broad spectrum of human resource needs for entrepreneurs and small business organizations. Extensis Group is a member of the National Association of Professional Employer Organizations (NAPEO). For more information please call (888) 473-6398 or visit Extensis on the Web at www.extensigroup.com.

This article is not intended to be exhaustive nor should any discussion or opinions be construed as legal advice. State specific sexual harassment laws may apply. Readers should contact legal counsel for legal advice. Images copyright © 2006-2007 Getty Images, Inc. All rights reserved.