

Sexual harassment

Law



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Sexual Harassment Sexual harassment is a serious issue, as it can have a lasting effect on a person's psychological well-being, their career, and their livelihood. The workplace has evolved from the dark days when a boss could molest his secretary almost with impunity, to the environment that we have today where there is a heightened sense of awareness of what constitutes sexual harassment, and the gravity that the charge holds. This has been a positive step, as it has allowed people to work in friendlier environments without the intimidation and the fear of losing their job that once existed. Sexual harassment is defined as discrimination, and is a violation of federal law. According to Perlmutter (2008), " Beginning in the 1980s, workplaces could be legally guilty of discrimination if they had a " hostile environment," wherein racial and gender harassment was so repetitive, pervasive and severe that a person could not perform his or her job" (352). In addition, " It is also unlawful to retaliate against an individual for opposing employment practices that discriminate based on sex or for filing a discrimination charge" (Sexual harassment, 2008).

There are several forms of illegal sexual harassment such as violating " a person's right not to be offended, threatened, or insulted by having to hear sexual innuendos, jokes or compliments or having to see sexy magazines or pin-ups" (Perlmutter, 2008, p. 352). It can also include " unwanted sexual advances, requests, or verbal or physical behavior of a sexual nature" (Perlmutter, 2008, p. 352). These activities can interfere with a worker's production or performance of their duties as they may avoid an area that they have duties in, if it is an area where they are being harassed. The worker may feel also intimidated or despondent, which reduces their level of productivity.

Under the law, co-workers and supervisors are treated differently and have different liabilities. Federal law also holds the employer responsible for the actions of the supervisor in regards to sexual harassment (Pastor, 2007, p. 292). However, in regards to co-workers, the employer is only held responsible if they are negligent, such as knowing about the harassment and failing to stop it (Pastor, 2007, p. 292).

The federal law that protects workers from sexual harassment is Title VII of the Civil Rights Act of 1964. (Sexual harassment, 2008). In addition, states may have additional laws that can apply. They are usually modeled after the federal law, but often vary in the amount and types of damages that can be awarded in a civil suit (Do states have their own laws, 2009).

There are several avenues that a person can pursue if they are being sexually harassed. A worker who is the victim of sexual harassment is encouraged to first report it to their employer or human resources department, and " use any employer complaint mechanism or grievance system available" (Sexual harassment, 2008). The worker may additionally contact their union or file a suit in state or federal court. However, they must " first file a formal sexual harassment complaint with the federal EEOC and/or your state's fair employment agency" (Know your rights, 2009).

In conclusion, the workplace is a more comfortable place to work since the enactment of the sexual harassment laws. People are treated more fairly, they are promoted based on merit, and they do not have to suffer the intimidation and fear of losing their job because they refused to comply with someone's unreasonable sexual advances.

References

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Do states have their own laws on sexual harassment (2009). Retrieved February 24, 2009, from http://employment-law.freeadvice.com/sexual_harassment/laws_harassment.htm

Know your rights: Sexual harassment at work (2009). Retrieved February 24, 2009, from <http://www.equalrights.org/publications/kyr/shwork.asp>

Pastor, J. F. (2007). Security law and methods. Burlington, MA: Butterworth-Heinemann.

Perlmutter, P. (2008). The changing complexity of prejudice and discrimination. *Social Science and Public Policy*, 45(3), 348-353.

Sexual harassment (2008, March 4). Retrieved February 24, 2009, from http://www.eeoc.gov/types/sexual_harassment.html