

The protection of victims with the statute of limitations on sexual harassment

[Media](#), [Social Media](#)



A constant feature found within the news, social media recently is the long list of brave individuals who have chosen to come forward with information pertaining to sexual assault at the hands of a colleague, superior or even friend. The #MeToo movement has continued to pick up steam moving from industry to industry, state to state and even from countries to countries. Within the last few months have seen powerful men like Harvey Weinstein, Kevin Spacey, Dave McClure, Steve Wynn, Corey Lewandowski, and even Bill O'Reilly subject to sexual harassment claims with a few of them stepping down or losing their position as a result. According to a report released by the Equal Employment Opportunity Commission (EEOC), a federal government agency that aims to enforce the appropriate laws that make work harassment illegal, 45% of the claims received in 2015 were based on sex. The agency received over 28, 000 claims from both private and public employees. Out of the 28, 000 complaints received, one in four of the complaints where from women. 75% of the victims subjected to harassment said they experienced some sort of retaliation after they reported it. And that is probably why the agency believes there is still about 87% - 94% of employees who are on the receiving end of sexual harassment and still suffer in silence. For many people, the decision to remain silent after being subject to sexual harassment is made for them. Either through the use of intimidating force, bribes and so on. Others simply don't know the right steps to take in order to get justice.

According to the law of the land, sexual harassment happens when an individual focuses inappropriate, negative and unwanted advances at another person as a result of their sex, gender, status, marital status, sexual

orientation etc. Sexual harassment usually takes a wide range of forms and thanks to the numerous communication platforms available to the public, sexual harassment is arguably at its highest it has ever been. Today, people can be harassed through platforms like Twitter, Instagram, Facebook and other social media platforms. Today there is a wide misconception about sexual harassment and what it means. Many of those who have been accused of sexual harassment take the stand with defenses built on the fact that they never got intimate with their accusers. Here are some actions that are also classifiable as sexual harassment under law:

- Unsuitable jokes, insulting comments or sexual inference
- Physical harassment like unwanted touching
- Verbal threats of a sexual context (literal or implied)
- Visual harassment
- Repeated and aggressive requests for sexual acts

Should you be at the receiving end of sexual harassment, the important and first thing to do is report the incident and the perpetrator to the right authorities regardless of the intensity of harassment. Workplace harassment victims should report the incident to the HR department if such exists in the office or the next superior officer if such a department does not exist. If you feel uncomfortable discussing the details of the harassment with the authorities or you are fed up with the lack of action from their end, it may be time to reach out to a lawyer. A question asked by several sexual harassment victims is, how long can I wait before I would not be able to testify again? Better still what is the statute of limitation on sexual

harassment? This article would be focusing on the laws that pertain to the city of San Diego, California. The Department of Fair Employment and Housing (DFEH) states that the statute of limitations for submitting a report about sexual harassment in the state of California is one year from the date of the last occurrence of the sexual harassment.

Should a victim choose to submit a report with the Equal Employment Opportunity Commission (EEOC), the timeline is shortened from one year to six months from the date of the last occurrence. As soon as the report has been acknowledged by the right authorities, the victim has the right to petition the agency to investigate the claim or immediately sue by asking for a right to sue letter. Usually a right to sue letter is given out depending on the seriousness of the harassment detailed by the accuser. As soon as the letter is received, the victim then has an extra year from the date of issuance of the letter to file a complaint with the California Superior court against the accused. Sexual harassment is a potentially life-threatening situation for numerous of people around the world. There have been reports of several victims pushed out and shunned by an entire industry for speaking out and others have had to deal with the traumatic experience for a lifetime.

This is nothing anyone should have to go through by themselves regardless of circumstance, social class, gender, age etc. Walker Law is a personal injury and employment attorney committed to fighting to right wrongs all the time. Located in San Diego, California we work with victims of sexual harassment to ensure they receive commensurate compensation for injuries, damages, trauma sustained. Because of the work we have done in this area,

we are aware of the steps needed to make win your case. In addition to filing the necessary documents, here are some other actions needed in a sexual harassment lawsuit:

- Locate and collate all essential evidence from witnesses and personnel file documents
- Record every bit of emotional, physical injuries sustained as a result of the incident
- Identify acts by the employer that indicate that he or she did not act to rectify the situation and/or that a supervisor perpetrated the harasser's actions.

While it may seem like fighting a legal sexual harassment battle is a near impossible task, with Walker Law, we continually remind you that you are not going through it alone as we fight non-stop to secure your victory, get you commensurate benefits and protection against future reoccurrences and finally protection from retaliatory actions.