

# Sexual Harassment

Have you been sexually harassed at work? Have you been forced to listen to incessant, offensive, sexually themed dirty jokes? Have you been repeatedly asked out on dates by your superior, despite your continued denial? Have you been promised rewards in exchange for sexual favors? Have you been denied promised items because you have rejected sexual advances? If so, we can assist you.

Sexual harassment is akin to bullying or coercion of a sexual nature. It is (i) an unwelcome promise of rewards in exchange for sexual favors or (ii) the creation of an unwanted, offensive and hostile work environment.

Harassment can be verbal, written or pictorial. It can include, without limitation: sexual comments, sexual jokes, sexual innuendos, pressure for dates, sexual touching, sexual gestures, or sexual graffiti.

You do not have to be the person to whom the offensive conduct is directed, but a person affected by the conduct.

The harasser can be male or female. He/she can be the victim's supervisor, a supervisor in another area, a colleague, or even a person who is not an employee of the company such as a client or customer. [Many times your employer will have a policy relating to this within its Employee Handbook or policies.] The harassment can also occur between employees of the same sex.

In order to prove sexual harassment, you must show that the conduct is frequent or so severe that it creates a hostile or offensive work environment or results in an adverse employment action (change in terms and conditions of your employment, including, among others: being fired, demoted, or forced to resign). Generally, simple teasing, or an offhand, isolated comment is not sufficient to prove sexual harassment.

If you believe you are being sexually harassed at work, it is important that you understand that the behavior must be knowingly unwelcome. It is not enough to simply ignore the conduct and hope it stops. Rather, you must object to the behavior. The objection must be clear so that a reasonable person would know that you are not comfortable with or seeking the unwanted behavior.

If you object to the conduct and the behavior does not cease it may be helpful to keep a record of the events including: the date(s) the incident(s) occurred, the details of the incident(s) itself, who was present, how you objected and to whom.

Presently, New York law does not protect unpaid interns from sexual harassment at work, as unpaid interns are not recognized as "employees."

If you believe you have been a victim of sexual harassment, you are not alone. We can assist you and explain your legal rights and the legal process. We can also review your current/former employer's Employee Handbook or policies to determine if your employer maintains a resolution process that you are required to follow.

If you believe you have been sexually harassed it is important to speak with a qualified attorney to understand your rights and options and most importantly the strict filing deadlines. You do not have to wait to file a claim for sexual harassment until after you depart from your employment. Instead, you should consult with an attorney to understand and explore your options prior to making any rash decisions (like resigning from your job).

An individual that believes he/she has been sexually harassed can file claims with administrative agencies such as the Equal Employment Opportunity Commission, the New York State Division of Human Rights and/or the New York City Commission on Human

Rights and/or directly in Court.

We can help file your claims and/or guide you through this process. We can also explain to you your obligations, such as the expectation that you try and mitigate your damages.

If you think your rights have been violated our firm is available to assist you in resolving your sexual harassment claims. With our help you may be able to resolve your claims through a negotiated resolution with your employer. If that does not transpire then we can assist you by bringing your claims through your employer's resolution process; to an administrative agency like the EEOC, New York State Division of Human Rights, New York City Commission on Human Rights; and/or initiating a lawsuit against your current/former employer.

If you are interested in these services, please contact our office to schedule a time to speak.