

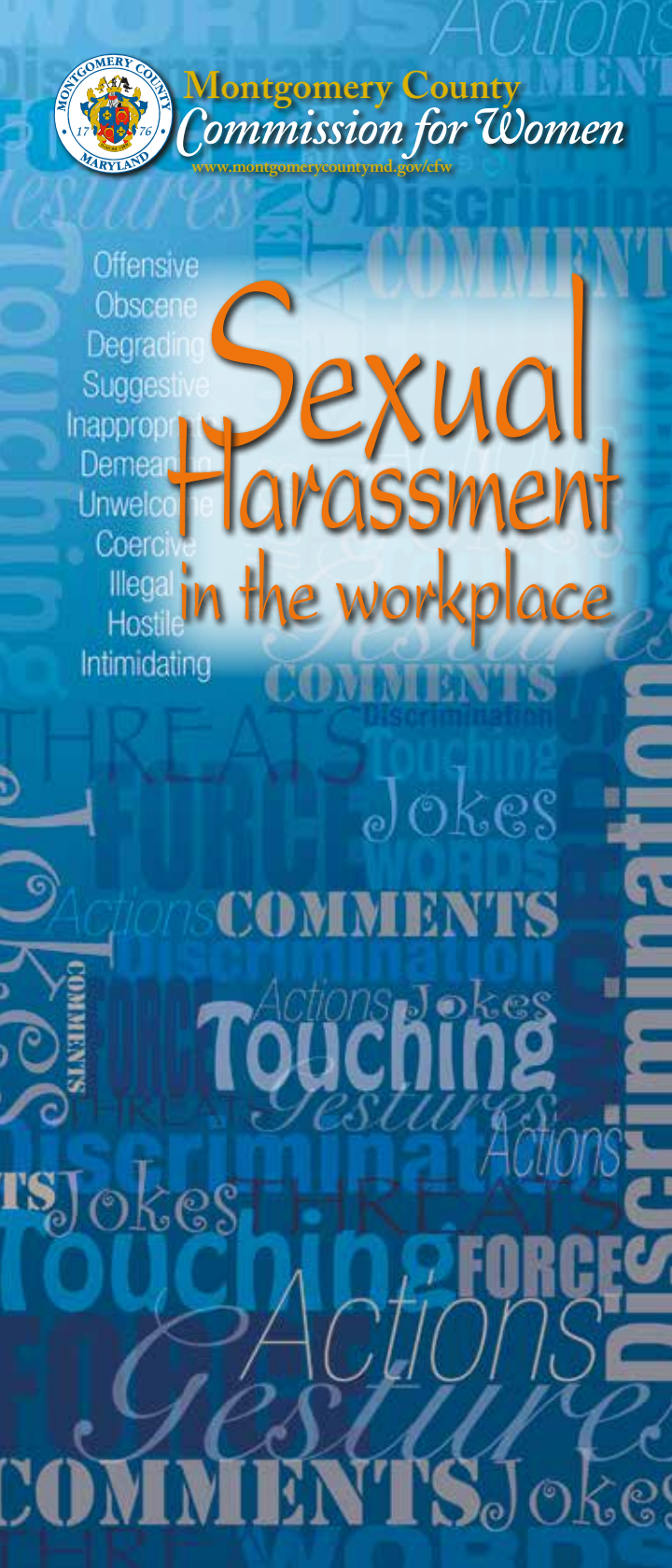


Montgomery County Commission for Women

www.montgomerycountymd.gov/cfw

- Offensive
- Obscene
- Degrading
- Suggestive
- Inappropriate
- Demeaning
- Unwelcome
- Coercive
- Illegal
- Hostile
- Intimidating

Sexual Harassment in the workplace



Sexual harassment interferes with a productive working environment, interjects irrelevant considerations into personnel decisions and generally demeans employees who are victims of harassment.

Moreover, sexual harassment is a violation of federal, state and county fair employment laws.

SEXUAL HARASSMENT: IT'S AGAINST THE LAW!

Sexual harassment in the workplace is against the law. An employer has a legal responsibility to provide a workplace free from sexual harassment.

The Equal Employment Opportunity Commission (EEOC) issued guidelines on sexual harassment in 1980 requiring employers to take action to maintain a workplace free from harassment. These guidelines are still in place today.

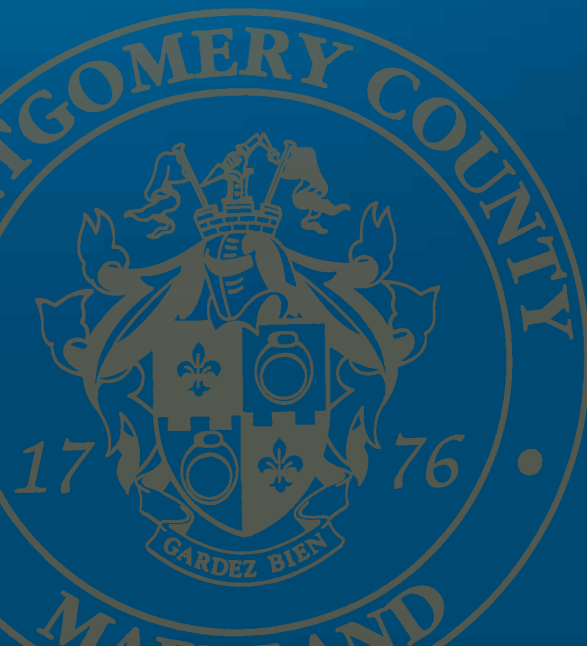
One step an employer can take is to establish and communicate a policy against sexual harassment.

The Supreme Court has ruled that the employer may be held liable for the conduct of its employees if the employer **knew or should have known** about the sexual harassment.

This pamphlet has been developed to assist supervisors, managers and employees recognize, prevent and address sexual harassment in the workplace and promote a work environment free from sexual harassment.

For further information, contact the Montgomery County Commission for Women at (240)777-8300, or the Office of Human Rights at (240)777-8450.

The information in this pamphlet was updated consistent with law effective December 2004 in consultation with the Maryland Women's Law Center and in consultation with the Montgomery County Office of Human Rights in June 2008.



WHAT IS SEXUAL HARASSMENT?

Sexual harassment is defined by the Equal Employment Opportunity Commission (EEOC) as unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting that individual; or
- such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

Sexual harassment can occur between co-workers as well as between employees and supervisors. Both forms are against the law.

PROHIBITED CONDUCT

Examples of sexual harassment include written, verbal, physical or other conduct that interferes with the individual's work performance or creates an intimidating, hostile or offensive work environment, such as:

- suggestive or obscene letters or notes;
- requests for sexual favors as a condition of employment or as a condition for granting benefits such as pay, promotions or time off;
- sexually-oriented or degrading comments and jokes;
- unwelcome advances, sexually suggestive touching, body contact, threats, or force; or
- sexual gestures, and display of inappropriate, sexually explicit objects or pictures.

Sexual harassment interferes with a productive working environment, interjects irrelevant considerations into personnel decisions and generally demeans employees who are victims of harassment.

Moreover, sexual harassment is a violation of federal, state and county fair employment laws.

LEGAL PROTECTION

Federal Law

Title VII of the Civil Rights Act of 1964 prohibits discrimination on the basis of sex in all terms, conditions, or privileges of employment and allows limited compensatory and punitive damages.

The EEOC has issued various publications that provide guidelines for interpreting aspects of the law relating to sexual harassment. Contact the EEOC at www.eeoc.gov.

Maryland Law

Civil Code – Article 49B of the Annotated Code of Maryland prohibits discrimination in employment on the basis of sex with respect to compensation, terms, conditions or privileges.

Criminal Code – MD Code, Criminal Law, §§3-307 and 3-308 prohibit coercive sexual demands or contacts, including the intentional touching of any intimate part of the victim’s body by another person without the consent of the first person.

Executive Order on Sexual Harassment and Sex Discrimination – MD Exec. 01.01.1995.19 (COMAR 01.01.1995.19) - prohibits sexual harassment and discrimination based on sex in Maryland State Government.

Montgomery County Law

Civil Code - Chapter 27, Article 1, Division 3 of the Montgomery County Code of 2001 prohibits discrimination on the basis of sex with respect to compensation, terms or conditions of employment.

SOME ACTIONS VICTIMS CAN TAKE

If the situation permits, tell the harasser that the sexual behavior is unwelcome, offensive, and should stop.

- **Keep a personal written record.**
Document as precisely as possible, the incidents as they happen. Include the names of any witnesses, your response, and steps you have taken with your employer to resolve the problem, and any other information that may be helpful later. Make a copy of this record to keep in a safe place away from the workplace.
- **Find out if co-workers have experienced similar harassment from this person.**

As further documentation, you may (but are not required to) do the following:

- Report the complaint to your supervisor (or your supervisor’s supervisor if the harassment is from your supervisor).
- Send a letter to the harasser by registered mail with return receipt requested. State your objections to the behavior and ask that this conduct stop. Keep a copy of this letter and the return receipt showing that the harasser has received it.

If the behavior continues:

File a complaint with your employer and/or with a government agency. See “Where to Go for Help” on pages 10 and 11.

WHAT EVERY EMPLOYER SHOULD KNOW

Sexual harassment is a form of sex discrimination, which is a violation of county, state and federal laws.

In Montgomery County, the law requires all employers to provide their employees with a workplace free from any form of harassment related to a person's:

- Sex
- Race
- Color
- Religion
- National origin
- Mental or physical disability
- Age
- Marital status
- Sexual orientation
- Ancestry
- Genetic status
- Family responsibility
- Gender identity*

The law also requires employers to give prompt attention to complaints of sexual harassment and to take appropriate action to prevent and discipline this behavior.

It is against the law to retaliate against an employee who makes a complaint about sexual harassment.

Employers should notify every employee that sexual harassment is unlawful and will not be tolerated.

*As of June, 2008

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ACTIONS EMPLOYERS SHOULD TAKE

- **Establish and communicate a strong policy statement prohibiting sexual harassment in your workplace.**
- **Include the subject of sexual harassment in supervisory training programs and employee orientation.**
- **Inform employees of appropriate procedures to follow for complaints of sexual harassment within your organization.**
- **Investigate any claims of sexual harassment promptly and thoroughly and follow through on appropriate sanctions for offenders.**
- **Be aware of liability in sexual harassment cases. Corporations, individual managers, supervisors and employees may be sued and held personally liable for their own conduct and for the conduct of employees whom they supervise.**

The EEOC also advises that “where employment opportunities or benefits are granted because of an individual’s submission to the employer’s requests for sexual favors, the employer may be held liable for unlawful sex discrimination against other persons who were qualified for but denied that employment opportunity or benefit.”

WHERE TO GO FOR HELP

In Montgomery County, people may file complaints of sexual harassment at the county, state, or federal agencies listed below. Complainants should talk to representatives of those agencies to decide which is best in each circumstance. The time limit to file sexual harassment complaints varies from six months at the state and federal levels to one year at the county level.

For certain cases involving sexual contact in relation to threats, force, or intimidation, criminal charges for sexual battery may be filed as well.

Where to file a complaint:

- **Your supervisor**
- **Your employer's human resources department**
- **A private attorney**
- **Montgomery County Office of the Human Rights**
(240)777-8450
- **Maryland Commission on Civil Rights**
(410)767-8600 (Baltimore)
or 1-800-637-6247
www.mchr.state.md.us
- **Federal Equal Employment Opportunity Commission**
1-800-669-4000
www.eeoc.gov

Where to go for other services:

- **Montgomery County Victim Assistance and Sexual Assault Program (VASAP)**
24 hour crisis line: (240)777-HELP (4357)
Main Phone: (240)777-1355
www.montgomerycountymd.gov/vasap
- **Montgomery County Commission for Women**
(240)777-8300
www.montgomerycountymd.gov/cfw

Online Resources include:

- **National Employment Lawyers Association**
www.nela.org
- **Workplace Fairness**
www.workplacefairness.org



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**21 Maryland Avenue
Suite 330
Rockville, MD 20850
(240)777-8300**

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