

SEXUAL HARASSMENT PREVENTION HANDOUT

Sexual harassment in the workplace can have costly and damaging consequences to staff



- Generally, judgments are paid by county, not insurance
- County may have to lay off employees, cut back on work hours, reduce operating budgets, or turn to the public to pay for judgments
- Creates bad publicity
- Affects employee morale and productivity

LEGAL BASIS

Title VII of the 1964 and 1991 Civil Rights Act and the New Mexico Human Rights Act prohibit employment discrimination based on sex, sexual orientation and gender identity. Sexual harassment is a type of sex discrimination. Sexual harassment is defined as, “Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature.”

Sexual harassment is illegal if:

- Submission is a term or condition of employment;
- Submission or rejection is basis for an employment decision; or
- It unreasonably interferes with work and creates an intimidating, hostile, or offensive environment.

SEXUAL HARASSMENT TYPES

There are two types of illegal sexual harassment quid pro quo and hostile work environment:

Quid pro quo usually involves a supervisor who threatens an employee with a tangible job action, e.g., termination, blocking promotions, transferring, giving a bad evaluation, etc., if the employee does not go along with the sexual advances. Quid pro quo means, something for something or this for that, e.g., “You have sex with me, I’ll give you the promotion.” If you don’t, there are negative consequences.



Hostile work environment is unwelcome sexual or sex-based behavior that creates an offensive, hostile, or intimidating work environment. This behavior must be severe and

pervasive enough to adversely affect an employee's ability to work. Examples include verbal, non-verbal, and physical conduct, e.g., sexual comments, sexual material in office, pressure for dates, suggestive gestures or looks, looking a person up and down, unwanted hugs, massages, etc.

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

- Man harassing a woman
- Woman harassing a man
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- Harasser can be the victim's supervisor, employer agent, another supervisor, co-worker, citizen, or non-employee
- Victim does not have to be the harassed person, but can be anyone affected by the offensive conduct
- Harasser's conduct must be unwelcome
- Sexual harassment depends on how the victim is affected, not on the harasser's intent