




# Recognizing and Reporting Sexual Harassment in the Workplace

Sexual harassment in the workplace is a serious issue that affects many employees in New Jersey and across the United States. This guide provides a comprehensive overview of how to identify, document, and report sexual harassment, empowering employees to take action and protect their rights. We'll walk through the essential steps to recognize inappropriate behavior, properly document incidents, navigate workplace policies, and seek appropriate assistance. By following this guide, employees can feel more confident in addressing sexual harassment and creating a safer work environment for all.

 by **John Palmer**

# Understanding Sexual Harassment

Sexual harassment is a form of discrimination that violates both federal and New Jersey state laws. It's crucial to understand what constitutes sexual harassment to effectively recognize and address it. Sexual harassment can take many forms, including unwanted sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature that affects an individual's employment, unreasonably interferes with work performance, or creates an intimidating, hostile, or offensive work environment.

## Quid Pro Quo Harassment

When job benefits are tied to sexual favors or when rejection of advances leads to negative employment actions.

## Hostile Work Environment

Pervasive unwelcome sexual conduct that creates an intimidating or offensive workplace.

## Gender-Based Harassment

Offensive remarks or conduct based on a person's gender, even if not sexual in nature.

Remember, sexual harassment can happen to anyone, regardless of gender, and can be perpetrated by colleagues, supervisors, or even clients.



# Recognizing the Behavior

Recognizing sexual harassment is the first crucial step in addressing the issue. It's important to be aware of the various forms it can take and trust your instincts when something feels inappropriate.

## Common Examples

- Unwelcome touching or physical contact
- Sexually suggestive comments or jokes
- Displaying sexually explicit materials
- Persistent unwanted romantic advances
- Sexually charged work environments

## Subtle Forms

- Overly personal questions about one's sex life
- Unwanted compliments about appearance
- Gender-based stereotypes or insults
- Spreading sexual rumors
- Blocking movement or invading personal space

If you're unsure whether a behavior qualifies as sexual harassment, consider how it makes you feel and whether it creates an uncomfortable or hostile work environment. Trust your instincts and don't hesitate to seek advice from HR or a legal professional.

# Documenting Incidents

Proper documentation is crucial when dealing with sexual harassment. It provides a clear record of events and can be invaluable if you decide to file a formal complaint or take legal action.

1

## Record Details Immediately

Write down what happened as soon as possible after each incident. Include dates, times, locations, and specific details of the harassment.

2

## Save All Evidence

Keep copies of any emails, text messages, notes, or other forms of communication related to the harassment. Screenshot digital communications if necessary.

3

## Note Witnesses

Write down the names of anyone who may have witnessed the incident or who you told about it afterward.

4

## Document Your Response

Record how you responded to the harassment, including any requests for the behavior to stop.

Keep your documentation in a safe place outside of work. Consider using a dedicated notebook or creating a password-protected digital file to maintain your records securely.

# Reviewing Workplace Policies

Understanding your company's policies on sexual harassment is essential for navigating the reporting process effectively. Most companies have specific procedures in place for addressing such issues.

## Locate the Policy

Check your employee handbook, company intranet, or HR portal for the anti-harassment policy. If you can't find it, ask HR for a copy.

## Understand Reporting Procedures

Identify the steps for filing a complaint, including who to contact and what information you need to provide.

## Know Your Rights

Familiarize yourself with your rights as an employee, including protection from retaliation for reporting harassment.

## Confidentiality Guidelines

Understand how your company handles confidentiality during investigations to protect your privacy.

If your company's policy is unclear or seems inadequate, consider consulting with an employment lawyer to understand your options better.

# Reporting the Harassment

Reporting sexual harassment can be daunting, but it's a crucial step in addressing the issue and protecting yourself and others in the workplace. Follow these steps to report harassment effectively:

1

## Prepare Your Complaint

Compile your documentation and write a clear, concise summary of the incidents. Stick to the facts and avoid emotional language.

2

## Follow Company Procedure

Submit your complaint according to your company's policy. This usually involves reporting to HR or your immediate supervisor. If your harasser is your supervisor, report to their superior or HR.

3

## File in Writing

Always submit your complaint in writing, even if you've already made a verbal report. This creates a paper trail and ensures your complaint is formally recorded.

4

## Request a Follow-up

Ask for information on the next steps and timeline for the investigation. Request updates on the progress of your complaint.

Remember, your employer is legally obligated to investigate your complaint and take appropriate action. If you feel your complaint isn't being taken seriously, consider escalating to higher management or seeking external help.

# Seeking Legal Assistance

If you've reported sexual harassment to your employer and feel that the issue hasn't been adequately addressed, or if you're facing retaliation for reporting, it may be time to seek legal assistance. An experienced employment lawyer can help you understand your rights and explore your options for legal recourse.



## Consult an Attorney

Look for a lawyer specializing in employment law or sexual harassment cases. Many offer free initial consultations.



## File with EEOC or NJ DCR

Your lawyer can help you file a charge with the Equal Employment Opportunity Commission (EEOC) or the New Jersey Division on Civil Rights (DCR).



## Explore Legal Options

Discuss potential outcomes, including mediation, settlement, or filing a lawsuit if necessary.

Remember, there are strict time limits for filing complaints with government agencies. In New Jersey, you generally have 300 days from the last incident of harassment to file with the EEOC, and 180 days to file with the NJ DCR. Don't delay in seeking legal advice if you're considering this route.



# Protecting Yourself and Moving Forward

Dealing with sexual harassment can be emotionally draining and stressful. It's important to take care of yourself throughout the process and plan for moving forward in your career.

## Self-Care Strategies

- Seek emotional support from trusted friends, family, or a therapist
- Practice stress-reduction techniques like meditation or exercise
- Consider joining a support group for harassment survivors

## Professional Considerations

- Continue documenting any ongoing harassment or retaliation
- Keep records of your work performance to counter potential negative reviews
- Explore career development opportunities within or outside your current workplace

Remember, you have the right to a safe and respectful work environment. By taking action against sexual harassment, you're not only standing up for yourself but also contributing to a better workplace culture for everyone. Stay strong, seek support when needed, and know that there are resources and professionals available to help you through this challenging situation.

If you're experiencing sexual harassment, don't face it alone. [\*\*Contact Swartz Swidler today\*\*](#) for a confidential consultation and take the first step toward justice and a safer workplace.