

What Counts as Sexual Harassment at Work?

A straightforward guide to your rights in New Jersey and Pennsylvania.

Headline: Is it inappropriate — or illegal?

Many employees endure uncomfortable behavior for months, wondering: "Was it just a bad joke?" "Am I overreacting?" or "Is this just office banter?"



Sexual harassment is illegal discrimination

In New Jersey, the law is clear: sexual harassment is a form of gender discrimination strictly prohibited under the NJLAD.



The Legal Threshold

Behavior crosses the line into illegal harassment when it does one of two things:



1. Affects your job or employment status.

2. Creates a hostile work environment.

Understanding the two types of harassment

Quid Pro Quo (“This for That”)

Who: Supervisor or manager.

What: Demanding sexual favors for job benefits (promotions/raises) or threatening punishment (firing/cutting hours).

Threshold: A single incident is enough.

Hostile Work Environment

Who: Anyone (boss, coworker, subordinate, or non-employee like a client).

What: Unwelcome conduct that alters employment conditions.

Threshold: Must be severe (one extreme act) or pervasive (ongoing pattern).

What it looks like in practice



Comments

Unwanted remarks about bodies/clothing, intrusive sex life questions, or repeated requests for dates after a "no."



Touching

Unwanted hugs, rubbing, deliberately brushing up against someone, or blocking a path.



Messages

Sending sexually explicit memes, gifs, or photos via text or company channels.

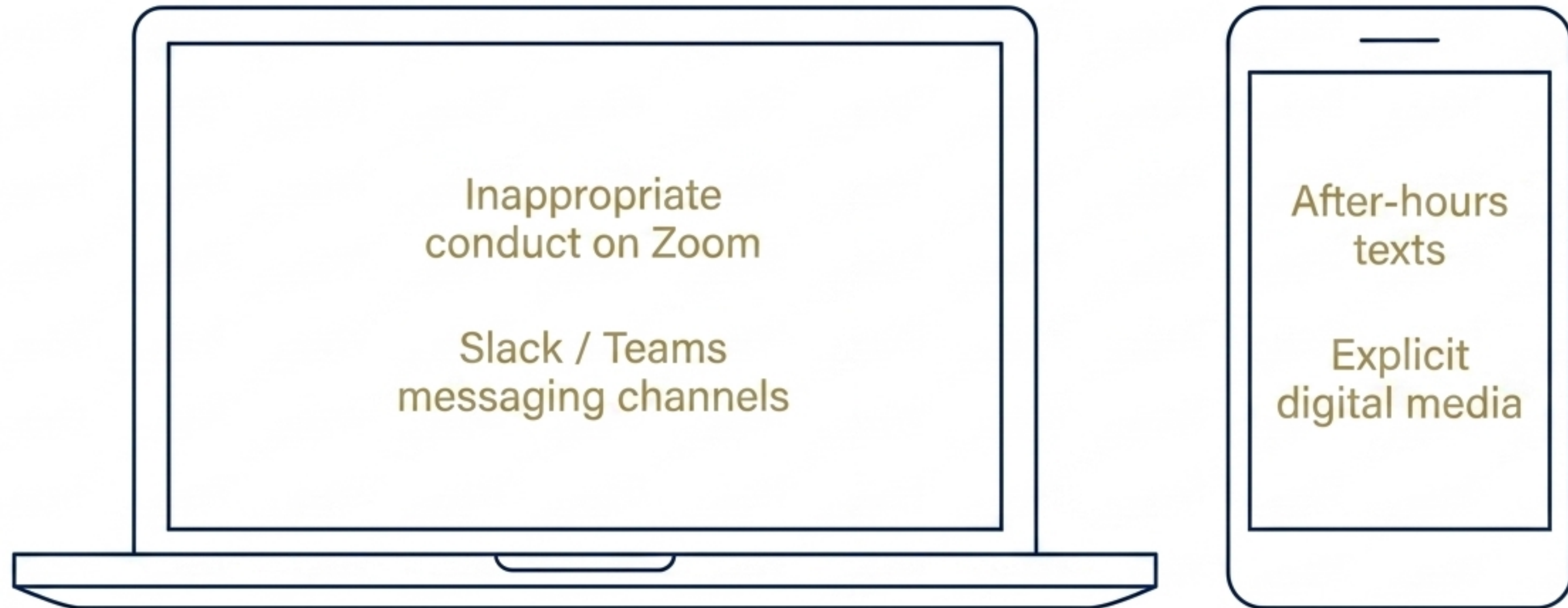


Requests

Pressuring for sexual favors in exchange for promotions or keeping your job.

Texts, emails, and virtual meetings count

Harassment doesn't just happen in the breakroom.
The law protects you in the digital workplace.



The "Severe or Pervasive" standard

Unlawful Harassment Threshold



Warning signs of a hostile environment

Continues after objection

You showed discomfort or said “no”, but it doesn’t stop. (Failing to aggressively confront a harasser out of fear does not invalidate your claim).

Escalates

“Jokes” and office banter gradually turn into physical boundaries being pushed.

Affects your role

You experience sudden “performance issues” or bad reviews immediately after rejecting advances.

Your employer has a duty to protect you

A company can be held liable if they knew—or should have known—and did nothing.



Supervisor involvement

The harasser is in a position of power.

Ignored complaints

HR dismisses your report as a "he-said/she-said" situation.

Failure to act

No action is taken, allowing the toxic atmosphere to persist.

Building the timeline

Messages



Digital footprints. Screenshots of texts, Slack, or emails. (Do not delete these).

Witnesses



Coworkers who saw the harassment occur or whom you confided in immediately after.

HR Complaints



The written trail. Emails sent to management reporting the behavior.

Timeline & Reviews



A private journal detailing exact quotes and dates, plus a paper trail showing stellar reviews prior to the harassment.

The First 48 Hours

1

Document everything

Keep a private journal on a personal device (dates, times, locations).

2

Save communications

Screenshot inappropriate messages immediately. Do not delete them.

3

Report in writing

Complain to HR via email and BCC your personal email address to create a timestamped record.

4

Talk to a lawyer

Consult a professional before resigning. You generally have exactly two years to file a claim in NJ.

Punishment for reporting is illegal

You cannot legally be fired, demoted, or punished for making a good-faith report of sexual harassment.

Retaliation claims are heavily protected in New Jersey and are often easier to prove in court than the initial harassment.

Impact matters more than intent

“I was just joking” is not a legal defense. If the behavior is unwelcome and alters your working conditions, it is harassment.



If it feels wrong, it's worth a closer look.

You do not have to guess about your rights, and you do not have to handle a toxic employer on your own.

Swartz Swidler LLC

Free, confidential legal consultation.

Exclusively protecting employees
in New Jersey and Pennsylvania.