

Sexual Harassment is a form of illegal discrimination that violates the Washington State Law Against Discrimination, RCW 49.60, and Title VII of the Civil Rights Act of 1964.

It is illegal for an employer to subject an employee to unwelcome sexual advances, comments or conduct when submission to such conduct is made an implicit or explicit term or condition of employment or used as the basis of employment decisions, or when 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.



Examples of Sexual Harassment:

- A supervisor tells an employee that in order to stay employed or earn a promotion, the employee must give in to the supervisor's sexual demands.
- An employee repeatedly comments on a coworker's appearance and makes requests for dates, although it was made clear that the comments were unwelcome and there was no interest in dating.
- A client who regularly visits the employer's place of business tells sexually explicit jokes, flirts with staff, makes sexist comments and uses demeaning terms when referring to one particular gender.

Harassment may include but is not limited to:

- Unwelcome jokes, comments, or gestures.
- Offensive or threatening words.
- Pictures and displays in the work environment, on clothing, sent by email or other media.
- Unwelcome touching, bodily contact or threats, such as grabbing, slapping, shoving, pinching or interfering with an individual's freedom of movement.
- Unwelcome requests for dates or flirting.
- Derogatory comments or language against one gender.



Points to Keep in Mind:

Sexual harassment can occur between parties of the same sex; men can be victims of sexual harassment; and women can be harassers. Victims of sexual harassment may also include third parties who are exposed to harassment aimed at another person. Harassers may be coworkers, supervisors, employers, or even non-employees, such as customers, contractors, clients or vendors.

Employers

Employers have a duty to prevent and correct harassment. Employers are responsible for having anti-harassment policies and reporting procedures in place. Employers must investigate complaints and take prompt and remedial action to stop the harassment, even when done by a non-employee. Best employment practices include training employees to create a harassment-free climate, provide complaint channels, and making sure that employees are aware of reporting procedures.



Employees have a duty to avoid engaging in harassment and use the employer's complaint procedures to report harassment. If you believe you have been subjected to harassment, tell the offending party that the behavior is unwelcome and to stop immediately; document the incident; report the behavior to the appropriate manager or supervisor; use your employer's complaint procedures; and cooperate in the employer's investigation.

The US Supreme Court identifies two types of Sexual Harassment

1. "Quid pro Quo" (Latin meaning "this for that") is defined as unwelcome sexual conduct where submission is implicitly or explicitly made a term or condition of employment, or is used as a basis for employment decisions.

2. A Hostile Work Environment results from Severe or Pervasive Harassment; a Reasonable Person would not be able to work in this environment due to the harassment.



Filing a Complaint

Everyone has an obligation to comply with the law and a right to seek redress when harm occurs. Complaints alleging violations of RCW 49.60 must be filed within six (6) months of the date of harm; pregnancy discrimination which must be filed within one (1) year; in housing, complaints must be filed within one year; and in Whistleblower complaints, within two (2) years. Complaints may be resolved during an investigation subject to agreement between the parties and the WSHRC.

The WSHRC has no jurisdiction over employers with fewer than 8 employees, Native American tribes, the federal government, or claims outside of Washington State.

Washington State Human Rights Commission Locations

HEADQUARTERS

711 S. Capitol Way, Suite 402
PO Box 42490
Olympia, Washington 98504-2490
360-753-6770

SPOKANE

Rock Pointe Plaza III
1330 N. Washington Street, Ste
2460 Spokane, Washington 99201
1-800-233-3247

YAKIMA

1205 Ahtanum Ridge Dr., Suite C
Union Gap, WA 98903

WENATCHEE

519 Grant Rd
East Wenatchee, WA 98802

If you need additional information, have additional questions, or wish to have training for your organization, please contact the WSHRC at 360-753-6770 or 1-800-233-3247.
TTY: 360-586-2585

Additional information on this and other civil rights issues can be found on our website at

www.hum.wa.gov



WASHINGTON STATE HUMAN RIGHTS COMMISSION



PREVENTING SEXUAL HARASSMENT

The Mission of the Washington State Human Rights Commission is to prevent and eliminate discrimination through the fair application of the law, the efficient use of resources, and the establishment of productive partnerships in the community.

Fair Application of the Law

The Washington State Human Rights Commission (WSHRC) is a neutral, fact-finding agency; it does not act as an advocate for any party during an investigation, but advocates for the law in the interest of preventing and eliminating discrimination.