

HARASSMENT Cheat Sheet

What Employers are Covered?

Those with 15 or more employees are covered by the primary anti-harassment law (Title VII)

What Types of Harassment Are Prohibited?

Harassment is a form of discrimination prohibited by Title VII and other laws. Generally, the law prohibits two types of harassment: quid pro quo and hostile work environment.

What is “Quid Pro Quo” Harassment?

Quid pro quo (QPQ) harassment occurs when employment terms, conditions or benefits are conditioned on the victim’s submission to unwelcome sexual advances made by his or her supervisor

Important notes:

- A victim who eventually succumbs to the advances still may have a claim
- The perpetrator of the harassment must be a person with managerial authority
- The employer is strictly liable for any proven harassment

What Is a “Hostile Work Environment”?

A workplace that is sufficiently permeated with severe and pervasive insult, intimidation and/or ridicule based on a person’s race, national origin, disability, religion, age or sex such that a reasonable person would find it hostile or abusive

Important notes:

- The environment can be caused by vulgar comments, stories or jokes, offensive documents or postings, leering, or inappropriate physical conduct
- The environment can be created or contributed to by managerial staff, co-workers and/or customers

How can an Employer Avoid Liability for a Hostile Work Environment?

If the offensive conduct was by a supervisor:

- The employer must prove that it exercised reasonable care to prevent and then promptly correct the harassing behavior
- The victim must have unreasonably failed to take advantage of the corrective measures provided by the employer

If the offensive conduct was by a co-worker:

- The employee must prove that the employer knew or had reason to know about the behavior but failed to take proper corrective action

What are the Potential Penalties?

- Back and front pay
- Compensatory damages
- Reinstatement
- Punitive damages
- Attorneys’ fees

Top Anti-harassment Tips

- Implement and consistently enforce an anti-harassment policy
- Provide anti-harassment training for all managerial employees
- Provide multiple avenues by which victims of harassment can complain and ensure that employees are aware of the complaint procedure
- Promptly and thoroughly investigate all claims of harassment in a manner that is fair to both the alleged victim(s) and the alleged perpetrator(s)
- If harassment is proven, take steps to prevent further harassment, including disciplinary action against the perpetrator(s)
- Refrain from taking any adverse action against the person complaining about harassment