

SEXUAL HARASSMENT

California and United States laws recognize the need to protect and safeguard the right and opportunity of all persons to seek and hold employment free from sexual harassment. It is a fundamental civil right as the courts have held that sexual harassment is unlawful discrimination and a violation of an individual's fundamental civil rights. Unlawful sexual harassment can be committed against either a male or female employee by either a male or female boss, supervisor or co-worker of the same or opposite sex.

There are two types of sexual harassment:

1) **Hostile Work Environment.** If your workplace is characterized by repeated unwelcome sexual comments, gestures or touching or the display of sexually offensive materials such as pictures or writings to such a degree that it has created a hostile or abusive work environment, then you may have a valid claim of sexual harassment. Remember, the sexual comments, gestures or displays must be more than occasional as they must be sufficiently frequent so as to affect the workplace environment; however, one incident of unwelcome sexually offensive touching may constitute sexual harassment depending upon the total circumstances.

2) ***Quid Pro Quo*** ("This for that.") When submission to sexual conduct or sexually offensive materials is made a condition of employment or benefits it is called *Quid Pro Quo*. An example of this is where your employer or supervisor refuses to hire or promote you or denies you an increase in wages, benefits or other privileges of employment unless you engage in sexual conduct or accept repeated sexually offensive comments. An example of this is where your employment or its terms or conditions, including keeping your job, are conditioned upon you agreeing to submit to or engage in sexual conduct. If you are terminated due to your refusal to agree to your employer's sexual demands you have a valid claim against your employer and can recover damages for lost pay and benefits, emotional distress and possibly punitive damages.

Your employer could be strictly liable to you for any sexual harassment by your supervisor or conduct that your supervisor knows or should know. In the case of being sexually harassed by a co-worker, your employer may be

held liable if your employer knows or should know of the harassment and does not take immediate and appropriate steps to stop it. It is usually a good idea to advise your employer in writing of any sexual harassment in the workplace and demand that immediate action be taken to stop it. Always keep a copy of the written notice given to your employer. If you are considering providing your employer with written notice of sexual harassment, I am willing to discuss the contents of that notice with you if you call my office.

If you have been victimized by either of these two types of sexual harassment and suffered damages, either financial or emotional, as a result of these unlawful acts, then you may have a valid basis upon which to bring a sexual harassment lawsuit and recover damages from your employer. The validity of your claim will depend upon the specific circumstances of your situation.

The following are some of the many examples of sexual harassment. If any of these situations are occurring in your place of work, I would be willing to speak with you about it in confidence and at no charge

1. You have been subjected to sexually offensive statements or questions, jokes, sexually offensive pictures, memos, writings, emails, posters, magazines pictures on the computer, verbal jokes or any other sexually explicit materials at work. Comments about your appearance, clothes, or body may also qualify as sexual harassment. If offended by these comments or pictures you should ask the person to stop and inform your supervisor.
- 2 Your supervisor or boss threatens to and actually does terminate you, demote you, reduce your responsibilities, reduce your pay or hours, refuses to promote you or gives you an overload of work or an unfavorable work assignment if you do not go out with or have sex with him or her.
3. Anyone at work touches you in an offensive or inappropriate manner.

I have represented employees in situations all of the above situations If you would like to discuss your situation in confidence with me, please contact the Law Offices of Joel C. Golden at (619) 246-8449. I will answer your questions and, if it appears that you may have a valid claim, I will schedule a

free initial consultation with you to discuss your case and actions you can take to protect your rights and recover damages.

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