

## Sexual Harassment

Sexual harassment is any unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature that creates a hostile or offensive work environment. Not every offensive comment will qualify as sexual harassment as the law defines it. If you're confronted with conduct that you think might be sexual harassment, it's a good idea to speak to a lawyer as soon as possible in order to figure out whether the conduct fits the legal definition or harassment.

In the past decade, sexual harassment claims have become one of the most common subjects of workplace-related litigation. These cases are frequently charged with emotion and involve highly-disputed claims that require careful and thorough investigation and strategy.

Sex discrimination is most simply described as unequal treatment on the basis of sex. In the employment context, unequal and unfair treatment of employees on the basis of sex is unlawful. For example, it is sex discrimination to provide different working conditions, salaries, hiring, promotion or bonus criteria to women and men.

Employers can be held responsible for the conduct of supervisors, whether or not the company knew about the supervisor's behavior. There are short statutes of limitations for sexual harassment claims. If you do not bring a timely claim, you may lose your rights. It is important that you speak with a Massachusetts employment attorney about your sexual harassment claims as soon as possible.

- The following conduct is generally considered sexual harassment:
  - Direct sexual conduct—for example, an employer makes sexual advances or statements
  - Quid pro quo—job-related benefits are offered in exchange for sexual conduct
  - Hostile work environment—an employer maintains an overly sexual work environment

### Timing is Key.

In Massachusetts, there's a 300-day statute of limitations from the date of the most recent offense or termination to file a claim for sexual harassment. In other words, if those 300 days have lapsed, you would be unable to file a claim. Therefore it is extremely important that you seek legal advice immediately if you feel you've been sexually harassed

If you feel you've been sexually harassed, you may be entitled to compensation for emotional distress, lost wages, medical benefits and attorney's fees – rely on a Boston sexual harassment lawyer from our legal team to get what you deserve.

**The first thing you should do** is report it to your supervisor and your company's human resource department. If the person causing the problem happens to be your supervisor, notify

their supervisor and the human resources department. The next thing is to contact an experienced Boston sexual harassment lawyer for advice. You may be entitled to:

- Back pay
- Future lost earnings
- Emotional distress
- Punitive damages
- Attorney's fees and costs

### **Helping You Protect Yourself:**

In addition to helping you prepare to report harassment, an employment lawyer will advise you as to other steps to take to protect yourself. These steps may include:

- Documenting the harassment and all discussions about it with your employer
- Preparing you to deal with the harasser if the harassment continues
- Advising you about how to report future harassment to your employer, and
- Monitoring your employer's response to your complaint to make sure your employer does not retaliate against you.

When you have to deal with harassment at work, it can be difficult to think clearly about how to respond. An employee subjected to sexual harassment may be too emotionally drained and confused to have the perspective on his or her circumstances needed to formulate a strong response. An employment lawyer can be a great resource to draw on so that you can decide what steps to take.

- **Title IX**
  - Any college who receives federal money to stop sexual harassment are required to enforce policies and procedures for students making complaints and how the institution addresses those complaints.
  - Policies dictating a thorough investigation of the complaint and inform students of the results.
  - And, students, administrators, teachers and coaches **MUST** also be free from retaliation for making or supporting those complaints. If you are suffering from sexual violence, harassment or retaliation on campus, Title IX may protect you.
- **#METOO in Massachusetts**

- In October 2017 the nation was hit with a movement that was drastically overdue, the #MeToo movement. The movement was a viral sensation in which victims of sexual harassment came forward in droves to proclaim that they too have been victims, many of whom shared their stories in hopes that it would bring attention to sexual harassment and would likewise encourage others who have not reported their sexual harassment to come forward.
- One of the most important aspects to the #MeToo movement is letting victims of sexual harassment to know that they are not alone. Too often victims feel as though they will be ostracized and retaliated against for coming forward. The #MeToo movement has brought this issue to the forefront of discrimination and has empowered victims to no longer remain silent.
- In Massachusetts, M.G.L. c. 151B operates to make sexual harassment in the workplace unlawful. In general, there are two main areas of sexual harassment, Quid Pro Quo (this for that), and hostile work environment sexual harassment. Quid Pro Quo consists of a person with authority over another using that authority to force the victim into committing sexual acts that they otherwise would not have performed. For example, conditioning a raise or promotion upon the acceptance of sexual advances. Hostile work environment sexual harassment exists when unwanted comments, action and sexual advances exist and cause an interference with one's ability to perform their job. Both are unlawful and can subject the perpetrators and their employers to various forms of damages.