Legal Options for Sexual Harassment

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# Introduction

In the recent days, there has been lot of hue and cry about how the sexual harassment is supposed to work and how the victims are supposed to come forward and take on the harassers. The legal options were always there but not the stigma with regards to the sexual harassment is eliminated due to which it has become easier for the victims to come forward and discuss about some of the issues that were faced by the victims at the given point of time. The same was the case with one of my co-workers. She always used to talk about us with some of the issues that were faced by him in terms of how the sexual harassment is supposed to work. She was facing serious problem in a sense that her supervisor was passing some lewd remarks towards her. As she was not willing to retaliate and report the authority about the incident, his approach become more and more aggressive with the passage of time and later on the tone of the messages that he used to send to her as well as the underlying message became more and more aggressive. She was quite disturbed. One day though, she has had enough, and she decided to report the whole incident. To her surprise, there was not much cooperation towards her from the organization. She was quite disappointed by the behaviour of the organization which was despite the fact that they had a very clear anti-harassment policy. She decided to take matter to the legal court.

# Key Facts

When one talks about the sexual harassment, it talks about how it tends to affect the working conditions for the people who were facing some sort of sexual harassment. To make sure that they are able to take care of things in an appropriate manner, the subjected women was facing considerable mental trauma. Not only that, there was an impression created by the supervisor that if she does not respond to the sexual advances that were made by him, then there were going to be serious consequences for her career. This is the classical example that how the behaviour of the supervisor has created an environment at the workplace that how the whole thing that has created an unsafe working environment for her and thus it has went a long way towards making sure that how the working conditions for her were affected due to that incident. In most modern legal contexts, sexual harassment is illegal. Laws surrounding sexual harassment generally do not prohibit simple teasing, offhand comments, or minor isolated incidents—that is due to the fact that they do not impose a "general civility code". In the workplace, harassment may be considered illegal when it is frequent or severe thereby creating a hostile or offensive work environment or when it results in an adverse employment decision (such as the victim's demotion, firing or quitting). The legal and social understanding of sexual harassment, however, varies by culture.

# Issue

It has to be noted that each of the organization has its code of conduct when it comes to the cases of the sexual harassment and it is important for the victim to make sure that they first reach out to their organization for reporting these cases. Now the key thing that has to be kept in mind when it comes to this case is that the organization that is in subject has not taken any action when it comes to the way this whole scenario was supposed to be discussed. If that is the case, then the legal options are needed to be explored and this is what exactly that is going to be done during the course of this case. Now, what has happened here is that how the illegal sexual harassment has been carried out for a very long time and here repeated sexual comments were being made that made the colleague uncomfortable in terms of how the work performance suffers among different stakeholders at the given point of time. Not only that, due to the case, the lady was not willing to pursuit in terms of how the performance suffering is going to be happening at the given point of time. The other implication that has to be kept in mind is that how it has created a hostile working environment that does not allow productivity to be taken care off in terms of how this sexual harassment is supposed to be done. When it comes to defining the whole issue, it is going to be helpful if one goes on to define what sexual harassment is. According to the Federal Laws, the sexual harassment laws are as followed.

“Sexual harassment at work is a form of unlawful sex discrimination. The law defines sexual harassment as, unwelcome verbal, visual, non-verbal or physical conduct of a sexual nature or based on someone’s sex that is severe or pervasive and affects working conditions or creates a hostile work environment.”

# Ruling and Legislation

Due to the fact that how the sexual harassment laws at the workplace are supposed to work out, it is quite clear that the legislation has to be quite clear in this regard. There are different state repercussions as far as the way sexual harassment laws are supposed to work out. Now, the key implication of this law is that how the legal definition of sexual harassment is going to fit in this case. The sexual harassment should be of such nature that it should be causing severe and pervasive mental distress to the employee at the given point of time. It does not have to be both and thus in this case, it is quite clear that the text messages as well as the overall behaviour that was carried out at the end of the supervisor was such that it can be defined as sever and pervasive and thus there are going to be legal implications in this case. Now, the key thing that has to be noted here is that how the harassment laws are going to be applicable even if there is a case that the sexual harassment of the less sever nature has been carried out. This is something that quite meets the part of the definition at the given point of time. For instance, the sexual harassment might be illegal if there are repeated sexual comments that are making the person uncomfortable at work and how it is making sure that the performance of the individual is suffering at the given point of time. So, the whole thing is needed to be kept in mind when the implications of the sexual harassment are kept in mind.

# Analysis of the Situation

Now some clarity is developed with regards to the nature of the case, the next thing that is needed to be kept in mind is that what are some of the legal options at the disposal of the people at the given point of time. The first thing that is needed to be done is that the sexual harassment complaint process has to Be carried out to make sure that some sort of clarity is developed in terms of how the file of the change and federal agency is needed to be kept in mind. The discussions with the lawyers and the legal experts are also needed to be carried out. Not only that, the Equal Rights Advocate must sit together and make sure that the selection of the choices that are available for the victim are needed to be discussed. Not only that, there has to be realization of some of the risks that are faced by the victim and she must be made aware that if there is lack of evidence, then the case would not have much merit. Throughout the United States workplace, 79% of sexual harassment victims are women, and 21% are men. Out of those numbers, 51% of those people were harassed by a supervisor. Though sexual harassment happens in not all, but most professions, business, trade, banking, and finance are the biggest industries where sexual harassment occurs.

# Conclusion

In the hindsight, it can be said that the way sexual harassment laws are supposed to work, it is important that there has to be realization at the end of all the stakeholders that how the safe working environment is supposed to be provided. In this case, the key fact is that the organization despite having a very clear anti-harassment policies is not willing to take any action against the perpetuator. At the same time, with the text messages as well as some other evidences, it becomes quite clear that it is the case of the sexual harassment. The important thing is that with renewed awareness about the issues of the sexual harassment, it has become quite pertinent that action has to be taken. The Federal as well as the State laws are quite inclusive and very clear in this regard and there is a likelihood of the strict action.

**References**

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