

Sexual Harassment in the Workplace Fact Sheet

It is illegal for an employer to treat an employee or group of employees unfairly or differently because of your sex, gender, sexual orientation, race, religion, age, etc. You have the right to work in a place free of discrimination, retaliation (this is when someone does something to get back at you), and sexual harassment.

What is sexual harassment?

Sexual harassment is unwelcomed sexual attention or sexual attention you do not like. Sexual harassment can happen to people of all genders, but it is directed at someone because of their sex or gender. It may make you feel embarrassed, scared, uncomfortable, or sad. You may not be sure how you feel about it.

Sometimes, this unwelcomed sexual attention is not a crime. However, sexual harassment is never okay. It is against civil law and you might be able to sue in a civil court because of it.

How is sexual harassment different from sexual assault?

Sexual assault is any act or behavior that is sexual in nature and happens without consent. Consent is an active, verbal, and sober, “yes”. Consent is freely given, informed, and reversible. Silence or the absence of a “no” is not consent. Sexual assault usually refers to things that are crimes. If sexual violence happened to you, you can connect with an advocate at Embrace to learn about your options.

What are some examples of sexual harassment in the workplace?

- Dirty jokes or sexual remarks to you or other people about you
 - Example: A coworker or supervisor talks about your body, says they are attracted to you, tells dirty jokes, or talks about their sexual habits.
 - Example: A co-worker spreads rumors where you work about your sexual activity.
- Unwelcome touching
 - Example: Someone tries to pull off gender-related clothing that you are wearing. For example, someone pulls off a girl’s headscarf or hijab, pulls off a transgender girl’s necklace or grabs at a girl’s bra through her shirt.
 - Example: A person sexually grabs an out gay coworker in order to make them feel uncomfortable.
 - Example: Someone grabs your butt as you walk by.
- Requests for sex or personal relationships, like dates
 - Example: Your supervisor asks you for a date or says personal or sexual things to you.

- Making work conditions or promotions dependent on sexual favors (explicit or implicit)
 - Example: Your supervisor asks you for a date but you don't want a personal relationship and don't like the comments your supervisor is making. The supervisor tells you that if you don't cooperate you won't get a raise.

Can my employer fire me if I file a complaint?

It is illegal for your employer to fire you, retaliate, or take negative action to get back at you because you filed a complaint about sexual harassment or sexual assault that happened to you at work.

What steps can you take if you experience workplace sexual harassment?

1. Connect with an advocate at Embrace for support and information.
2. Request support from a person you trust, like a close friend, family member, or therapist.
3. Tell your supervisor in writing what is happening and ask them to address the situation. Keep copies. If your supervisor is the one harassing you, you can tell a higher up supervisor instead.
4. Take notes on conversations with and comments made by your supervisor.
5. Write down details of what happened and when. Save any text messages or emails from the person who harassed you.
6. Write down people who saw the harassment and their contact information.
7. File a complaint with the federal and state authorities (Federal Equal Employment Opportunity Commission (EEOC) or the Wisconsin Equal Rights Division) especially if your employer does not do anything about your complaints.

What is the timeframe to file a complaint?

You must file a complaint within 300 days of the date the harassment happened.

How do I file a complaint?

You can file a complaint with the federal or state authorities, or both. Especially if your employer does not do anything about your complaints.

To file with Wisconsin, you can call the **Wisconsin State Equal Rights Division** at 608-266-6860 or go to <https://dwd.wisconsin.gov/er/default.htm>.

To file a complaint with federal authorities, you can call the National **Equal Employment Opportunity Commission** (EEOC) number at 800-669-4000 or go to <https://www.eeoc.gov/>.

You can also call the local Milwaukee EEOC office at 414-662-3680. The Spanish language hotline number for the EEOC is 414-662-3682.

Can I file a restraining order?

You can apply for a harassment restraining order with your Embrace advocate. Local courts also have the forms for you. You can find those here

<https://www.wicourts.gov/forms1/circuit/formcategory.jsp?Category=4>.

For more information about restraining orders, see our fact sheet Restraining Orders here

<https://www.embracewi.org/factsheets>.