

Sexual Harassment – Frequently Asked Questions

Q: Is sexual harassment only men harassing women?

A: No. Both men and women can be guilty of sexual harassment. Both men and women can be considered victims. Also, the harassment can be cross gender – i.e. men harassing women or women harassing men – or it can be same gender – i.e. men harassing men or women harassing women.

Q: Does the harassment always have to be perpetrated by a boss or other supervisor?

A: No. The harasser can be a co-worker, a supervisor in another area, or a non-employee, such as a vendor or client.

Q: Can my employer retaliate against me for filing a sexual harassment claim?

A: No. Harnett County has policies that prohibit retaliation for reporting sexual harassment. Also, according to EEOC, it is against the law.

Q: A regular customer of my employer makes offensive sexual remarks every time I see him. Is this sexual harassment?

A: Yes. Report it to your Supervisor immediately. Give your Supervisor or Department Manager an opportunity to fix the problem. They should discuss the inappropriate behavior with the customer and could assign the customer to another co-worker, or refuse to serve him or her altogether.

Q: Is it sexual harassment if I ask a co-worker for a date?

A: No. Not if you ask once and consider the issue closed when the co-worker says no. (Unless they specifically invite you to ask another time.)

If you continue to ask the co-worker out or treat them negatively because they said No, that would be considered creating a hostile environment, and thus, sexual harassment.

Q: If a co-worker or supervisor comments on my clothing or appearance, is that sexual harassment?

A: It would depend entirely upon the comment. If the comment is to tell you that you look nice – that would not be harassment. However, if the comment is sexual in nature – that would be considered harassment.

Q: I had an intimate relationship with a co-worker but broke it off. If that co-worker harasses me, can I still bring a claim for sexual harassment?

A: The fact that you had a consensual relationship does not mean that you can claim sexual harassment when you break up. When you end the relationship, be sure that your co-worker understands that you no longer want to continue the relationship. After that, if they continue to harass you, or create a hostile work environment, then that would be considered sexual harassment and you may file a report.

Q: The other day, a fellow employee told me a joke that had mild sexual content. I wasn't offended by it, and we both found the joke to be funny. Today, we both got a memo from our boss saying our conduct was inappropriate and a potential violation of the company's sexual harassment policy. Was the joke harassment?

A: The question is not whether you and your co-worker found the joke offensive. If the joke was overheard by others and they found it offensive, that would create the effective of a hostile work environment. It is better to refrain from sexual jokes at work at all times. If you choose to continue to share these jokes, be sure the two of you cannot be overheard.

Q: Is sexual harassment ever a criminal matter?

A: If the sexual harassment consisted of a physical attack, stalking, or threats of another crime the harasser could be faced with criminal penalties.

Q: What if I am not being sexually harassed, but I am aware that one of my co-workers is harassing another co-worker?

A: Your first reaction may be to mind your own business, but that is not the best way to approach the situation. Talk to the co-worker who is being harassed. Let him or her know what you have observed and that they have your support. If they are afraid to speak up, share what you learned in the

webinar and offer to take the first steps with them. Also let them know that you are willing to serve as a witness. If you are a team lead, Supervisor, or Manager, you **MUST** file a report on the observed sexual harassment as you are considered an agent of the County. Once Harnett County (or you as their agent) is aware of the situation, you must take action.

Q: Isn't it true that if I ignore sexual harassment, it will stop?

A: It is possible, but not probable. The harasser may not be aware that you are feeling uncomfortable. Also, ignoring the behavior may be a sign of encouragement to the perpetrator and may be considered consent. If you are truly uncomfortable, you must tell the other person that you do not appreciate their actions and ask them to stop. If you are afraid to approach the other person, you can always talk with your Supervisor for support or action.

Q: One of my employees told me confidentially that she is being sexually harassed, but she asked that I keep it confidential. She does not want to file a report. Do I still need to file one?

A: Absolutely! As an agent of Harnett County you **MUST** take action on what you have been told. If you decide to do nothing and later it blows up into a big deal, you could be penalized for not reporting it. Also, if she decides to file an EEOC complaint, the EEOC will be able to file a law suit and claim that Harnett County was aware of the situation, but did nothing. This could result in a huge financial claim against Harnett County and even against YOU.

Q: Does sexual harassment have to involve sex.

A: No. In fact, you can be sexually harassed without any physical contact at all. Conduct such as sexual advances, repeated requests for dates, lewd remarks, sexual jokes, sexual pictures and stalking, staring, and other actions are considered sexual harassment.

Q: If I make a complaint of sexual harassment, will my complaint remain confidential?

A: Although Harnett County will make every effort to keep the details of your sexual harassment complaint confidential, it may become necessary to provide information to other people. The alleged harasser has a right to know the details of the complaint. Also, it may be necessary to speak with

witnesses. When the complaint is confirmed, there will also be repercussions, so others will notice if someone has been put on leave without pay, etc.