

8.10: Sexual Harassment Laws

Learning Objectives

- Describe the key points of sexual harassment laws

The issue of harassment was briefly touched on in the section on Equal Employment Opportunity Law with regard to discrimination but what about sexual harassment specifically? The EEOC defines sexual harassment as “unwelcome sexual advances, requests for sexual favors, and other verbal or physical harassment of a sexual nature.”^[1] The judicial system within the United States has set guidelines in determining whether or not sexual harassment in the workplace has occurred. One such instance of sexual harassment is when an authority figure or manager makes sexual advances to a subordinate with the promise of a job or promotion. This is termed as quid pro quo. Another form of sexual harassment could include a hostile work environment. These types of harassment within a retail business could be detrimental to a company’s public image.

More recently sexual harassment has made headlines with some high profile cases as a means of proving discrimination. One such case was that of Fox News. The news station was disrupted by multiple reprehensible reports of sexual harassment within the workplace which caused the departure of some of its more popular anchors and top executives. These particular cases also brought to light the flaws with the laws governing sexual harassment cases. More specifically “women are forced to report harassment nearly immediately, despite the many career-related reasons not to, and yet they are not fully protected against retaliation when they do report the harassment. Scholars have also documented that if a victim’s claims do make it to court, the standard for proving harassment is a nearly insurmountable burden to overcome. These identified weaknesses in the law would seem to explain why the law failed to act as a stronger deterrent to Fox News.”^[2]

The Fox News scandal paved the way for a new movement called “MeToo.” Between numerous news reporting agencies and multiple Hollywood producers, actors and television figures, this movement caught on fast and was extremely publicized in the media costing various high profile on-air personalities their jobs and ultimately tarnishing their careers forever. As stated previously, the best way for retail companies to manage potential liability altogether is with the avoidance of a lawsuit by addressing sexual harassment promptly. When notified of sexual harassment a retail manager may find that there could be various remedies.

Modifying schedules, moving individual employees away from other employees or having to dismiss an employee altogether could be potential remedies for subordinates committing possible sexual harassment violations against another employee(s). “Companies need to foster an environment where there’s no room for sexual harassment to take hold. . . . That starts with building a culture based on collaboration, teamwork, and respect—and not tolerating employees who dominate or treat other employees as if they are there to serve them. Leaders sometimes inadvertently send the wrong message by excusing—or even rewarding—employees for behaving aggressively toward colleagues.”^[3]

Practice Questions

<https://assessments.lumenlearning.co...essments/9230>

1. https://www.eeoc.gov/laws/types/sexual_harassment.cfm ↵
2. Edwards, M. (2018). The big crowd and the small enterprise: Intracorporate disputes in the close-but-crowdfunded firm. *Penn State Law Review* 122(2), 411–462. ↵
3. Gerdeman, D. (2018). Sexual Harassment: What Employers Should Do About #MeToo. *Forbes*, Web. Retrieved from <https://www.forbes.com/sites/hbsworkingknowledge/2018/04/11/sexual-harassment-what-employers-should-do-about-metoo>. ↵

Video -- Sexual Harassment in the Workplace



Contributors and Attributions

CC licensed content, Original

- Sexual Harassment Laws. **Authored by:** Freedom Learning Group. **Provided by:** Lumen Learning. **License:** [CC BY: Attribution](#)

8.10: Sexual Harassment Laws is shared under a [not declared](#) license and was authored, remixed, and/or curated by LibreTexts.