

“Can I File—Should I File?”



The Broward County Civil Rights Division recognizes that this is a personal decision, one which often involves numerous considerations including an assessment of the likelihood of winning the case. The Division does not “pressure” persons into filing, or solicit complaints.

Similarly, the Division recognizes the serious nature of sexual harassment, and will not advise any person to file a complaint which the Division has reason to believe is motivated by spite or vindictiveness. The Division offers confidential counseling to persons who feel that they are victims of sexual harassment and/or employment discrimination, and will assist in the drafting of a discrimination complaint.

If you desire a confidential interview with a Division investigator in regards to a sexual harassment and/or an employment discrimination complaint, contact the:

Broward County Civil Rights Division
Governmental Center
115 South Andrews Ave. Room A680
Fort Lauderdale, FL 33301-1883
954-357-6050 • TTY 954-357-6181
Web address: www.broward.org/eo

THERE IS NO CHARGE FOR DIVISION SERVICES.

This leaflet cannot answer all your questions about the subject. The Broward County Civil Rights Division will gladly provide more detailed information and interpret the Human Rights Act as it relates to sexual harassment and other aspects of discrimination, upon request.

As a part of the Division's statutory responsibility, the Division provides technical assistance to encourage fair treatment for all Broward County residents.



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CIVIL RIGHTS DIVISION

Governmental Center
115 S. Andrews Avenue, Room A680
Fort Lauderdale, Florida 33301
954-357-7800

If you require auxiliary aids for communication, please call our office at **954-357-7800** (voice), or **954-357-6181** (TTY) in advance of your visit.

This publication can be made available in large print, tape cassette, or braille, by request.

An equal opportunity employer and provider of services.

This public document was promulgated at a cost of \$000.00, or \$0.000 per copy, to provide information on sexual harassment.

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Office of Equal Opportunity
Civil Rights Division

Sexual Harassment On The Job

Is Against The Law





Title VII of the Civil Rights Act of 1964 includes sex discrimination. Relying on court decisions which held that Title VII bans sexual harassment, the Equal Employment Opportunity Commission (EEOC) issued final regulations, effective

November 10, 1980, which broadened an employer's potential liability for sexual harassment. The Broward County Human Rights Act also includes sex discrimination among the covered classes of employment discrimination. To file a sexual harassment charge with the Broward County Civil Rights Division, the employer must conduct business within Broward County.

The Act states the following as it relates to sexual harassment:

The employer, labor organization or employment agency must have five or more employees and the charge of discrimination must be filed within 180 days of the harm date;

Must be an employer other than:

- (a) the United States Government or a corporation wholly owned by the U.S.
- (b) an Indian Tribe
- (c) a bona fide private membership club.

WHAT IS SEXUAL HARASSMENT?

Any unwanted sexual advance or conduct that interferes with a person's work performance, is used as a condition of employment, or is used for making a personnel decision such as getting a raise or promotion. This includes harassment from customers, union representatives or members, co-workers and supervisors.

It is not always necessary to show that the harassment has such tangible consequences. For example: a violation may occur when "such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment."



What Should You Do If You Are Sexually Harassed On the Job?

- Learn to read the signals: a constant stream of personal remarks; frequent personal, "accidental" touchings; arrangements for being alone.
- Don't feel guilty when you encounter sexual harassment. It can happen in spite of efforts to discourage it.
- React. Don't ignore advances.
- **At the onset, talk with the person privately.** Use a friendly rebuff initially, then state the illegal nature of the activities.
- If the offender's reaction to refusal is belligerent and/or the harassment escalates, **try not to be alone with that person.**
- **Talk with co-workers.** It is likely others are being harassed. Two or more complaints strengthen the case.
- **Complain.** If the harassment continues, talk with a supervisor, EEO officer, union official or other appropriate representative. Give the employer an opportunity to act on your complaint. Try to determine appropriate formal complaint procedures. File a written complaint using the formal complaint procedure when possible.
- **Develop witnesses** by asking co-workers to keep their eyes and ears open.
- **Keep a diary of incidents.** Note time, place, and other details to make the case more credible.
- **If informal complaints don't bring results, use the following options:**
 - File a complaint with the local, county, or state Fair Employment Practices office.
 - File a complaint under Title VII of the Civil Rights Act of 1964.
 - File a civil suit for assault and/or battery if the harassment involves verbal or physical threat and/or unwanted touching.
 - Press criminal charges if the harassment involves any of the following:
 - rape
 - assault with intent to rape
 - attempted rape
 - assault and/or battery
 - coercion/extortion
 - indecent exposure

IMPORTANT REMINDERS

- Sexual harassment can have both male and female victims.
- It is the complaining party who has the initial burden of proof when filing a discrimination complaint.
- The investigating agency plays a neutral role during the investigation process.