

Sexual Harassment

fact sheet

What is Sexual Harassment?

Vermont's law defines sexual harassment as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, submission to or rejection of such conduct by an individual is used as the basis for employment

decisions affecting such individual, or such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. 21 V.S.A. section 495d(13).

Unlawful sexual harassment can take one of two forms - either quid pro quo harassment, or a hostile work environment.

Sexual Harassment: Legal definitions

Quid Pro Quo

Someone in a position of **power** who demands a sexual **favor in exchange** for a **benefit** or for not imposing a negative consequence

Hostile Work Environment

Unwelcome conduct of a sexual nature **or based on sex** or gender so **severe or pervasive** that it affects terms and conditions of employment creating a **hostile or abusive work environment**

■ Quid Pro Quo

The Latin term "quid pro quo" literally means "this for that." Quid pro quo sexual harassment occurs when an employment decision is based on someone's willingness to endure sexual conduct, advances, or requests for sexual favors. **A single instance of quid pro quo sexual harassment is illegal.**

FOR EXAMPLE:

- A person of higher rank implies an employee must perform sexual favors to keep their job
- A supervisor offers a promotion or pay raise to someone who works for them in exchange for a sexual favor

Hostile Work Environment

Most employees complain of experiencing a hostile work environment based on sex. Work-related harassment can become so “severe or pervasive” that it rises to the level of creating a hostile work environment when a person of any gender identity or sexual orientation:

- Has to endure come-ons, unwelcome sexual remarks, or sex-based behavior as part of their job, or
- Is targeted with harassing behavior because of their sex, or based on conforming or not conforming to sex-based stereotypes, or
- Feels intimidated, offended, scared, unsafe, or demeaned on the basis of their sex or based on sex-based stereotypes.

A hostile work environment is usually a situation that develops over time, after frequent or repeated instances of sexual or sex-based conduct, and prevents someone from being able to do their job. However, a single serious incident, such as workplace sexual assault, can be so “severe or pervasive” that it creates an unlawful hostile work environment.

Examples of **VERBAL** Sexual Harassment

- Sexual remarks, jokes, or stories
- Abusive texting
- Sexist comments

Examples of **PHYSICAL** Sexual Harassment

- Leaning over or standing too close
- Hugging, kissing, patting or stroking
- Giving a massage around the neck or shoulders

Examples of **VISUAL** Sexual Harassment

- Sexually suggestive videos
- Looking a person up and down
- Displaying suggestive photos

The Facts About Sexual Harassment

- **Prevention is the best tool to eliminate sexual harassment¹**
- **80% of women who’ve been harassed leave their jobs within two years²**
- **The person filing a complaint does not have to be the person harassed but could be anyone affected by the offensive conduct³**
- **Only 32% of women agreed that the harassment was something they could report to their employer without fear⁴**
- **Women who were harassed were 6.5 times more likely than those who were not to change jobs⁵**

Sources: ^{1,2,5}Gender & Society, Volume 31 Issue 3, June 2017, pp. 333–358

³EEOC eoc.gov/eoc/publications/fs-sex.cfm

⁴Marketplace-Edison Research Poll, June 2018

Where to File

A Workplace Sexual Harassment Complaint in Vermont

The Vermont Attorney General’s Office and the Vermont Human Rights Commission have created one place to submit complaints of workplace discrimination and harassment, including sexual harassment.

➔ ago.vermont.gov/employment-discrimination-form

Vermont Commission on Women
126 State Street
Montpelier VT 05633-6801
800-881-1561 or 802-828-2851
vcw.info@vermont.gov
women.vermont.gov

