

GOVERNOR'S COMMISSION ON WOMEN

# Sexual Harassment In The Workplace

A GUIDE FOR EMPLOYEES AND EMPLOYERS



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You can also read most of these publications on our website at [www.women.state.vt.us](http://www.women.state.vt.us)



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*This guide gives general information only. It does not give legal advice. You can also get this guide in large print and braille and on audiotape and diskette. Call the Governor's Commission on Women at 1-800-881-1561 to ask for a free copy. You can also read it on-line at [www.women.state.vt.us](http://www.women.state.vt.us).*

### ABOUT THE COMMISSION

*The Governor's Commission on Women, as a state agency, works to shape policy by educating and informing the public. The Commission works to find long-term solutions to the problems that confront women and their families by increasing educational, economic, social, and health-related opportunities.*

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# WHAT IS SEXUAL HARASSMENT?

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Sexual harassment is a form of sex discrimination. Sexual harassment in the workplace involves behavior that may include unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct.

**Sexual harassment is illegal if:**

- **A worker's job depends on consent to sexual behavior**
- **Raises or promotions depend on a worker's consent to sexual behavior**
- **The harassment creates a hostile, offensive, or intimidating work environment that prevents a worker from doing their job**

There are two forms of sexual harassment. The first is referred to as **quid pro quo** ("this for that"). In this type of situation, an employer or a supervisor makes unwanted sexual advances or requires a person to exchange sexual favors for some job benefit (for example, being promoted or hired) or to prevent a negative job-related action (for example, being fired or getting a bad evaluation).

The other form of sexual harassment is referred to as **hostile environment**. This is when unwanted sexual conduct creates an offensive, uncomfortable, or discriminatory work environment.

To prove a hostile environment case, this type of harassing behavior must be sexual in nature or directed at only one sex. It must also be frequent or repeated and unwelcome.

Discrimination based on a person's sex may also be considered sexual harassment even if the discrimination is non-sexual in nature. For example, commenting that a person can't do her job because of her sex may be considered sexual harassment.

■ Sexual harassment is not about sex. It's about power. ■

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**Any of the following behavior may be considered sexual harassment or may be evidence of sexual harassment**

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- **Gestures and non-verbal communications** such as leering, hooting, sucking, lip-smacking, whistling and animal noises, and sexually explicit gesture
- **Discussion of sexual matters** such as one's partner's sexual inadequacies or prowess, stories of sexual exploitation, graphic descriptions of sexual activities, and dirty jokes
- **Overt sexual advances or sexual activities** such as unwelcome touching and hugging; inappropriate invitations ("join me in a hot tub for a good time"); obscene phone calls, letters, or e-mails; sexual sneak attacks (grabbing breasts or buttocks); soliciting sexual services; exposure of intimate body parts; or sexual assault
- **More subtle sexual activities** or communications such as insisting or requesting that workers wear revealing clothes, unwelcome pressure for dates, inappropriate gifts such as lingerie, the use of sexual innuendo, comments about people's bodies or physical appearance, "accidentally" brushing sexual parts of the body, leaning over and invading a person's space, sexist and insulting graffiti, sexist jokes and cartoons, and displaying pornography or nude or semi-nude pictures in the workplace
- **Negative activities designed to make a group unwelcome** in the workplace such as sabotaging a person's work, demanding comments such as "Hey, baby, give me a smile," hostile put-downs, exaggerated and mocking "courtesy," and public humiliation

**IT'S A FACT** | *Both men and women may be victims and harassers.*

# SEXUAL HARASSMENT IS A SERIOUS PROBLEM

Companies lose millions of dollars because of lawsuits and lost productivity every year due to sexual harassment. Victims of sexual harassment report physical and mental health problems and long-term career damage.

## Sexual harassment costs employees

- Sexual harassment affects the physical and mental health of victims. Victims of sexual harassment may also suffer financially, since many workers lose their jobs or receive reduced wages.
- A 1994 report by the National Council for Research on Women states that women are nine times more likely than men to quit a job because of sexual harassment.
- In a 1992 survey conducted by *Working Women* magazine, 25 percent of the readers who were sexually harassed reported that they were fired or forced to quit their jobs, 27 percent reported having their self-esteem seriously undermined, 12 percent reported impaired health, and 13 percent reported long-term career damage.
- According to the *American Journal of Orthopsychiatry*, sexual harassment victims may suffer from anxiety attacks, headaches, sleep disturbances, eating and gastrointestinal disorders, nausea, weight loss or gain, and crying spells.

■ Women are nine times more likely than men to quit a job because of sexual harassment. ■

## Sexual harassment costs employers

- According to the Vermont Attorney General's office, there were several settlements and judgments against Vermont private employers over the last several years in excess of \$100,000.
- The U.S. Merit Systems Protection Board survey in 1994 estimated that during a two-year period sexual harassment cost the federal government \$327 million in benefits, lost productivity, and turnover.
- In a 1998 survey, *Working Women* magazine found sexual harassment costs the typical Fortune 500 company \$6.7 million annually in lost productivity, absenteeism, and employee turnover. This does not include litigation, settlement, or other legal costs.

# UNDERSTANDING SEXUAL HARASSMENT LAWS

There is both a federal law and a Vermont law about sexual harassment. Both laws define sexual harassment in similar ways. However, there may be differences in the way that the state courts and the federal courts interpret the laws.

The U.S. Supreme Court has made many decisions in sexual harassment cases, so we know how the federal courts are likely to apply the law. The Vermont Supreme Court has not made many decisions about sexual harassment cases. We can't be certain that they will interpret the Vermont law the same way that the federal courts have interpreted the federal law. You and your lawyer can decide whether to try your case under state or federal law or both.

## Federal Law

Title VII of the Civil Rights Act of 1964 prohibits sexual discrimination in employment. In 1980, the Equal Employment Opportunity Commission (EEOC), the federal agency in charge of enforcing the act, issued regulations which said that sexual harassment constitutes a violation of Title VII. These rules are used by the EEOC in investigating complaints. They are given weight in deciding sexual harassment cases.

The federal regulations and Vermont state law define sexual harassment as: unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature if they occur in one or more of the following three circumstances:

- ① submission to such conduct is made either explicitly or implicitly a term or condition of employment; or
- ② submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the employee; or
- ③ such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or of creating an intimidating, hostile, or offensive working environment.

### IT'S A FACT

*Sexual harassment can occur in situations where one person has authority over another, or between peers.*

## UNDERSTANDING SEXUAL HARASSMENT LAWS (continued)

### Vermont Law

Vermont law has additional requirements for employers. All Vermont employers are required to stop hostile and offensive behaviors in the workplace and to develop sexual harassment policies.

Vermont law requires every employer to:

- ① **Adopt a policy against sexual harassment which must include:**
  - a statement that sexual harassment is unlawful;
  - a statement that retaliation against an employee for filing a complaint or cooperating in an investigation is against the law;
  - a description of sexual harassment with examples of inappropriate behavior that can be considered sexual harassment;
  - a statement of the range of consequences for harassers;
  - the procedure for filing a complaint with the appropriate state and federal employment discrimination agencies and directions about contacting the agencies; and
  - for employers with more than five employees, a description of the procedure to follow for filing an internal sexual harassment complaint. This should include the names, addresses, and telephone numbers of people to whom complaints should be made.
- ② **Post information about sexual harassment, including, at a minimum, the employer's sexual harassment policy.** This information must be posted in a prominent and accessible location within the workplace.
- ③ **Provide a written copy of the sexual harassment policy to every employee.** All current employees should have their own written copy, and copies must be given to new employees upon hiring.

#### IT'S A FACT

*The American Psychological Association estimates that 71 percent of working women will be subjected to sexual harassment during their careers.*



# SEXUAL HARASSMENT POLICY FOR VERMONT BUSINESSES

## Steps employees can take to prevent or stop sexual harassment

- Treat others in a respectful and professional manner.
- Let co-workers know when you think their conduct is offensive or inappropriate, even if it's not directed at you.
- State your expectations clearly and demand that harassing behavior stop.
- Read the company's policy and procedures on sexual harassment. If you have questions about the policy, find someone who can answer your questions.
- Hold open discussions about sexual harassment with co-workers and explore the differences between inappropriate and appropriate behavior.
- Don't assume that what one person sees as funny is necessarily funny to another.
- Don't be pressured into joining "the gang" in unacceptable behavior.
- Give support to harassed employees. Remind them that they are not to blame.

## Steps employers can take to prevent or stop sexual harassment

- ① **Do not ignore or engage in harassment or inappropriate conduct.**
  - If you witness such conduct, address it immediately and make sure that it stops.
- ② **Adopt a written policy prohibiting sexual harassment.**
  - Emphasize the company's commitment to providing a workplace free from sexual harassment.
  - Include a definition of sexual harassment.
  - Explain the consequences for harassment.
  - Provide detailed information about the company's grievance procedure.
  - Express a commitment to keep all sexual harassment complaints confidential as much as possible.
  - Inform employees that they will not be **retaliated** against for filing a complaint.
- ③ **Communicate your policy.**
  - Review your policy with all employees on a regular basis and discuss the policy with all new employees.
  - Communicate your policy to suppliers and customers.
  - Post a copy of your policy in a visible place.
  - Include the policy in employee handbooks or policy manuals.
  - Supply all employees with a written copy of your policy.
  - If you have employees whose first language is not English, translate your policy into the first language of your employees.
  - Inform employees to whom they should talk if they have questions about the policy.

## SEXUAL HARASSMENT POLICY FOR VERMONT BUSINESSES (continued)

### ④ Establish procedures to prevent and respond to sexual harassment.

- Designate a properly-trained staff person to receive sexual harassment complaints and to ensure that the policy is carried out.
- Designate an alternate person to receive complaints in case the designated person is accused of being involved in the harassment.
- If you have more than one work-site, designate a person at each site to address complaints of harassment.
- Make sure all your employees know to whom they should talk about a sexual harassment complaint. Make sure that the person who receives complaints responds to them in a timely and sensitive manner.
- Keep all sexual harassment charges confidential as much as possible.

### ⑤ Provide training for all employers.

- Provide training to those who will receive and respond to complaints.
- Provide training for all employees within the first year of employment.

■ Vermont law strongly encourages every employer to provide sexual harassment training to all employees. Training should be offered within the first year of employment. ■

## SEXUAL HARASSMENT POLICY FOR VERMONT BUSINESSES (continued)

<b>Do employers have any defenses to harassment claims?</b>	<b>Employers' legal responsibilities</b>
<p>Under federal law, three things must happen in order for an employer to avoid liability for sexual harassment:</p> <ol style="list-style-type: none"> <li>① the employer takes reasonable steps to prevent harassment</li> <li>② the employer addresses sexual harassment claims quickly</li> <li>③ the victim unreasonably fails to use the employer's grievance or complaint procedures. (If the victim had a good reason for failing to use the procedure, such as when the only person to whom complaints are to be made under the policy is the harasser, then this defense will not be available.)</li> </ol> <p>However, if a harassing supervisor takes <b>adverse action</b> against the employee, the harassment cannot be legally defended. The employer is responsible for the supervisor's actions.</p>	<p><b>Harassment committed by supervisors and managers</b></p> <p>Under federal law, employers are responsible for harassment committed by supervisors and managers, whether or not the employer knew about the harassment at the time it was happening, if:</p> <ul style="list-style-type: none"> <li>• a supervisor takes <b>adverse action</b> such as fires, demotes, or in some other way changes the employee's work conditions as part of the harassment or as a punishment for not submitting to or for filing a complaint about the harassment, or</li> <li>• a supervisor uses his or her authority to facilitate or enforce harassment.</li> </ul> <p><b>Harassment committed by employees</b></p> <p>Employers are responsible for harassment by any employee if the employer knew or should have known of the harassment and did not take steps to stop it.</p>

**IT'S A FACT** | *On March 28, 1993, the New York Times reported that 50 to 85 percent of all female employees experience some form of harassment during their careers.*

# HELP FOR THE VICTIM

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First, remember that the harassment is not your fault and that you are not alone. In the back of this booklet, you will find a list of resources - places where you can get advice and support.

Although you may take legal action, you may first want to try other options such as confronting the harasser and filing a complaint within your company. Following your company's grievance procedure may help strengthen your case should you decide to file a complaint with an outside agency or a private lawyer.

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## Steps to take if you are being harassed

### ① Confront the harasser.

If you can, let the harasser know that the behavior is unwelcome and that you want it to stop. Although you are not required by law to confront your harasser, in some cases, it may help to end the harassment. If you decide to confront your harasser, follow these tips:

- Ask someone else to be present.
- Remain calm.
- Practice out loud what you are going to say.
- Describe the behavior you don't like and ask that it stop.
- Hold the harasser accountable for their actions.
- Make it clear that all people have the right to be free from sexual harassment.
- Stick to your own agenda and don't respond to the harasser's excuses.
- Be serious, straightforward, and to the point.
- Don't use obscenities or stoop to the same level as the harasser if the response is rude or hostile.

### ② Write a letter to the harasser.

If you choose not to confront your harasser in person, consider writing a letter. In the letter, describe the behavior that you don't like and ask the person to stop. Include a detailed description of what happened and when it happened. Be sure to date and keep a copy of your letter and make a note of how it was delivered.

### ③ Get emotional support.

If you feel that you are being sexually harassed, get support. It may help to talk to someone such as a medical or mental health professional, an attorney, a spiritual advisor, a family member, or a friend.

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#### IT'S A FACT

*The harasser can be a supervisor, an agent of the employer, a co-worker, or a non-employee such as a customer or vendor.*

■ Following your company's grievance procedure may help strengthen your case should you decide to file a complaint with an outside agency or a private lawyer. ■

### ④ Document the harassment.

It is important for you to document as much as you can about the harassment. The evidence you collect may help to support your claims.

- Start a file where you can write notes and store other evidence of the harassment.
- Keep a journal with detailed notes about the harassment. Be sure to note dates, times, and descriptions of the harassment.
- Record the names of people who may have witnessed the harassment and any conversations you may have with co-workers or supervisors about the harassment.
- Include information about any formal complaints you have made and the response that you received from your supervisor.
- Get a copy of your personnel record, including your performance evaluations, before you make a complaint. Keep a copy in your file.
- Keep the file in a safe place, away from work.

### ⑤ Keep track of witnesses and find other victims.

It's very helpful to have at least one witness to the harassment who can testify on your behalf.

#### IT'S A FACT

*The victim does not have to be the person directly harassed but could be anyone affected by the offensive behavior.*

## HELP FOR THE VICTIM (continued)

### ⑥ File a complaint with your company.

If you feel you are being harassed, you should file a complaint within your company. Learn about your company's grievance procedure and personnel policies to see what rights you have.

Remember, Vermont law requires every employer to have a policy against sexual harassment which should include a grievance procedure.

If you make a complaint to a supervisor, a person the company has authorized to address complaints of sexual harassment or to the head of the company, the company is legally responsible to take action in a timely manner and to stop the harassment. If your complaint is not taken seriously, you should file another complaint.

If the company takes action to end the harassment but you still don't feel safe or the harassment continues, complain again. If the company fails to respond adequately to your complaint, you may contact a private lawyer to assist you or file a complaint with a state or federal agency that can investigate your complaint. If you belong to a union, your union may be able to assist you in filing a complaint.

### ⑦ File a legal action outside your company.

You have the right to file a **civil complaint** with a federal or state law enforcement agency or to hire a lawyer to help you. You can also file a **criminal complaint** with the police if criminal acts such as stalking or assault have been committed. It's illegal for anyone to punish you or **retaliate** against you in any way for filing a complaint within your company or with an agency outside of your company.

■ It is illegal for anyone to fire you or punish you in any way for filing a complaint within your company or with an agency outside of your company. ■

*The annual number of charges of sexual harassment reported to the Equal Employment Opportunity Commission (EEOC) rose from 10,532 in 1992 to 15,618 in 1998.*

IT'S A FACT

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## **File a complaint with the Equal Employment Opportunity Commission (EEOC)**

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*If you work for an employer with 15 or more employees, you can file a federal complaint with the EEOC. The Vermont Attorney General's Office is the agent in Vermont for the EEOC. The Attorney General's Office may file a complaint for you, under federal law, with the EEOC. You may also file a complaint directly with the EEOC office in Boston.*

Under federal law, you must file a complaint within 300 days from the date of the incident.

After you file a complaint, the EEOC or Attorney General's Office will conduct an investigation. Investigations can take a long time, more than a year in most cases. If the EEOC finds there is no evidence that you have been harassed, it will notify both you and your employer, and it will no longer pursue your complaint.

If the EEOC finds evidence that you were harassed, it will attempt to work out an agreement with you and your employer or will sue your employer on your behalf. (The EEOC brings suit on behalf of employees in less than one percent of all cases filed.) If the EEOC finds evidence that you were harassed, it can also send you a "right to sue" letter so you and your lawyer can file a lawsuit. If you or the EEOC win your case, the court order can award you back and future pay, damages, order reinstatement to your job, and require employment policy changes.

You can contact the EEOC at 800-669-4000.

■ Vermont state sexual harassment law applies to all Vermont employers, no matter how few employees they have. ■

## HELP FOR THE VICTIM (continued)

### **File a complaint with the Vermont Attorney General's Office**

*If you work for any employer other than a state agency*, under state law you can file a complaint directly with the Civil Rights Unit of the Attorney General's Office. The Civil Rights Unit of the Attorney General's Office investigates claims of sexual harassment against private employers. They can also provide you with information and advice regarding sexual harassment.

You should file a complaint within 300 days from the date of the incident. If there are special reasons the complaint could not be filed that quickly, the Attorney General's Office will sometimes process claims which are up to 18 months old.

To file a complaint, contact the Civil Rights Unit of the Attorney General's Office to request a questionnaire. If you need help filling out the questionnaire, someone from the Attorney General's Office can help you. Once you return the questionnaire, it may take several weeks for a staff member to review your claim and to write a summary. You will be asked to review the summary, make changes if necessary, sign it under oath, and return it to the Attorney General's Office. Your employer will not be notified of the claim until after you have signed and returned the summary to the Attorney General's Office. A staff member from the Civil Rights Unit will contact you as developments are made in your case. Your case may not be assigned to an investigator for up to two years after you have filed it. An investigation may take several months.

Because the Attorney General's Office is a state agency, some of their records are open to the public. Therefore, people, including your employer and the harasser, may request copies of your complaint after the investigation is over.

Like the EEOC, if the Attorney General's Office finds evidence that you were harassed, it will try to arrange a settlement with your employer. If settlement efforts are unsuccessful, the Attorney General's office can bring suit in state court on your behalf.

If you and the Attorney General win your case, the court can award you back and future pay, damages, attorney's fees, reinstatement to your job, and require employment policy changes.

You can contact the Vermont Attorney General's Office at 800-828-3657.

*In a 1992 Washington Post-ABC News poll, 85 percent of men and women said sexual harassment is a workplace problem. This was an increase from 74 percent in 1991.*

**IT'S A FACT**



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## **File a complaint with the Vermont Human Rights Commission**

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*If you work for a state agency*, you can file your complaint with the Human Rights Commission (HRC). The HRC conducts impartial investigations of discrimination complaints and provides information and training on civil rights laws.

To file a complaint, contact the Human Rights Commission. When you call, a case manager will ask you a few questions to determine if it is the correct agency to accept your charge of discrimination. If they are, they will ask you questions about your claim. The executive director of the HRC decides whether the HRC will investigate the claim. Sixty to seventy percent of all claims are investigated. The Human Rights Commission's deadline for filing a complaint is one year from the date of the incident. If you file a complaint, you can withdraw it at any time.

Typically, it takes between six and nine months to investigate a claim. At the end of an investigation, a report is written which includes a preliminary recommendation. The investigative report is sent to the commissioners of the HRC who make a final determination whether discrimination occurred. If the commission finds reasonable grounds that discrimination occurred, the executive director works to help the parties reach a settlement. If settlement fails, the HRC may bring a lawsuit.

During a Human Rights Commission investigation, each party has the right to the information in the case file provided by the opposing party. However, this information is not open to the public. If commissioners make a finding of discrimination, then the records become open to the public, and anyone can request a copy of the final determination and investigative report for these cases.

You can contact the Vermont Human Rights Commission at 800-416-2010.

■ Victims of sexual harassment are entitled to damages for pain and suffering as well as any lost pay. If you win, you may also recover legal fees. ■

## HELP FOR THE VICTIM (continued)

### **Seek assistance from a private lawyer.**

You can always consult with a private lawyer instead of or in addition to filing a complaint with a state or federal law enforcement agency. You should seek a lawyer with experience in employment discrimination and harassment cases. A lawyer can assist you in filing a complaint and can also advise you of your legal rights. A lawyer can also advise you about the length of time it will take a federal or state agency to investigate your case, the allowable damages in federal and state court, and other factors you should consider in deciding what to do.

See page 18 for legal resources in Vermont.

### **File a criminal complaint**

If criminal behavior such as stalking, telephone harassment, assault, or sexual assault has occurred, you should file a criminal complaint with the police department. Contact the victim advocate at your local state's attorney's office for advice about filing a criminal complaint.

*A 1994 U.S. Merit Systems Protection Board survey of federal government employees found that 44 percent of women and 19 percent of men had experienced some form of sexual harassment during the preceding two years.*

**IT'S A FACT**

# FINANCIAL COMPENSATION FOR VICTIMS OF SEXUAL HARASSMENT

<b>Unemployment compensation</b>	<b>Workers compensation</b>
<p>If an employee quits their job because of sexual harassment, they may be entitled to collect unemployment compensation. The employee's chances of being awarded unemployment insurance increase if the employee has followed the company's grievance procedure and if there is evidence that the employer took no action to stop the harassment.</p> <p>If unemployment compensation benefits are denied, the employee has the right to make an appeal. The employer also has the right to appeal a decision.</p> <p>To file a claim or to obtain more information about unemployment compensation, contact the unemployment claims center at the Vermont Department of Employment and Training toll-free at 877-214-3330.</p>	<p>It may be possible for a victim of sexual harassment to collect workers compensation benefits for mental or physical injury resulting from sexual harassment.</p> <p>If benefits are denied, the employee has the right to make an appeal. The employer also has the right to appeal a decision.</p> <p>To file a claim or to obtain more information about workers compensation, contact the Vermont Department of Labor and Industry at 802-828-2286.</p>

# RESOURCES

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## Where to file a complaint

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### Human Rights Commission

135 State Street  
Montpelier VT 05633-6301  
802-828-2480  
800-416-2010 (voice/TTY)

### Attorney General's Office (Civil Rights Unit)

109 State Street  
Montpelier VT 05609-1001  
802-828-3657 (voice)  
802-828-3665 (TTY)  
[www.state.vt.us/atg](http://www.state.vt.us/atg)

### Equal Employment Opportunity Commission (EEOC)

John F. Kennedy Federal Government Center, Room 475  
Boston MA 02203  
617-565-3200 (voice)  
617-565-3204 (TDD)  
800-669-4000 (voice)  
[www.eeoc.gov](http://www.eeoc.gov)

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## Legal resources

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### Vermont Legal Aid, Inc.

800-639-2047

### Vermont Lawyer Referral Service

800-639-7036

### Legal Services Law Line of Vermont, Inc.

800-639-8857  
802-863-7153

### Vermont Volunteer Lawyers Project

800-639-8857

### Vermont Trial Lawyers

Association Referral Service  
800-585-8852

# RESOURCES

Relevant laws	Other resources
<p><b>Vermont law</b></p> <p>Sexual Harassment in the Workplace, 21 V.S.A. §495(d)1, §495(d)13 and §495(h). This law applies to all Vermont employers, no matter how few employees they have.</p> <p><b>Federal law</b></p> <p>Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§2000-2000e-17 prohibits sex-based employment discrimination in the workplace. This law applies to public and private employers, including employment agencies, with 15 or more employees and labor unions with 15 or more members.</p>	<p><b>Victim Assistance Program</b> 103 S. Main Street Waterbury VT 05671-2001 802-241-1250</p> <p><b>The Worker's Rights Center</b> P.O. Box 593 Burlington VT 05402-0593 802-658-6788 fax: 802-658-6770</p> <p><b>Governor's Commission on Women</b> (for a list of sexual harassment trainers) 126 State Street Montpelier VT 05633-6801 800-881-1561 • 802-828-2851 fax: 802-828-2930 info@ women.state.vt.us www.women.state.vt.us</p> <p><b>The Vermont Refugee Resettlement Program</b> (for translating services) 1700 Hegeman Avenue Colchester VT 05446 802-655-1963</p> <p><b>U.S. Department of Labor Women's Bureau</b> Regional Office J.F.K. Federal Building Government Center, Room E-270 Boston MA 02203 800-518-3585 fax: 617-565-1986</p> <p><b>Vermont Department of Employment and Training</b> 5 Green Mountain Drive, P.O. Box 488 Montpelier VT 05601-0488 877-214-3330</p> <p><b>Vermont Department of Labor and Industry</b> National Life Building, Drawer 20 Montpelier VT 05620-3401 802-828-2286</p>

# GLOSSARY

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## **Adverse action**

If someone fires you or demotes you, they have taken an adverse action against you. In other words, they have acted in a way that has a negative impact on you. Other examples of adverse actions include transfers, reductions in pay, or denial of job benefits.

## **Civil complaint**

If someone violates your rights, you can file a civil complaint against them. Civil complaints regarding sexual harassment should be made to the Human Rights Commission, the Equal Employment Opportunity Commission, or the Attorney General's Office or directly in state court.

## **Criminal complaint**

If someone commits a crime against you such as a sexual assault, you should file a criminal complaint against them with the police.

## **Hostile environment**

A hostile environment is a workplace that is so unfriendly or intimidating that you can't do your work effectively.

## **Retaliate**

If someone fires, demotes, threaten, or punishes you in any way for filing a complaint, they have retaliated against you. It is illegal to retaliate against a person for filing a sexual harassment complaint.

## ***Quid pro quo* sexual harassment**

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature are considered *quid pro quo* when 1) submission to the conduct is made either explicitly or implicitly a term or condition of an individual's employment or 2) submission to or rejection of such conduct is used as the basis for employment decisions affecting the victim.

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