**The Sexual Harassment Buzzer Has Gone Off – Game Over**

By Carol Dawson, columnist

For as long as women have been in the workforce, employment sexual harassment has been a game many men have enjoyed playing against women. However, the game may be in the last quarter and slowly coming to an end. Women in mass numbers have finally found their voice and courage to step forward and exclaim, “me too!”

Sexual harassment is nothing new to American history. Women have quietly endured mistreatment in offices, factories, movie studios, political arenas, etc. as far back as we have had women in the workplace. In the early 20th century, women endured verbal and physical assaults from male supervisors and co-workers, with little to no protection or recourse.

In 1964 the Civil Rights Act, Title VII, included a ban on employment discrimination based on gender; still the harassment continued. The Equal Employment Opportunity Commission (EEOC) received over 12,860 sexual harassment complaints in 2016. Complaints filed internally very likely triple that number.

There are many excuses used by those who seek to justify sexual harassment and make it acceptable – her clothing was too enticing, she is just so beautiful, she was asking for it, she meant yes when she said no, etc.

To make clear all the acceptable legal excuses for sexual harassment, they are provided here - - there are none – zero - zilch.

The EEOC defines sexual harassment as “…unwelcome sexual advances, requests for sexual favors, and other verbal or physical harassment of a sexual nature.” A key word in their definition is “unwelcome.” Therefore, welcome or invited actions or words are not unlawful, if other employees are not impacted.

It is important to note that one doesn’t always know what is wanted or unwanted by another person. If a supervisor is propositioning a woman repeatedly, and she responds with laughter when telling him no, it may appear she is okay with him continuing to proposition her. Yet she may fear retaliation if her resentment becomes evident when refusing his advances.

A good rule in the workplace is to presume anything relating to sex is unwanted. If you would not say it in front of your most respected and beloved family member, don’t say it at work.

The law doesn’t prohibit simple teasing, offhand comments, or isolated incidents that are not considered serious; harassment is illegal when it is so frequent or severe that it creates a hostile or offensive work environment or when it results in an adverse employment decision. Still, employers are encouraged to have zero tolerance for any teasing or comments relating to sex, to ensure it doesn’t escalate.

I received a call last year from a man who had been through sexual harassment training. He recalled the class and said initially he was angry because he felt all the “fun” was being taken away from his workday. He stated (paraphrased), “I felt women were overacting to the jokes and nudges; but now I understand.”

The man explained that his 20-year old daughter recently started an intern position and the plant manager was flirting, telling his daughter vulgar jokes, and making inappropriate sexual advances toward her. With his voice cracking from anger, this protective father said he was sick to his core and wanted to do something drastic to his daughter’s boss.

I suggested his daughter file an EEO complaint with the employer’s Human Relation’s (HR) office and if that was not effective, to file with the EEOC. He said his daughter didn’t want to file a complaint for fear of retaliation…she needed this internship to go well. These tips were provided to assist his daughter in dealing with the harassment:

* Make it clear to the harasser that there is no interest.
* Do not laugh at sexual jokes or comments. Tell the harasser the harassment is not appreciated or welcome (use the term “harassment”).
* Keep detailed notes of any sexually harassing comments and/or actions, including dates, times, locations, witnesses, etc. and maintain those notes in a safe place.
* Print and maintain texts, emails, or letters/notes that include proof of the harassment.
* Talk to someone trusted; however, know if you speak with anyone in management or HR about sexual harassment, they are required by law to investigate and stop the behavior.
* Reconsider filing an EEO complaint within the company, or if you believe there will be retaliation, file directly with the EEOC (www.eeoc.gov) – you have 180 or 300 days to file, depending on other state or local anti-discrimination laws.

Make no mistake about this fact, sexual harassment is not about someone who wants to fall in love; it is about gaining power and control over the victim. If the victim doesn’t report this crude misuse of power, it will continue, and the harasser’s power will increase with each new victim.

Retaliation is the final piece to shutting down the sexual harassment game. If harassment is reported to anyone in supervision or to the government, the victim is protected by EEO retaliation laws, even if the original allegation is investigated and found unsubstantiated.

The buzzer has gone off and the game should end…but will it or will we continue into many more years of overtime?

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