11.6C: Sexual Harassment

Sexual harassment is intimidation, bullying, teasing, or coercion of a sexual nature.

LEARNING OBJECTIVES

Explain when and how sexual harassment is prosecuted in the U.S.

KEY TAKEAWAYS

Key Points

- Sexual harassment is common in the workplace.
- Sexual harassment happens any time intimidation, bullying, teasing, or coercion of a sexual nature occurs.
- Sexual harassment is rarely formally charged in a legal context and individuals who do make such charges official are frequently ridiculed.

Key Terms

- sexual harassment: intimidation, bullying, teasing, or coercion of a sexual nature, or the unwelcome or inappropriate promise of rewards in exchange for sexual favors.

Sexual harassment is intimidation, bullying, teasing, or coercion of a sexual nature, or the unwelcome or inappropriate promise of rewards in exchange for sexual favors. In most legal contexts this type of behavior is criminalized. The
person intimidating a victim about his or her sexuality could be male or female; men and women can both be perpetrators of sexual harassment. Sexual harassment does not have to be only of a sexual nature; indeed, sexual harassment includes unwelcome and offensive comments about a person’s gender. Regardless of whether the content of the sexual harassment is about sex or gender, both victim and harasser can be either male or female and the victim and the harasser can be the same gender.

Though broad, the legal definition of sexual harassment does not include every injurious statement pertaining to sex or gender. The law does not prohibit simple teasing, offhand comments, or isolated incidents that are not very serious. Sexual harassment is illegal when it is so frequent or severe that it creates a hostile or offensive work environment or when it results in adverse employment, such as the victim being fired or demoted. Rather than being a component of criminal law, sexual harassment is typically adjudicated as an issue of employment law. As one might guess, most of these cases turn on whether or not the offensive comment was “serious” or “offhand.” It is the law’s job to decide if a comment that the victim clearly found serious and offhand is considered so legally.

Even though sexual harassment is less violent than other forms of sexual violence such as rape, victims still suffer serious consequences. Victimhood for individuals subjected to sexual harassment can take a different and equally complicated form as victimhood for individuals who suffer from attacks for physical violence. Sexual violence that is expressed in terms of some sort of physical assault against a victim has become a condemnable act; victims of physical violence are more likely to find others who are sympathetic to their understandable distress. However, sexual harassment is more socially acceptable. Victims will often encounter opposition who claim that the harassment was mere teasing. As such, victimhood in response to sexual harassment has some unique properties. Nevertheless, sexual harassment may lead to temporary or prolonged anxiety, depending on the nature of the harassment and the type of support system in place. Given that harassment is a common problem in the workplace, anxiety on the victim’s part is usually tied into concerns about ramifications for one’s career if one reports the harassment.

**Black Noise: Intervention against sexual harassment:** Black Noise, an Indian project countering sexual harassment on the streets of India, stages an intervention in a bus.

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