

## **Unwelcome sexual behavior in New York workplaces can lead to liability**

Written by Australian Business

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September 17, 2013 /**24-7PressRelease**/ -- It is easy to think of New York City as being on the forefront of modern workplace best practices. Yet, even in The Big Apple, [sexual harassment](#) remains a real and pervasive problem.

### **Sexual harassment may be explicit and obvious, or subtle and tough to recognize**

Sexual harassment in the workplace is prohibited by Title VII of the Civil Rights Act of 1964. This piece of legislation is applicable in any workplace in the nation that employs 15 or more people. However, New York City has one of the most liberal local anti-harassment laws in the country; under New York Human Rights Law, discrimination based on sex, which generally includes sexual harassment, is prohibited for any employer with four or more employees. In addition, regardless of the number of workers they employ, the New York City Administrative Code prohibits all employers from sexually harassing domestic workers.

So what is sexual harassment? Often, victims feel uncomfortable and know that they are being harassed.

However, sometimes sexual harassment is more subtle. Although usually people think of sexual harassment occurring between a harasser and a victim of the opposite sex, same-sex harassment is also possible. Actionable sexual harassment in the workplace may be perpetrated by a boss, manager, coworker or even a non-employee. Anyone affected by offensive sexual conduct in the office can be a victim of sexual harassment, even if the victim is not the person being harassed.

### **When sexual conduct affects your job you may have a valid legal claim**

To have a valid claim, sexual conduct, whether verbal or physical, must be unwelcome. This conduct can be sexual advances or requests to perform sexual favors, but it can also be many other actions of a sexual nature.

Any sexual conduct in the workplace is not actionable, but it becomes harassment when it interferes with the victim's rights as a worker. Generally, unwelcome sexual conduct rises to the level of harassment in one of three circumstances:- When submission to the sexual conduct is

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framed as a condition of continued employment, whether this condition is expressed explicitly or is implied through actions or language.- When submission to or rejection of the sexual conduct is the reason for some employment decision affecting the victim, such as firing or demotion.- When the sexual conduct is intended do, or regardless of intent actually does, unreasonably interfere with the victim's job performance or creates a work environment that is hostile, offensive or intimidating.

While simple flirting or a single offhand comment may not give rise to a sexual harassment claim, if this behavior is ongoing or continues after the victim has asked that it cease, a legal action may become a possibility.

### Document your tribulations and get in touch with a sexual harassment lawyer

If you believe you may have been sexually harassed in the workplace, you should document the circumstances carefully. Take note of the date, time and full details of every incident. Ask the harasser to stop, and make a record of this request. And, as soon as you notice a problem, get in touch with a New York [sexual harassment lawyer](#) .

Your lawyer can advise you on whether or not you have a valid sexual harassment claim. Even if the behavior you have been subjected to has not yet risen to the level of provable sexual harassment, your lawyer can help you gather evidence that will flesh out any eventual legal claim. Of course, a sexual harassment lawyer will be with you through all stages of your claim, arguing persuasively on your behalf to get the results you are looking for.

You cannot be retaliated against for making a legitimate claim of sexual harassment. What's more, you may be entitled to compensation, reinstatement or other remedial measures if you have been victimized. New York City authorities take sexual harassment very seriously, and the New York City Administrative Code is one of the most powerful anti-harassment laws in the nation. Talk to a New York sexual harassment lawyer today to begin exploring legal solutions to your sexual harassment problem.

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