

Sexual harassment in the workplace persists, but with the law on the victim's side

By Neil K. Gehlawat

Sexual harassment is, unfortunately, still a prevalent occurrence in the workplace.

According to a recent study conducted at the South by Southwest conference in 2016, two-thirds of women reported having experienced "unwanted sexual attention" at work. Moreover, a survey conducted by Cosmopolitan magazine revealed that 1 in 3 women between the ages of 18 and 34 have been sexually harassed at work. Sexual harassment is evidently more prevalent in the service industry, where a 2014 survey by the Restaurant Opportunities Centers United found that 90 percent of women feel forced to "curry favor" with their customers when working for tips.

Even worse, 70 percent of women who experience sexual harassment in the workplace do not report for fear of reper-

cussions, according to the U.S. Equal Employment Opportunity Commission. This is a disappointing statistic, because there are laws in place both in California and in the United States to protect employees from sexual harassment in the workplace.

In California, the Fair Employment and Housing Act, or FEHA, applies to both public and private employers and prohibits sexual harassment against employees, applicants, volunteers, unpaid interns and even contractors in the workplace. You can file a complaint online by visiting the California Department of Fair Employment and Housing website, but it is recommended that you contact an attorney before making such a complaint. The statute of limitations in California requires employees to obtain a right-to-sue notice letter from the DFEH within one year of the alleged harassment. The employee then has one year from the date of the right-to-sue notice letter to file a lawsuit.

Moreover, FEHA requires employers of 50 or more employees to provide sexual harassment training to supervisory employees. The FEHA department permits

employees to submit complaints if they have reason to believe that their employer has not complied with this requirement.

Sexual harassment is also prohibited under federal law. The U.S. Equal Opportunity Employment Commission defines sexual harassment as unwelcome sexual advances or conduct of a sexual nature, which unreasonably interferes with the performance of a person's job or creates an intimidating, hostile or offensive work environment. Sexual harassment can range from inappropriate sexual jokes to inappropriate touching. Title VII of the Civil Rights Act of 1964 specifically protects employees from sex-based discrimination, which includes sexual harassment, in the workplace and applies to employers with 15 or more employees.

I ADVISE VICTIMS OF SEXUAL HARASSMENT TO TAKE THE FOLLOWING STEPS:

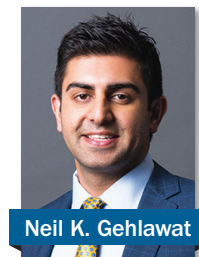
- First, tell the person harassing you to stop. You may do so in person, but you should also put your request in writing — for example, in the form of an email.
- If this does not work, or if you are

uncomfortable about taking such action, consult your employment manual. You need to follow the protocol laid out in the employment manual, if it exists.

- If it does not exist, you should notify your human resources department or your supervisor and inform them — in person and in writing — about the sexual harassment. If the harassment persists, even despite taking the above steps, then you should contact an attorney immediately to weigh your options.

It is illegal under both state and federal law for an employer to retaliate against an employee for making a sexual harassment complaint. If you are the victim of sexual harassment in the workplace, document your complaints in writing, take action and always remember that the law is on your side.

— Neil K. Gehlawat is a partner with the Bakersfield-based personal injury and workers' compensation law firm Chain / Cohn / Stiles where he focuses on civil rights, employment and wrongful death cases.



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