



Sexual Harassment - Your Rights

What is Sexual Harassment?

Sexual harassment is when someone, or a group of people, subjects you to unwanted sexual conduct. Sexual harassment can refer to a hostile environment created by unwelcome sexual behavior or sexual demands made in exchange for a job benefit, like a promotion. Sexual harassment is a type of sex discrimination.

Depending on the circumstances, each of the following actions may constitute sexual harassment:

- Sexually suggestive behavior
- Sexually suggestive staring or leering
- Sexual or sexually suggestive jokes
- Sexual propositions, such as continually asking you out, phoning you, or asking for sexual favors
- Sexual or physical contact, such as touching, slapping, kissing or pinching
- Sexual comments, insults or teasing
- Sexually offensive gestures
- Intrusive questions about sexual activity
- Sexually explicit or offensive material that is displayed in a public place or put in your work area or belongings.

In some cases, just one of these actions may be enough to amount to sexual harassment.

Remember that women can sexually harass men, men can sexually harass women, men can sexually harass other men, and women can sexually harass other women.

Is Sexual Harassment Against the Law?

Yes. Sexual harassment, from a man or woman, is against the law. The following are examples of the places or circumstances where sexual harassment can occur:

- In employment - when you apply for a job, or at any time during your employment
- In public places - when you get or try to get most types of goods or services, for example, from

shops, restaurants and entertainment places, banks, lawyers, doctors, hospitals, etc.

- When you rent or try to rent, buy or try to buy real estate – for example, an apartment, house, commercial premises, or land
- When you apply to get into or are studying in any educational institution open to the general public
- When you try to enter or join an organization that solicits members from the general public

What Are My Rights at Work?

The law says that your employer must not sexually harass you or any of its employees at work. It also says that your employer must take steps to ensure that there is no sexual harassment in the workplace. This means that it must take steps to ensure that your supervisor doesn't sexually harass you, that your co-workers don't sexually harass you, and that customers, clients and any other people you have to deal with at work don't sexually harass you. It must do this whether you are a permanent, full-time, part-time, casual or volunteer employee.

What Can I Do?

If you are sexually harassed, you should make it clear to the person harassing you that the conduct is unwelcome. For example, if it happens at work, you can tell the person that you find the behavior offensive, and that it is against the law. Insist that the harassment stop. If it doesn't stop, tell your supervisor, senior manager, a human resources representative, or the person designated by your employer to receive such complaints. If you are in a union, you can ask it to help too.

Remember that the law says that employers and managers must take steps to ensure that you are not harassed at work. They can't do this if they don't know that it is happening. Your supervisors or managers must take your complaint seriously and must act quickly and effectively to investigate and stop the harassment and must not retaliate or "victimize" you because you complained.

What Should I Do Next?

When the parties are unable to resolve a dispute themselves, the law provides two basic ways to seek relief under the Law Against Discrimination.

Administrative remedy: The Department of Law & Public Safety, through its Division on Civil Rights, is responsible for enforcing the Law Against Discrimination (LAD). If you believe that you have been the victim of unlawful discrimination, please visit or phone us at the Division on Civil Rights office closest to where you live or where the discrimination occurred. Our offices' addresses and phone numbers are at the end of this fact sheet, or visit us on the web at www.NJCivilRights.gov.

A complaint must be filed with the New Jersey Division on Civil Rights within 180 days of the act of discrimination. An initial evaluation will be conducted to determine if you state a claim for relief under the LAD. If so, the Division will prepare a complaint for you to sign and then the Division will conduct an investigation into your allegations. If the investigation shows enough evidence to support your complaint (known as probable cause), and your complaint cannot be settled, a hearing will be held at the Office of Administrative Law. You may choose to retain a private attorney to represent you at the hearing, or a lawyer will be provided to prosecute the case on behalf of the New Jersey Division on Civil Rights. After the hearing, the Director of the Division on Civil Rights will make a final decision as to whether unlawful discrimination has been proven and, if so, what remedies should be awarded to the complainant. Other than fees for a private attorney, if applicable, there is no cost to the individual for these services.

Judicial remedy: In the alternative, an individual who believes he or she has been discriminated against in violation of the LAD may file a complaint and try his or her case in New Jersey Superior Court. Individuals usually hire an attorney to represent them in a Superior Court action. A party cannot file with the Division on Civil Rights and in Superior Court at the same time. A Superior Court action must be filed within two years from the act of discrimination.

Relief available: In employment cases, a prevailing complainant may be entitled to be placed into the job he or she was unfairly denied, with back pay and interest; restoration of employee benefits that the complainant would have received but for the unlawful discrimination; damages for pain, humiliation, and emotional distress caused by the unlawful discrimination; reasonable attorney's fees if the complainant was represented by counsel; and out-of-pocket expenses associated with pursuing the complaint.

In housing cases, a prevailing complainant may be entitled to the house or apartment that was unfairly denied, plus costs associated with finding another place to live; damages for pain, humiliation and emotional distress caused by the unlawful discrimination; and reasonable attorney's fees if the complainant was represented by counsel.

In addition, the Division may impose penalties on the party who violated the LAD of up to \$10,000 for the first violation, up to \$25,000 for a second violation within 5 years, and up to \$50,000 for third and subsequent offenses within 7 years. These penalties are payable to the State, not the complainant. Punitive damages are only available in Superior Court actions.

Remember, it's against the law for anyone to retaliate against you because you have exercised your rights under the New Jersey Law Against Discrimination.



NJ Office of the Attorney General

CIVIL RIGHTS

The Department of Law & Public Safety, through its Division on Civil Rights, is responsible for enforcing the law. To file a complaint, contact or visit the office nearest you:

Atlantic City Regional Office:

1325 Boardwalk, Tennessee Ave. & Boardwalk
Atlantic City, NJ 08401

Phone: (609) 441-3100 • Fax: (609) 441-3578

Camden Regional Office:

One Port Center, 4th Floor, Suite 402
2 Riverside Drive, Camden, NJ 08103

Phone: (856) 614-2550 • Fax: (856) 614-2568

Newark Regional Office:

31 Clinton Street, Newark, NJ 07102

Phone: (973) 648-2700 • Fax: (973) 648-4405

Trenton Regional Office:

140 East Front Street / P.O. Box 090
Trenton, NJ 08625-0090

Phone: (609) 292-4605 • Fax: (609) 984-3812

Visit our web site at www.NJCivilRights.gov