

**New York State Attorney General
Eric T. Schneiderman**

Dear New Yorkers,

Unwelcome comments or advances; promises of advancement in exchange for sexual favors; offensive “jokes” — sexual harassment can take many forms. And it affects not just the victim, but co-workers, families and the workplace at large. We all have a stake in preventing it and stopping it when it happens.



Too often, the victims of sexual harassment are too afraid or embarrassed to come forward. It is important that all workers know that there is help available for those who believe they are being illegally targeted. I am committed to equality in the workplace and to the enforcement of federal, state and local laws that give employees the right to be free from sexual harassment. If you have questions about harassment and discrimination in the workplace, please contact my office’s Civil Rights Bureau.

All New Yorkers have the right to a workplace free from sexual harassment and discrimination. Let us know if you need help.

Sincerely,

A handwritten signature in black ink that reads "Eric Schneiderman". The signature is fluid and cursive.

Eric T. Schneiderman



New York State Attorney General
The State Capitol
Albany, New York 12224
1-800-771-7755
www.ag.ny.gov

RESOURCES

**Office of the NYS Attorney General
Civil Rights Bureau**

120 Broadway, New York, NY 10271
(212) 416-8250
civil.rights@ag.ny.gov

U.S. Equal Employment Opportunity Commission

1-800-669-4000
1-800-669-6820 (TTY)
info@eeoc.gov
eeoc.gov

NYS Division of Human Rights

<http://www.dhr.ny.gov>
1-888-392-3644

**NYC Commission on Human Rights
(NYCCHR)**

311 or 212-306-7450
<http://www.nyc.gov/html/cchr/>

If You Need Support

Being sexually harassed can be a traumatic experience. Places to find support include:

- NOW NYC Helpline: (212) 627-9895
- Legal Momentum Equality Works Program: (212) 925-6635
- Equal Rights Advocates: (800) 839-4372
- Safe Horizon Crime Victim’s Hotline: (866) 689-HELP (4357) or Rape & Sexual Assault Hotline: (212) 227-3000

NEW YORK STATE OFFICE
of the
ATTORNEY GENERAL



**SEXUAL
HARASSMENT**
In The Workplace



Civil Rights Bureau

Sexual Harassment Defined

Sexual harassment is a form of gender-based discrimination. It involves unwelcome sexual conduct that:

- Is used as the basis for hiring or other employment decisions, such as promotions, raises or job assignments; or
- Creates an intimidating, hostile or offensive work environment.

The harasser can be a supervisor, a co-worker or someone who is not an employee, such as a client or customer. 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.

Sexual harassment may be verbal, visual and/or physical, including:

- Sexually offensive remarks or jokes;
- Unwanted touching or groping;
- Coerced sex acts;
- Requests for sexual favors of a sexually suggestive nature (e.g., asking employee to dig coins out of a supervisor's pants pocket);
- Displaying pornographic images;
- Comments (either complimentary or derogatory) about a person's gender or sexual preferences;
- Sexual gestures (e.g., pantomiming sex acts).

Sexual harassment is prohibited by Title VII of the 1964 federal Civil Rights Act, New York State Human Rights Law and, in some instances, local law (for example, the New York City Administrative Code).

Women, Men and Third Parties are Protected

The law protects both men and women, and also covers incidents in which the harasser and the victim are of the same sex, regardless of sexual orientation.

Third parties may complain when one or more of the following occurs: (1) submission to sexual demands is a general condition of employment; (2) harassment directed at others adversely affects the third party's work environment; or (3) offensive sexual conduct, even if consensual between the parties involved, is creating a hostile work environment for the third party.

Filing Complaints

Follow Employer Procedures First

You should first contact the person or office who may have been designated by your employer to receive such complaints.

Consult an Attorney

Beyond reporting harassment to your employer, there is no one right answer about how to proceed. It is advisable to consult an attorney who can explain all of the available options. Note that there are deadlines for filing a complaint under each of the laws prohibiting sexual harassment. Ask the agencies listed about specific procedures and time limits that apply. You will find contact information for all the agencies on the back of this brochure.

New York State Office of the Attorney General (OAG) Civil Rights Bureau

The Civil Rights Bureau determines whether your experiences are evidence of a pattern, practice or policy of sexual harassment affecting a significant number of people. The Bureau may then commence an investigation and/or initiate legal action against the employer. NOTE: The Attorney General represents the People of the State of New York, not the individual making a complaint. Filing a complaint with the OAG is not a substitute for bringing a case in court, and it does not affect any of the filing deadlines or other administrative prerequisites for filing a case in court or with other government agencies.

If you believe that you have been a victim of sexual harassment, you may contact the Bureau at: Civil Rights Bureau, New York State Attorney General's Office, 120 Broadway, New York, NY 10271; or at (212) 416-8250 or (800) 771-7755; or at civil.rights@ag.ny.gov.

NYS Division of Human Rights (SDHR) and New York City Commission on Human Rights (NYCCHR)

If an employer has more than 4 employees, complaints may be filed with the SDHR office located within the city or county in which you work. In NYC, complaints may alternatively be filed with the NYC Commission on Human Rights. These agencies can investigate complaints and conduct hearings before an administrative judge.

U.S. Equal Employment Opportunity Commission (EEOC)

This federal agency handles complaints of discrimination in the workplace. The EEOC investigates sexual harassment charges against employers with more than 15 employees.

Filing a Lawsuit in State or Federal Court

You may also have the right to file a lawsuit against your employer in either state or federal court. Filing in federal court requires that you first file a complaint with the EEOC before bringing a lawsuit. No such requirement applies in state court.

Protections Against Retaliation

Retaliation for making a complaint about sexual harassment is prohibited by law. If this occurs, you may have a separate claim of retaliation in addition to any claim of sexual harassment. Retaliation occurs when the terms and conditions of one's work are unfavorably changed as a result of one's reporting sexual harassment or cooperating with the investigation of a sexual harassment complaint or lawsuit. If you believe you have suffered retaliation, you should consult with an attorney and inquire with the agencies listed above as to the specific time limits and procedures that apply.

Sexual Harassment Outside the Workplace

Sexual harassment can occur in contexts other than the workplace: in housing, school or other public accommodations. If you feel that you have been sexually harassed by, for example, a landlord, teacher or service provider you should consult with an attorney who can explain all the available options.

Sometimes the Harassment Is Criminal

If the harassment involves physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. If you believe you have been the victim of a crime you should file a report at your local police department. However, the conduct need not be criminal in nature to constitute unlawful gender-based discrimination.