

SEXUAL HARASSMENT

- Sexual harassment can occur between persons of the opposite sex or between persons of the same sex. Therefore, the harasser or the victim can be of either sex.
- Sexual harassment can come from someone within the company, such as a supervisor or a co-worker. The harassment can also come from someone who is not employed by the company, such as a customer. It is the company's responsibility to maintain a workplace free from sexual harassment regardless as to who is causing the harassment.
- **Quid Pro Quo**
Harassment exists when submission to or rejection of sexual demands becomes the basis for employment decisions directly affecting the employee, (i.e., a manager tells an employee that his/her job is dependent upon how sexually cooperative he or she may choose to be.
- **A Sexually Hostile Working Environment** exists when continued sexual harassment produces as intimidating and offensive work atmosphere which negatively impacts an employee's work performance.

STOPPING SEXUAL HARASSMENT

- It must be made clear to the sexual harasser that the advances are clearly unwelcome.
- Tell the harasser that you want the harassing to stop.
- You should report all harassment to management.
- Find out what the employer's sexual harassment policy is.

EMPLOYER'S RESPONSIBILITIES

- Employers should develop methods and seminars to sensitize employees about sexual harassment.
- Employers should develop appropriate penalties for offenders.
- All employers should inform all employees of their rights under the law.
- It is the responsibility of the employer to insure that sexual harassment will not be tolerated in the work place.

Taking Legal Action

- You can take legal action by filing a complaint with the West Virginia Human Rights Commission, The U. S. Equal Opportunity Commission or by contacting an attorney for legal advice.
- You do not have to file an internal grievance before you file a complaint, or take other legal action.

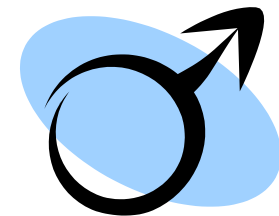
WHRC

West Virginia Human Rights Commission
1321 Plaza East, Rm. 108-A
Charleston, WV 25301

What You Need To Know About Sexual Discrimination



Tel: 304-558-2616
Fax: 304-558-0085
Toll Free: 1-888-676-5546



[www.http://hrc.wv.gov](http://hrc.wv.gov)



SOCIAL EQUALITY FOR BOTH SEXES

Both males and females can be victims of sexual discrimination. Discrimination is based upon the inequality of treatment between men and women, not solely upon the sex of the person.

EQUAL PAY

Equal pay for equal work applies to both males and females, There is no such thing as a male job or a female job.

The rate of pay must be equal for employees performing equal work on jobs requiring equal skill, effort and responsibility performed under similar working conditions. When factors such as seniority, education, or experience are used to determine the rate of pay, then those standards must be applied on a gender neutral basis.

Fringe benefits includes such terms as medical, hospital, accident, life insurance and retirement benefits.

They also include profit sharing, bonus plans, leave and other such concepts. These benefits must be applied on a gender neutral basis.

PREGNANCY DISCRIMINATION

Women affected by pregnancy or related conditions must be treated in the same manner as other applicants or employees with similar abilities or medical limitations.

An employer cannot refuse to hire a woman because of her pregnancy related condition as long as she is able to perform the major functions of her job.

If an employee is unable to perform her job due to pregnancy, the employer must treat her the same as other temporary disabled employees, such as providing modified tasks, alternative assignments, disability leave or leave without pay.

Pregnant employees must be permitted to work as long as they are able to perform their jobs. An employer may not have a rule which determines the beginning of the woman's maternity leave nor a rule that predetermines the length of leave after childbirth. Only the woman's physician can determine the woman's ability to work and the length of the maternity leave.

Employers must hold open a job for a pregnancy related absence the same length of time jobs are held open for employees on sick or disability leave.

Employees with pregnancy-related disabilities must be treated the same as other temporarily disabled employees for accrual and crediting of seniority, vacation calculation, pay increases and temporary disability benefits.

HEALTH INSURANCE

Any health insurance provided by an employer must cover expenses for pregnancy-related conditions on the same basis as costs for other medical conditions.

The amounts payable by the insurance provider can be limited only to the same extent as amounts payable for other conditions. No additional, increased, or larger deductible can be imposed.

Employers must provide the same level of health benefits for spouses of male employees as they do for spouses of female employees.