

# Sexual Harassment in the Workplace

Resources for staff of the United States Congress

## **What is Sexual Harassment?**

Many people experience uncomfortable or inappropriate situations in the workplace, and these instances can become patterns of behavior between bosses and subordinates, coworkers, and interns and between people of the opposite sex or of the same sex. In legal terms, sexual harassment must affect your job or your work. You should let people know what is offensive and what makes you uncomfortable. Examples of sexual harassment include (1) *quid pro quo* situations, in which a victim is asked to perform sexual favors or sleep with an individual in order to receive something in return; and (2) hostile environments, where individuals may be looking at pornography in the office or telling inappropriate jokes.

## **Should I Report Harassment?**

If you are the victim of harassment, you may wish to resolve your situation in a number of ways. You should be aware that who you tell and how you proceed can affect the amount of control you have over your situation, since employers are required to take prompt and corrective action when they learn of potential harassment cases. Many victims choose to simply leave their office to escape the situation, but should take into consideration the fact that if a law has been broken, the perpetrator is likely to find another victim unless action is taken. An important piece of advice is to keep a diary and record instances of harassment and note who might have seen incidents that happened (for this to be legally useful, friends or coworkers have to see or observe the behavior at issue).

## **How Can I Stay in Control of the Outcome?**

If you wish to keep the situation private, permanently or temporarily, be aware that discussing an issue with others could lead to action being taken on your behalf if you or one of your confidants tells an individual who has a duty to report the incident and take corrective action in a harassment situation.

If you wish to receive counseling or guidance to help you work through an incident, start with the Office of Employee Assistance or the Office of Compliance (see below).

If you wish to file a complaint or a civil action in federal district court against an individual, the process in Title IV of the Congressional Accountability Act applies. You must first request counseling with the Office of Compliance *within 180 days* of when the incident happened (if you go to the Office of Compliance within 180 days of the last calendar event, you may be able to sweep in other events that happened earlier than the last 180 days). Not later than 15 days after the counseling period, you must then request mediation. After mediation, you can pursue one of two actions. You can either file a complaint with the Office of Compliance and have an administrative hearing or you can file a civil action in a federal district court. You must file a complaint or a civil action

within 30 and 90 days after the mediation period. As the victim, you may decide not to pursue an action further at any stage of this process.

### **What Resources are Available?**

- **Office of Compliance**  
This Office does confidential counseling. You can telephone them or stop by their office to learn what your rights are. If you call them, they can call an office back and say that an interest in having training has been expressed to them. They keep track of areas or offices that may need training because of the frequency of complaints. Visit the office's website at <http://www.compliance.gov/>
- **Senate Chief Counsel for Employment**  
The Senate Chief Counsel for Employment represents management in harassment complaints. Representatives of this office are available to go to each Member's office and give seminars at the request of a Chief of Staff or Administrator. The seminars are about an hour long and include a video. They also give seminars three times each summer for interns through the Education and Training Office. Contact this office at x45424.
- **House Office of Employee Assistance**  
This Office offers counseling to help you deal with stress and guilt that may accompany any incidents. You can talk to a therapist or counselor.  
Learn more here  
([https://housenet.house.gov/portal/server.pt?open=512&objID=238&mode=2&in\\_hi\\_userid=2&cached=true](https://housenet.house.gov/portal/server.pt?open=512&objID=238&mode=2&in_hi_userid=2&cached=true))

### **Where Can I Learn More?**

- Congressional Accountability Act, P.L. 104-1 (download)
- Federal Civil Rights Statutes: A Primer,  
<http://www.crs.gov/Pages/Reports.aspx?Source=search&ProdCode=RL33386>
- Workplace Fairness, <http://www.workplacefairness.org/>

\* The resources on this page are intended to provide an overview of potential options in sexual harassment cases. The content in this document is not intended to provide legal advice.