

# Preventing Sexual Harassment at the State Labor Department

## What You Need to Know

### Introduction

It is the responsibility of every state agency to adhere to New York State's Policy on Sexual Harassment Prevention. Sexual harassment in the workplace is a form of discrimination which violates both federal and state law. Sexual harassment issues can result in serious legal problems, with ramifications for New York State in human and financial terms.

On January 1, 2007, Executive Order 19 was reissued via Executive Order 5. This order entitles all state employees to a working environment free from sexual harassment. To support the order, a comprehensive training program was developed to assist state agencies in preventing sexual harassment in their workplaces. The order also guides in devising agency-specific sexual harassment policy statements.

All New York State employees must work together to prevent incidents of sexual harassment in the workplace. As an employer, and one who sets the example, New York State has and will continue to have zero tolerance for this type of behavior.

This brochure gives you a brief description of what sexual harassment is as defined by statute, as well as what to do to resolve an incident. For more information on sexual harassment prevention, visit the Governor's Office of Employee Relations on-line learning center at: [www.goer.state.ny.us/train/onlinelearning](http://www.goer.state.ny.us/train/onlinelearning).

### Sexual Harassment - What is it?

Sexual harassment is a form of sex discrimination that violates Title VII of the 1964 Civil Rights Act as amended in 1972, New York State Human Rights Law and the Workforce Investment Act of 1998. Sexual harassment consists of unwanted, unwelcome sexual advances or sexual conduct in the workplace, which has the effect of unreasonably interfering with a person's work performance. This type of behavior can create an intimidating or hostile work environment.

### Examples of sexual harassment are:

- Demanding sexual favors in exchange for a promotion, a condition of employment, a favorable performance evaluation or other term or condition;
- Pressuring someone for sexual activity;
- Making hostile or demeaning comments based on gender;
- Touching or grabbing in an inappropriate way;
- Making sexual comments, telling sexual jokes, or making sexual gestures;
- Displaying sexually suggestive pictures in the workplace; and
- Sending sexual messages about or to someone in letters, cards, e-mail, or voice mail.

### What Can You Do?

Sexual harassment will not go away if you ignore it. If you think that you are a victim of sexual harassment, consider the following steps as appropriate to your personal situation:

- Resolve the situation at the lowest level by speaking directly to the harasser, stating the specific behavior(s) that are offensive to you.
- Talk to someone regarding the incident(s). Report the harassment to your supervisor and/or file a complaint in accordance with your agency's sexual harassment policy.



- Document when the sexual harassment took place, where, what was said or done and the names of the people involved, including witnesses.
- Keep all evidence of sexual harassment, including notes, gifts, phone messages and/or other such materials.
- Talk to your co-workers. Find out if anyone witnessed any inappropriate behavior. Is anyone aware of any past harassment by this person?
- Report all sexual harassment incidents to your supervisor or your agency's designee, as appropriate. Again, document dates, times and locations of all conversations, as well as all responses to your concerns.
- If you are not satisfied with the decisions made by your agency, you may file your complaint within 180 calendar days of the last incident of sexual harassment, with the Director, Civil Rights Center (CRC) –U.S. Department of Labor, the State Division of Human Rights or the Federal Equal Employment Opportunity Commission (EEOC).

### How Are the Complaints Handled?

All complaints shall be investigated by the Division of Equal Opportunity Development (DEOD) and determination made in a timely manner. All information will be kept confidential, if possible. Retaliation for the filing of a sexual harassment complaint is illegal.

### How Can We Prevent Sexual Harassment?

- Review the sexual harassment policy found in each Department of Labor Office.
- Be a role model for your peers.
- Identify potential problems and address them promptly.
- Remember that preventing sexual harassment is everyone's responsibility.

### Who Can I Contact?

To receive additional information, contact the individual(s) designated in your agency's sexual harassment policy:

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#### NYS Division of Human Rights

**1-800-427-2773**

**[www.dhr.state.ny.us](http://www.dhr.state.ny.us)**

**To be connected with the nearest EEOC Field Office call**

**1-800-669-4000**

**TDD: 1-800-669-6820**

**Email: [info@ask.eeoc.gov](mailto:info@ask.eeoc.gov)**

#### Albany

W. Averell Harriman  
State Office Building Campus  
Building 12, Room 540  
Albany, New York 12240  
(518) 457-1984  
TDD 1-800-662-1220  
(Voice) 1-800-421-1220

#### Buffalo

290 Main Street  
Room 208  
Buffalo, New York 14202  
(716) 851-2768

#### New York City

9 Bond Street, 3rd Floor  
Brooklyn, New York 11201  
(718) 613-3673

**or**

Director, Civil Rights Center (CRC)  
U.S. Department of Labor  
200 Constitution Avenue  
NW Room N-4123  
Washington, DC 20210  
(202) 693-6502

NYS Division of Human Rights  
1-800-427-2773  
**[www.nysdhr.com](http://www.nysdhr.com)**

**1-888-4NYS DOL**

**[www.labor.ny.gov](http://www.labor.ny.gov)**

