

Sexual harassment at work

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Last Review Date

August 6, 2025

Learn the legal definition of sexual harassment and what you can do to protect yourself. Includes information on complaining through workplace procedure, to a government agency, or by filing lawsuit.

1. Sexual harassment

Sexual harassment anywhere – at work, at school, on the street – isn’t just about sex. It’s about the harasser being hostile toward the victim or misusing power over the victim because of the victim’s sex or gender. Sexual harassment can include abuses of power and coercion or intimidation. It can include unwanted attention or advances from a person who won’t listen to your boundaries or is trying to coerce you.

In Washington, “gender” includes one’s sexual orientation and gender identity and expression. Sexual harassment often involves men harassing women, **but people of all genders can experience sexual harassment.**

2. Workplace sexual harassment

Sexual harassment can happen at work in both subtle and obvious ways. Just because the legal definitions of harassment are limited, doesn’t mean that your experience **isn’t valid.**

Legally, sexual harassment gets categorized into 2 types of harassment:

- Hostile work environment sexual harassment
- Employer action related sexual harassment (including quid pro quo sexual harassment)

Hostile work environment sexual harassment happens when a coworker or someone else whom you must interact with at work repeatedly harasses you in unwelcome ways **and** your employer fails to stop the behavior or protect you from it. The person makes you the target of:

- Unwelcome sexually suggestive or demeaning comments
- Repeated and unwelcome requests for dates
- Offensive gestures
- Offensive touching
- Jokes or pranks
- Intimidating behaviors
- Forced exposure to pornographic materials

The harasser focuses this behavior on you **because of** your sex or gender, gender expression or gender identity.

To **legally** qualify as hostile work environment sexual harassment, it must be one of these:

- **A single severe incident** that was bad enough to affect your ability to do your job well
- **Pervasive constant harassment** that happened often enough to affect your ability to do your job well

You must report harassment as soon as possible. Then it becomes your employer's responsibility to stop it. If your employer fails, **then** it's workplace sexual harassment.

Hostile work environment sexual harassment behaviors can include:

- A coworker's body is always talked about by another coworker in a sexually suggestive or sexually focused way.
- A man repeatedly asking a woman coworker on dates after she's made it clear that the attention is unwelcome.
- A man always winks and blows kisses at a coworker he knows is a lesbian to intentionally intimidate and frustrate her.

- A coworker repeatedly touches another coworker's body in an unwelcome way that seems sexually motivated or meant to sexually intimidate the other person.
- A gay man is constantly made the target of unwelcome pranks by his straight male coworkers.
- A woman repeatedly follows and stalks a coworker in the bathroom because the coworker is nonbinary or transgender.
- A coworker hangs a pornographic calendar in a public work area where other coworkers must see it even after a coworker objected to it.

For this kind of harassment claim, you **must** prove that your employer is responsible for the harassment. This can include conduct by customers or vendors.

Example: If a delivery worker, vendor, salesperson, or frequent customer makes offensive remarks or repeatedly touches you in offensive ways, you must prove your workplace **allows** their continued bad behavior or doesn't protect you from it.

Employer action related sexual harassment is when your workplace treats you differently in a negative way because of your sex, gender, or gender identity or expression. This means your employer provides you less favorable work conditions than your co-workers simply because of your sex, gender, or gender identity or expression. This can include discriminatory hiring procedures, hours, wages, promotions, schedules, assignments, vacation or sick leave benefits, job evaluation, discipline, and firing (termination).

Employer action related sexual harassment includes **quid pro quo sexual harassment**. This is when a supervisor or other manager asks for or demands sexual contact in return for employment benefits or promotions.

It can be harassment even if you didn't say "no" when a supervisor or other person with power over you at work asked for sexual favors in exchange for something at work.

If you felt pressured to have sexual contact because you were embarrassed to say no, or afraid you'd lose your job or be punished at work, your sexual contact could

have been illegal harassment. Your gender status doesn't have to be the only reason you received this unfair treatment but must be a large part of it.

Proving harassment can be hard.

A judge or government agency considers many things when deciding if workplace sexual harassment happened in a way that meets the legal definitions. It can be hard to **prove harassment** depending on what happened. For example, it may be hard to prove if what happened was:

- Casual jokes or individual, isolated incidents (unless they're very serious, threatening, or very offensive)
- Unreported harassment by a co-worker. A “co-worker” is someone who isn’t an owner, manager or supervisor at your workplace

Other laws may protect you against a co-worker - assault or stalking laws, for example.

3. Laws

Workplace sexual harassment is illegal under federal and state laws. It's also illegal under some city ordinances (for example, in Seattle, Spokane, and Tacoma).

No matter which laws you use, there will be **strict time limits and deadlines**. Don't wait to deal with harassment. It can be hard to navigate the trauma that harassment can cause. That can delay your ability to address the harassment. File your complaints as soon as you can.

4. Employer responsibilities

Your employer must:

- Have policies and procedures to prevent workplace sexual harassment and monitor and enforce those rules.
- Have clear reporting procedures so you can easily report workplace sexual harassment.
- Thoroughly and promptly investigate reports of workplace sexual harassment.
- Do something to stop workplace sexual harassment quickly and effectively, and make sure it doesn't happen again. Firing the victim or changing your job in a negative way aren't acceptable ways to do this.

For example, your employer may want to separate you from your harasser by changing your schedule or assigning you to a different location. If these changes are bad for your career or paycheck, they're "adverse employment actions" and aren't acceptable.

Certain employers have specific responsibilities.

Sexual harassment trainings are **mandatory** for certain workplaces (<https://app.leg.wa.gov/rcw/default.aspx?cite=49.60.515>) that employ an "**isolated**" employee.

The new rules related to isolated employees and panic buttons don't go into effect until January 1, 2026. The other special rules **already** apply to these specific workplaces.

An "isolated employee" is someone who does work in an area where "2 or more coworkers, supervisors, or a combination thereof are unable to immediately respond to an emergency **without** being summoned by the employee". An isolated employee **can also** be someone who spends at least 50% of their working hours **without** a supervisor or another coworker present **and** is employed by an employer as a janitor, security guard, hotel or motel housekeeper, or room service attendant.

The workplaces with mandatory requirements include:

- hotels
- motels
- retail businesses

- security guard entities
- property services contractors

In those workplaces, the employer **must** train employees, managers, and agents on what workplace sexual harassment is and how the employer will handle reports of sexual harassment. The law requires that the employer do other things to prevent sexual harassment.

Those kinds of employers **must**:

- Have sexual harassment policy.
- Provide mandatory trainings about sexual harassment prevention to the employer's managers, supervisors, and employees. These trainings should include education about how to report harassment and about the protections for employees who report sexual harassment violations.
- Provide a list of resources for the employer's employees. The resources must include contact information of the Equal Employment Opportunity Commission (EEOC), the Washington state Human Rights Commission (HRC), **and** local advocacy groups focused on preventing sexual harassment and sexual assault.
- Give each isolated employee a panic button. The employer must also give isolated employees information on how to use panic buttons and train managers and supervisors on responding to panic buttons (starting January 1, 2026 (<https://app.leg.wa.gov/rcw/default.aspx?cite=49.60.515>)).
- Do other things the law requires (<https://app.leg.wa.gov/rcw/default.aspx?cite=49.60.515>) like document the mandatory trainings and other reporting.

Farmworkers can often be very isolated at work even though the special rules might not apply to agricultural workplaces. Farmworkers are at high risk of sexual harassment. The Basta Coalition (<https://bastacoalition.org/>) works to prevent farmworker sexual harassment. The Pacific Northwest Agricultural Safety and Health Center has a toolkit of resources for farmworkers and farm employers (<https://deohs.washington.edu/pnash/>).

5. Protect yourself

Here's what to do if you're being sexually harassed in the workplace:

Tell your harasser to stop. If you don't feel safe or comfortable doing this, do your best to make it clear to the harasser that their offensive behavior is unwelcome.

Report the harassment to someone with decision-making authority in management and ask them to stop it. If your employer has workplace sexual harassment complaint procedures, follow them. Try to do this in writing and get proof that the employer received your complaint. Have a trusted witness present when you make your complaint or ask your employer to confirm in writing that they received your complaint. Keep a copy of your complaint.

In most cases, before an employer can be liable under discrimination laws, the employer must get notice of the harassment and be given a chance to deal with it.

Cooperate in the employer's investigation. Take advantage of any preventive or corrective opportunities the employer provides.

You may also **report the discrimination to the Washington State HRC.** You must make the report (https://wahum.my.site.com/FileaComplaintOnline/s/?language=en_US) within **6 months** from when the harassment happened. You can also try to **report to the federal EEOC** (<https://www.eeoc.gov/how-file-charge-employment-discrimination>). If you plan to sue under federal civil rights law, you must first report the discrimination to the EEOC.

6. Liability for harassment

“Liable” means “legally responsible.” Here are some examples of when a workplace could be liable for workplace harassment:

- An owner, manager, partner, corporate officer, or supervisor (who has authority over you) who took direct part in the harassment may be liable.
- An employer may be liable if they knew or should have known about the harassment and didn't act to stop it.
- A supervisor or manager may be liable for actions that are directly discriminatory (like promoting only men, even though there are qualified

women).

Religious organizations have some protections from liability based on religious freedom.

Washington state employment discrimination law applies to an employer with 8 or more employees. But **any** employer can be sued for workplace sexual harassment if you **were fired** from your job at least in part **because** the employer sexually harassed you.

An employer must have at least 15 employees for **federal** employment discrimination law to apply. This limit doesn't matter if you have other claims based on race or national origin discrimination that qualify you for special protection under federal civil rights law (<https://www.law.cornell.edu/uscode/text/42/1981>).

Sexual harassment claims and suits can be complicated. Try to talk to a lawyer about whether you can sue your workplace for sexual harassment. Your county Bar association might have an employment lawyer referral service like King County (<https://www.kcba.org/?pg=Employment-Law>) does. You can also search the bar legal directory (<https://www.mywsba.org/PersonifyEbusiness/LegalDirectory.aspx?ShowSearchResults=FALSE&F>) for employment lawyers in your county.

You also might be able to get help from the Sexual Violence Law Center (<https://svlawcenter.org/about-us/>) depending on the severity of your situation and other eligibility.

7. Time limits

Your deadline to file a complaint or sue depends on whether you use federal or state law.

Federal law: You must first file a complaint with the EEOC (<http://www.eeoc.gov/employees/howtofile.cfm>) (<http://www.eeoc.gov/employees/howtofile.cfm>) **within 300 days of the discriminatory event.** They will investigate and may try to help you reach a settlement so you don't have to go to court.

The EEOC may sue on your behalf, but more often will send you a "right-to-sue" notice. This lets you file a private lawsuit in court. If you get a right-to-sue letter, it can help you find a lawyer to take your case. Some employment lawyers will also be able to help you file your complaint before you get a right-to-sue letter.

State law: You should file a complaint with the HRC (https://wahum.my.site.com/FileaComplaintOnline/s/?language=en_US) no more than **180 days after the discriminatory event**, or, if the harassment is ongoing, 180 days after the most recent incident.

The HRC will investigate after getting your complaint. If it finds the complaint valid, it can hold a hearing and act against the employer.

Or you can sue in state court under the Washington Law Against Discrimination (<https://app.leg.wa.gov/RCW/default.aspx?cite=49.60>) without first going through the HRC. You must file within 3 years of the last discriminatory event. If you can show a pattern of discrimination, you may be able to get money (damages) for anything that happened more than 3 years ago.

Try to talk to a lawyer (<https://legalvoice.org/how-to-find-a-lawyer/>) well before your deadline to file anything. A lawyer needs time to evaluate your claim and prepare the paperwork. If you don't file your claim on time, you'll lose the lawsuit.

8. Before filing

1. Take as many of our suggested steps as you can to protect yourself.
2. Keep up with your work responsibilities. It's hard to prove you were fired or disciplined due to workplace sexual harassment if you have negative patterns of behavior at work.

3. Keep a written log of dates, times, witnesses, and events important for your claim. Make your notes during breaks or after work so your employer can't say you were doing personal business on company time. Keep your notes somewhere safe outside of work.
4. Limit your notes to the facts (who, what, when, where). Don't guess or exaggerate. Don't misrepresent what happened. Note your physical and emotional responses to the harassment (for example, loss of appetite, can't sleep, losing or gaining weight, depression, anxiety), and how the harassment affected your job performance.
5. Only make or keep copies of documents if you have your employer's permission to do so. If you don't have permission, you can be fired, and it will hurt your legal claim.
6. Discuss your situation only with sympathetic co-workers, not at work premises or on company time. Confide only in people you know for certain you can trust.
7. If you have a written job description, keep a copy in your personal records.
8. If you've had a written job evaluation, ask for a copy. A good evaluation can help fight an employer's claim that they disciplined or fired you because of your poor work habits or quality.
9. If you receive a written disciplinary warning or notice, read it carefully. Make sure you understand it before you sign it. If you don't, ask questions. Ask permission to have a witness at any disciplinary meeting.
10. If you disagree with the notice, write a statement with your view of the facts and ask that it be put in your employment file. Keep a copy for yourself. You have a right to look at your personnel file to make sure your statement is there.
11. If you're fired, you're entitled to a written statement explaining why.

12. If you talk to a lawyer, try to organize your information neatly and in order by dates of incidents. Prepare a brief, clear summary of the highlights of your claim. Make a numbered list of facts in order of when they happened. Give that list to the lawyer.
13. Before hiring a lawyer, **learn how the lawyer is going to be paid** (<https://legalvoice.org/working-with-a-lawyer/>) and how much the lawyer charges. Ask what costs you'll be charged in addition to the lawyer's fee.

Know that if you make a claim for emotional distress, your employer's lawyer can inspect records and information about your health care, education, work, family life, and criminal history.

9. Employer's defenses

If you file a complaint or lawsuit against your employer because of workplace sexual harassment, your employer can try to defend themselves by proving:

- They (or upper management) had adequate policies and procedures to prevent workplace sexual harassment.
- They didn't or couldn't have known about the harassment.
- They took reasonably prompt, adequate corrective steps to prevent further harassment.
- You unreasonably failed to take advantage of the protection available through your employer.

If a supervisor or manager's harassment resulted in an adverse employment action against you, they can't use any of these defenses.

Your employer can also try to prove a legitimate business reason for any unequal treatment you experienced based on your gender (for example, a women-only spa may only want to hire women to provide spa services). Or they may argue that your evidence isn't good enough to prove you were a victim of workplace sexual harassment.

10. If you win

If your case settles or you win at trial, you could get out-of-pocket expenses, money damages for mental distress, medical expenses, lost wages, your job or job benefits back, promotion, litigation costs, and lawyer fees.

You could get additional money if the harassment was severe and the judge believes the employer should be punished above and beyond what's normally awarded in workplace sexual harassment cases, called punitive damages.

11. Other legal claims

You could have other or additional legal claims. Talk to a lawyer about these:

- **Breach of written contract:** This could include a union bargaining agreement or, in rare circumstances, an employee handbook.
- **Retaliation:** If your employer fires or disciplines you because you made a claim for workplace sexual harassment, you must prove that your claim was a big reason why your employer treated you unfairly, called “adverse employment action.”
- You may also be able to make claims for discrimination based on another protected class or your participation in union activities.

You could also have claims under:

- Assault and battery laws
- Equal pay laws
- Fair labor standards laws
- Family and medical leave laws
- Minimum wage laws
- Whistleblower protections

12. Non-citizens

Most labor and employment laws apply to undocumented workers, including laws against workplace sexual harassment. But sometimes undocumented workers can't get back pay for claims of workplace sexual harassment.

If you work with a lawyer, your lawyer should keep your immigration status confidential. Ask your lawyer about legal ways to keep others from learning your immigration status.

In a few situations, you might qualify for a “U visa” because of workplace sexual harassment. U visas are for victims of crime who help with law enforcement investigations. With a U visa, you would be able to stay in the U.S. legally.

The Northwest Immigrant Rights Project (NWIRP) (<https://www.nwirp.org/>) answers questions about immigration.

WashingtonLawHelp.org gives general information. It is not legal advice. Find organizations that provide free legal help on our Get legal help page.