

# Unlawful Workplace Harassment - FAQs

## Does North Carolina have an official position on unlawful workplace harassment?

Yes. The State of North Carolina has a zero tolerance for unlawful workplace harassment in any form, and seeks to provide a workplace that is free from unlawful workplace harassment, including sexual harassment, discrimination and retaliation. The state's "Unlawful Workplace Harassment" policy can be found at this link: <https://oshr.nc.gov/policies-forms/eeo/unlawful-workplace-harassment>

## Can workplace harassment be based on factors other than sex?

Yes. All employees have the right to work in an environment free from unlawful discrimination and harassing conduct. Actions based on race, sex, religion, national origin, age, color, disability, genetic information, or political affiliation are considered unlawful.

## What are examples of other types of unlawful workplace harassment?

Jokes, comments, actions, and other behaviors that are based on an individual's race, sex, religion, national origin, age, color, disability, genetic information or political affiliation can be considered unlawful workplace harassment. An example of this can include comments that regularly denounce an individual's religious practices (e.g. dietary restrictions, holiday observance, etc.) and jokes that ridicule and negatively stereotype an individual's racial identity and/or national origin (e.g. mimicking accents, derogatory images, etc.).

## What is sexual harassment?

Sexual harassment is a form of sex discrimination. When it occurs on the job it violates the laws against sex discrimination in the workplace, including Title VII of the Civil Rights Act of 1964. Sexual harassment is unwelcome behavior that happens to you because of your sex.

## Does sexual harassment have to involve sex?

No. Harassment does not have to involve any physical contact at all; words alone may be enough. Conduct that is sexual in nature but does not include any sexual contact is still sexual harassment, this includes, but is not limited to, sexual advances, repeated requests for dates, lewd remarks, pornographic pictures, or sexual jokes.

## Is it possible to be sexually harassed by someone who is the same sex as I am?

Yes. Males can sexually harass males, and females can sexually harass females.

## Is it possible to be harassed by someone who is not my supervisor?

Yes. The harasser does not have to be your supervisor for the harassment to be illegal. Employers have a responsibility to provide a workplace free from unlawful workplace harassment, whether the harasser is your supervisor, a supervisor in another department, a co-worker, a subordinate, or even a customer or client.

## I keep hearing the term "Quid Pro Quo Harassment", what does it mean?

Quid Pro Quo Harassment is unwelcome conduct by an individual against another individual based upon a protected class where submission to or rejection of such conduct is used, whether clearly and directly stated or not, as the basis for decisions affecting an individual's employment-related issues (e.g., salary, promotion, professional development, etc.).

## How and who do I notify if I believe I am being harassed at work?

Employees are encouraged to inform the harasser directly that the conduct is unwelcome and must stop. Employees should also report harassment to management at an early stage to prevent escalation. If you are going to file a harassment grievance against a co-worker, the first formal conversation should be with your supervisor, if possible. If you need to file a harassment grievance about your supervisor, your conversation should be with a Human Resources representative. Additional information can be found in the "Employee Grievance" policy at this link: <https://oshr.nc.gov/policies-forms/discipline-appeals-grievances/employee-grievance-policy>

## Can my employer retaliate if I file a complaint of harassment?

No, retaliation is prohibited. Retaliation is any adverse action taken by your employer because of your having filed a complaint, testified, assisted, or participated in any manner in an investigation or proceeding involving unlawful harassment.