

Sexual Harassment in the Workplace: Understanding the Law in Massachusetts

Services

Employment & Labor Law

- Sexual Harassment

May 12, 2023

In recent years, the [“Me Too”](#) movement has brought the issue of sexual harassment to the forefront of public consciousness. [Sexual harassment](#) can occur in any workplace, and it is important for victims to understand their legal rights and take action if they have been subjected to harassment. At Cohen Cleary, P.C., we are committed to helping victims of sexual harassment pursue justice and obtain the compensation they deserve.

Overview of Sexual Harassment

Sexual harassment is a form of sex discrimination that violates Title VII of the Civil Rights Act of 1964 and Massachusetts General Law Chapter 151B. Sexual harassment can take many forms, including verbal or physical conduct that is sexual in nature, unwanted sexual advances, or requests for sexual favors.

Categories of Sexual Harassment Claims

There are two categories of sexual harassment claims: “Quid Pro Quo” and “Hostile Work Environment.”

Quid Pro Quo Sexual Harassment

Quid Pro Quo sexual harassment occurs when a supervisor or manager demands sexual favors in exchange for a job, promotion, or other employment benefit. If an employee refuses to comply with the request, they may face adverse employment actions such as demotion, termination, or denial of promotions.

Hostile Work Environment Sexual Harassment

Hostile Work Environment sexual harassment occurs when unwelcome sexual conduct creates an intimidating, hostile, or offensive work environment. This can include offensive jokes, sexual comments, or unwanted touching. The conduct must be severe or pervasive enough to create a hostile work environment.

Examples of Conduct That Can Give Rise to Claims Based on Sexual Harassment

Sexual harassment can take many forms, and the following are examples of just a few of the many types of conduct that can give rise to claims based on sexual harassment:

- Physical conduct: unwanted touching, hugging, or kissing;
- Verbal conduct: sexual comments, jokes, or propositions;
- Visual conduct: showing or displaying sexually explicit images or videos;

- Written conduct: sending sexually explicit messages or emails;
- Online conduct: engaging in sexually explicit conversations on social media

Gender and Sexual Orientation in Sexual Harassment Claims

It is important to note that sexual harassment can be perpetrated by both men and women against employees of the opposite or the same gender as the harasser. Sexual harassment can also occur regardless of the victim's sexual orientation.

Emotional and Economic Consequences of Sexual Harassment

Sexual harassment can have devastating emotional and economic consequences for victims. Victims may experience anxiety, depression, and other mental health issues as a result of the harassment. Victims may also experience economic harm, such as lost wages, lost benefits, and medical expenses.

Retaliation for Reporting Sexual Harassment

It is unlawful for an employer to terminate, demote, or otherwise take any adverse employment action against an employee who reported sexual harassment in retaliation for making the report. If an employer retaliates against an employee, the employee may have a separate claim for retaliation.

Statute of Limitations to File Claims

In Massachusetts, the statute of limitations for filing a claim for sexual harassment is only 300 days. The shortness of this timeframe and the devastating impact of sexual harassment make it important for victims of sexual harassment to take action quickly to protect themselves and their legal rights.

Importance of Documenting and Reporting Sexual Harassment

If you have experienced sexual harassment, it is important to document the harassment and report it to your employer. You should also seek legal counsel to help protect yourself from further harassment and possible retaliation, as well as to pursue possible damages for your emotional distress, medical expenses, lost wages, lost benefits, and other damages.

Contact Us for a Free Case Consultation

If you believe that you have experienced sexual harassment in the workplace, please contact the experienced [attorneys](#) at Cohen Cleary, P.C. at [508-880-6677](tel:508-880-6677) to discuss your situation and how we can help.