Sexual Harassment

Federal Protections Establish the Foundation. State and Local Laws may add Responsibilities



Sexual harassment is both a workplace conduct issue and a legal risk. A strong prevention system helps team members understand expectations, provides clear ways to raise concerns, and gives leadership a consistent process for responding when concerns arise.

The Federal Foundation

Sexual harassment is a form of sex discrimination prohibited by Title VII of the Civil Rights Act of 1964. Federal Title VII generally applies to employers with 15 or more employees, as well as employment agencies, labor organizations, and federal, state, and local government employers.

The EEOC explains that unlawful harassment can include unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. Harassment based on sex does not always have to be sexual in nature. Conduct may become unlawful when it is sufficiently severe or frequent to create a hostile or offensive work environment, or when it results in an adverse employment decision.

The person engaging in harassment may be a supervisor, coworker, or a non-employee such as a customer or client. Federal law also prohibits retaliation against individuals who oppose discriminatory practices or participate in a discrimination complaint or proceeding.

Prevention is a Leadership Responsibility

The EEOC describes prevention as an important tool for addressing workplace harassment. Employers should clearly communicate that harassment will not be tolerated, establish an effective complaint process, respond promptly and appropriately to complaints, and consider training as part of the prevention process.

KEY IDEA	**Federal law is the starting point. Employers must also understand the state and local requirements that apply wherever their team members work.**

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State Laws Can add to the Employer's Responsibility

Title VII provides a federal baseline, but it is not the entire compliance picture. States may have their own civil rights or human rights laws covering sexual harassment and sex discrimination. Those laws can apply to smaller employers, create separate state complaint processes, broaden protected categories, establish different filing periods, or impose additional policy, notice, training, recordkeeping, or prevention obligations. Local laws may add another layer.

For employers operating in more than one state, the practical question is therefore not simply, "Are we following Title VII?" Leadership should also confirm which state and local rules apply to each work location and to remote team members.

Examples Across the Holt Group Service Area

State and local requirements can vary significantly. The Holt Group works with business partners to develop state-specific planning, policies, and training based on where their team members work. The following examples from several states we commonly serve illustrate why a state-specific review matters.

They are not a complete statement of each state's law or requirements.

New York - State law requires employers to maintain a sexual harassment prevention policy and provide annual sexual harassment prevention training. New York's requirements apply broadly to employers and include minimum standards for the policy and interactive training.

Pennsylvania - The Pennsylvania Human Relations Act prohibits sex discrimination and applies to many employers with four or more employees, meaning state protection can reach employers below Title VII's 15-employee threshold.

Ohio - Ohio civil rights law and administrative rules prohibit sex discrimination and expressly address sexual harassment, including quid pro quo and hostile-work-environment forms of harassment.

Michigan - Michigan's Elliott-Larsen Civil Rights Act prohibits discrimination in employment, and the Michigan Department of Civil Rights identifies sexual harassment as conduct that may constitute illegal discrimination under state law.

Indiana - The Indiana Civil Rights Commission enforces state employment discrimination law and recognizes unlawful workplace harassment based on sex and other protected characteristics.

West Virginia - The West Virginia Human Rights Act prohibits employment discrimination based on sex for covered employers, and the state maintains specific administrative rules regarding sexual harassment.

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Training: More than Checking a Box

Training requirements vary by jurisdiction. Some states and localities mandate sexual harassment prevention training for certain or all employers; others do not impose a general private-sector training mandate but still prohibit harassment and retaliation. Because requirements change, employers should confirm the rules for every jurisdiction in which they have team members.

Regardless of whether training is specifically mandated, effective training can strengthen the organization's prevention system. Training should help team members recognize prohibited conduct, understand how and where to report concerns, know that retaliation is prohibited, and understand what happens after a concern is raised. Supervisors and leadership should receive additional guidance on receiving complaints, escalating concerns promptly, maintaining appropriate confidentiality, documenting actions, and avoiding retaliation.

Build a Consistent Prevention System

A policy or annual training session by itself is not the entire system. Employers should connect policy, training, reporting, investigation, documentation, leadership response, and follow-up so team members know what to expect and leadership can respond consistently.

- Keep the organization's anti-harassment and anti-retaliation policies current and aligned with applicable federal, state, and local requirements.
- Provide more than one practical avenue for reporting concerns, including an option outside the team member's immediate reporting relationship.
- Train team members regularly and give supervisors additional guidance on their responsibilities when they observe or receive a report of potential harassment.
- Respond promptly, document the process, investigate appropriately, and take corrective action when warranted.
- Protect against retaliation and follow up after a complaint to help ensure concerns have been addressed.
- Review requirements when the organization enters a new state, adds remote team members in another jurisdiction, or when employment laws change.

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The Holt Group Perspective

Sexual harassment prevention is not simply about meeting a legal requirement. It is about creating clear expectations, giving team members confidence that concerns can be raised, and preparing leadership to respond consistently and appropriately. Federal law establishes an important foundation, but a strong system also recognizes the additional responsibilities created by state and local law.

Sources

- U.S. Equal Employment Opportunity Commission (EEOC) - Sexual Harassment; Fact Sheet: Sexual Harassment Discrimination; Promising Practices for Preventing Harassment - eeoc.gov
- New York State Department of Labor / New York State Division of Human Rights - Sexual Harassment Prevention Policy and Training resources - ny.gov / dol.ny.gov
- Pennsylvania Human Relations Commission - Employment Discrimination - pa.gov
- Ohio Civil Rights Commission / Ohio Administrative Code Chapter 4112-5 - codes.ohio.gov
- Michigan Department of Civil Rights - Elliott-Larsen Civil Rights Act / Sexual Harassment resources - michigan.gov/mdcr
- Indiana Civil Rights Commission - Workplace Harassment / Employment - in.gov/icrc
- West Virginia Human Rights Commission and West Virginia Code / Administrative Rules - wv.gov; code.wvlegislature.gov; apps.sos.wv.gov

Legal requirements can change. Employers should verify current federal, state, and local requirements with qualified legal counsel before relying on this publication for compliance decisions.

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