

SELECT A CITY ▾

40 UNDER 40 2017  
40 Under 40 >

LIMITED TIME OFFER  
Subscribe Now

YOUR ACCOUNT  
Sign In ▾  
YOUR ACCOUNT  
sfedder@mdcounsel.com ▾

INDUSTRIES & TOPICS



NEWS

LISTS & AWARDS

PEOPLE & COMPANIES

EVENTS

MORE...



## FOR THE EXCLUSIVE USE OF SFEDDER@MDCOUNSEL.COM

From the Baltimore Business Journal:

<https://www.bizjournals.com/baltimore/news/2017/12/14/7-sexual-harassment-basics-for-any-employee.html>

# 7 sexual harassment basics for any employee

🔒 SUBSCRIBER CONTENT: Dec 14, 2017, 9:00am EST

Sexual harassment cases continue to flood the news. It may be hard for employees who believe they were victims of sexual harassment to know what to do.

Here is a start:

The law does not mandate civility in the workplace. Not all rude or offensive behavior is sexual harassment. There must be severe or pervasive unwelcome conduct, based on sex. Because sexual harassment is so common, employees need to be prepared in advance with something to say if they are sexually harassed, such as: "I can't believe you just did that — please don't do it again" or "Your behavior is offensive, and makes me uncomfortable — please stop."

Verbal conduct such as propositioning, joking and teasing may amount to sexual harassment if it is severe enough to affect the employee's terms and conditions of employment. However, a physical assault is much stronger evidence. An employee who is physically assaulted will have the best case if criminal charges are pursued immediately.

Sexual harassment claims based on the misbehavior of high-level managers or owners are stronger cases than those based on the misbehavior of low-level employees.

If the employer has a formal harassment complaint reporting procedure, harassed employees should seek legal help to make sure that they follow it to the letter. Putting the company on formal notice is especially important when the harasser is not a high-level manager, and when the harassment does not result in an adverse employment action (such as termination or demotion). Employees who do not use the employer's complaint reporting procedure may hand the employer an effective defense.

Employees cannot make secret audio recordings in Maryland to document their cases. However, employees should carefully preserve emails, text messages, phone messages and other evidence of the harassment.

Employers are barred by law from retaliating against employees who complain about sexual harassment.



PROVIDED PHOTO

Julie Janofsky, an employment lawyer and principal at Fedder and Janofsky LLC.

Employees who are the victims of sexual harassment may have less than a year to bring some of their claims, so they should seek legal advice quickly.