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## OTHER TYPES OF HARASSMENT

The South Dakota Human Relations Act prohibits harassment on the basis of race, sex, religion, color, creed, ancestry, disability or national origin.

The areas of coverage are employment, housing, public accommodations, public services, education, labor unions and employment agencies.

### Some other examples of harassment include:

- a. Name calling at work site which refer to a person's sex, race, religion or disability; or
- b. Racist or sexist statements displayed in a public accommodation which affect a person's ability to use and enjoy those accommodations.

### For more information call or write:

Department of Labor and Regulation  
Division of Human Rights  
123 W. Missouri Ave.  
Pierre, South Dakota 57501  
Tel: 605.773.3681  
Fax: 605.773.4211

[www.sdjobs.org](http://www.sdjobs.org)

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S.D. Department of Labor and Regulation  
Division of Human Rights  
123 W. Missouri Ave.  
Pierre, SD 57501

Division of Human Rights

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# Sexual Harassment

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What you need to know.



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Pierre, SD 5750

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*Sexual harassment on the job is becoming more unacceptable to victims and a liability for management.*

## WHAT IS SEXUAL HARRASMENT?

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

A hostile environment can be developed from repeated, offensive physical actions, verbal comments, hazing or graphic or written displays which affect an employee's ability to perform the job.

*What should you do, if you feel you are victim of sexual harassment?*

### PLAN OF ACTION FOR VICTIMS

- Make clear what actions are offensive to you.
- Speak to the offender about the behavior which is offensive to you.
- Speak to your supervisor, the personnel director, or the manager about the behavior.
- Document actions if possible.

If the behavior does not stop, contact the Division of Human Rights.

### FILING A COMPLAINT

If you feel you have been a victim of discrimination, you may contact the Division of Human Rights.

The Division investigates complaints of discrimination filed with the office. If it finds the complaint is justified, it will attempt to settle the situation through conciliation.

If these attempts fail, a hearing may be held by the Commission of Human Rights.



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## EMPLOYER LIABILITIES

The employer has a responsibility to maintain a work place free of sexual harassment.

Once an employer is informed of a harassment situation, the employer must take action to investigate and resolve the situation.

If the harasser is in a supervisory position and harasses a subordinate, the employers may have liability whether they have actual knowledge of the behavior or not.

Any person who files a charge of discrimination, testifies, assists or participates in any way in an investigation, hearing or any other proceeding conducted by the Division of Human Rights is protected by law against reprisal by any person, employer, employment agency, labor organization, landlord or other covered individual or organization.

