

Law Vegas Workplace Sexual Harassment Attorney

In Nevada, you have the right to work in an environment that is free of discrimination. One kind of discrimination you do not have to tolerate is based on sex. Whatever gender you identify with and any characteristics particular to that gender cannot be the basis for disparate treatment. Nor do you have to endure unwanted comments, solicitations, or touching that are inappropriate and offensive.

The Las Vegas Workplace sexual harassment attorneys at Blue Seven Content know all too well that sexual discrimination and harassment are far too prevalent in many workplaces around Las Vegas, and we are committed to helping bring fairness and respect to the workplaces in our community.

What is Workplace Sexual Harassment?

Under both state and federal law, [sexual harassment includes unwanted and offensive behavior](#) by someone in a work environment toward another that is either sexual in nature or discriminatory because of gender. Sexual harassment can occur between opposite-sex persons or between two people of the same sex. Sexual harassment can include the following types of behavior:

- Unwelcome touching
- Comments about sex or gender – derogatory jokes
- Solicitations for sex
- Sexually explicit communications or displays via email, text or other media
- Unfair treatment based on gender or rejection of sexual advances

Not all conduct that may be unwelcome rises to the level of sexual harassment. The behavior must be significant enough to have a substantial negative impact on your ability to perform your work responsibilities. Conduct that is considered to be sexual harassment falls into one of two categories.

1. **Quid pro quo** – someone with more authority wanting something sexually inappropriate in exchange for something that affects your employment status – you give me this, I give you that
2. **Hostile work environment** – emotional or physical abuse that makes it extremely difficult or impossible to do your job

What Sexual Harassment in the Workplace Can Look Like

It's Friday afternoon, Steve has emailed Gail to come into his office for the 3rd week in a row just before the weekend. Gail sighs as she heads for his office. He's going to ask her out for drinks again. She's out of excuses. What is he going to do if she keeps saying no? He is her direct supervisor. And she's almost made it through the probationary period.

Gail had been so excited to get this job. It had taken months. Finally, she and the kids had been able to move to a 2 bedroom apartment in a decent neighborhood. And she has healthcare insurance now. But being on constant alert for Steve these last few weeks and wondering when he might come by her desk again is really getting to her. She is finding it so hard to concentrate that she worries her work performance will suffer. When she gets home she is always so frustrated, impatient, and sometimes

outright angry with her kids for things that didn't used to bother her at all. Gail still doesn't really know anyone very well at work so the only person she has told about Steve is her mom.

Gail hates dealing with Steve's unwanted attention but is afraid of losing her job if she makes a big deal about it.

How often does Sexual Harassment occur in the Workplace?

Accurate statistics are not available because they depend on someone coming forward to report the harassment. [According to the US Government Accountability Office](#), most people who experience sexual harassment in the workplace do not report it either to their employer or to the relevant public agency.

Women are more likely to leave a job or avoid their harasser due to expectations of retaliation or other negative consequences if they should make a formal complaint. It is estimated only about 6 – 13% of people experiencing sexual harassment actually report it.

What the data does show is that women make up about 80% of those filing sexual harassment claims. And claims filed that also included an allegation of retaliation have increased steadily year over year since 2009.

Workplace Sexual Harassment Law in Nevada

Sexual harassment is considered a form of sex discrimination. Nevada anti-discrimination law states that any employment-related decision based on a person's sex, sexual orientation or gender identity or expression to be an ['unlawful employment practice' by an employer](#).

The [Nevada Equal Rights Commission](#) (NERC) describes prohibited employer conduct to include

" ... employment decisions based on gender stereotypes and assumptions about abilities, traits, or the performance of individuals on the basis of sex..."

An employer can be liable for sexual harassment if the employer knew what was going on and did not take action to correct the situation or if the employer should have known what was going on based on information that was available.

What to Do if You are Being Sexually Harassed at Work

If you are being sexually harassed at work, you may be in for a fight if you decide to do something about it. Think David and Goliath. That's why most of the time it goes unreported. But if you are serious you need to get your ducks in a row and make sure you have a credible case. That means you need to have evidence of what is going on and you need to have evidence that it was not welcome.

- **Review any company policies or handbooks and follow the procedures** as described. That usually means you need to make some kind of report within the company. Always keep copies of everything you provide to the company.
- **Document in writing** every instance or incident that supports your position – dates, times, locations, what happened, and your response. If you haven't been responding, decide on a

response you can provide that clearly indicates ‘not okay’ and stick to it. Keep your documentation in a safe location.

- **Confide in someone trusted.** If you haven’t reported it to your company, having someone you trust know what’s going on can provide support for your account of events.
- **Consider contacting an attorney** that specializes in employment law – especially if they offer a free consultation. Getting some information from someone who understands can be very reassuring.
- **Be prepared to look for another job.** The truth is that even if your employer gets the harassment to stop, continuing to work in the same environment with your harasser may not be something you can continue to do.

Filing a Sexual Harassment Claim against Your Employer

If you are not able to resolve the problem by going directly to your employer you may be able to turn to an outside agency. To file a sexual harassment claim in Nevada, your company must have 15 or more employees. You can either [bring a claim under state law through NERC](#) or under federal law through the Equal Employment Opportunity Commission (EEOC). Filing with one is essentially filing with the other as they have an agreement to share information and process claims together. Both offer the same remedies.

You can file a claim on your own and it doesn’t cost anything. But you will be asked to provide certain information that could affect the decision to further investigate your claim. So having the assistance of an attorney could be helpful in presenting the circumstances in a way most favorable to you.

You must file your claim within 300 days of when the harassment took place. The agency will then investigate the claim. If they decide there was discrimination, the agency will try to facilitate a resolution between you and your employer and may decide to file a lawsuit if no agreement can be reached. If they decide there was no discrimination or don’t pursue a lawsuit, then you have the right to bring a separate lawsuit against your employer.

Can Your Employer Retaliate Against You for Filing a Claim?

Legally, your employer cannot retaliate against you for filing a claim. But that does not mean it doesn’t happen. The fear of being demoted or fired is often what allows sexual harassment to continue. Retaliation might not involve any obvious job changes but could include other negative behaviors that are specifically directed toward you. Regardless of the outcome of your sexual harassment claim, if your employer retaliates against you for making it, you can make a claim for retaliation.

What Damages Can Be Recovered in a Workplace Sexual Harassment Claim?

The amounts you may be able to recover will depend on your particular circumstances and how you were injured. Compensation may be awarded for the following kinds of losses if appropriate.

- Lost wages – both back pay and future earnings
- Pain, suffering, emotional distress
- Medical treatment

- Court costs, attorneys' fees, other out-of-pocket expenses
- Punitive damages – if a court decides an employer's conduct warrants further punishing

When to Contact a Las Vegas Workplace Sexual Harassment Attorney

The chances are that if you are being sexually harassed at work, you are not the only one. By having the courage to come forward and expose a workplace injustice you may help others who shouldn't have to suffer either.

At Blue Seven Content, our Las Vegas workplace sexual harassment lawyers and the rest of our legal team are committed to eliminating discrimination and sexual harassment in the workplace. We make sure those who violate the laws are held accountable for behaviors that are unacceptable and will not be tolerated. If you believe you are experiencing sexual harassment at work, you can contact us for a [free consultation by clicking here](#) or calling us at 843-580-3158.