

Hostile Work Environment and Workplace Harassment: Know Your Rights

Results achieved in prior matters are not meant to be a guarantee of success as the facts and legal circumstances vary from matter to matter.

Harassment is unwelcome conduct that is based on a protected characteristic such as race, color, religion, gender (including sexual orientation, transgender status, or pregnancy), national origin, age, disability, or genetic information (including family medical history) or any other protected characteristic (different states can have fewer or additional protected classes). (See [What is Workplace Discrimination?](#))

Harassment becomes unlawful where 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.

Anti-harassment laws also prohibit harassment against individuals in retaliation for filing a claim of harassment discrimination charge, testifying, or participating in any way in an investigation, proceeding, or lawsuit under these laws; or opposing employment practices that they reasonably believe harass certain individuals, in violation of these laws.

Petty slights, annoyances, and isolated incidents (unless extremely serious) will not rise to the level of illegality. To be unlawful, the conduct must be based on a protected class and create a work environment that would be intimidating, hostile, or offensive to reasonable people.

Offensive conduct may include, but is not limited to, offensive jokes, slurs, epithets or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, and interference with work performance. Harassment can occur in a variety of circumstances, including, but not limited to, the following:

The harasser can be the victim's supervisor, a supervisor in another area, an agent of the employer, a co-worker, or a non-employee.

The victim does not have to be the person harassed, but can be anyone affected by the offensive conduct. Unlawful harassment may occur without economic injury to, or discharge of, the victim.

If you are subject to discrimination or harassment, keep records of dates, emails, texts, comments, or incidents that demonstrate discrimination or harassment. Follow your employer's complaint procedure, often via Human Resources or a supervisor. Employees should report any harassment they experience or witness to management as soon as possible. Document when and to whom you report it.

No one should be forced to work in an environment filled with intimidation, discrimination, or harassment. If you're experiencing or witnessing unlawful conduct in the workplace, the employment law team at Wilentz, Goldman & Spitzer P.A. can help. We'll listen, provide legal guidance, and advocate for your right to a safe and respectful workplace. **Reach out today for a confidential consultation.**

To speak with an attorney about your legal options, please call: 732-352-9858.