

Employer Liability and the Prevention of Sexual Harassment in the Workplace in the United States

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Abstract

Among all industrialized nations, the United States has hitherto established the best system in preventing and combating sexual harassment incidents in the workplace. In 1980, the Equal Employment Opportunity Commission (EEOC) issued guidelines affirming that sexual harassment in the workplace is a form of sex discrimination and imposed strict liability on employers for failing to take reasonable preventive or remedial measures. As of 1981, federal courts at every level have rendered decisions in a number of related cases which have been generally favorable to employee complaints. Since the passage of the Civil Rights Act of 1991, employer liability in incidents of sexual harassment in the workplace has been increased considerably. Furthermore, the Clinton administration also plans to adopt several measures to provide better protection for affected employees, such as increasing the amount paid by employers who lose their cases. All these new developments strongly indicate that the United States will maintain its leadership position concerning sexual harassment issues in the workplace. Since sexual harassment in the workplace can cause various adverse effects to employees (especially female workers) and directly impede the ideal of attaining gender equality in employment, it is of vital importance to pay close attention to the efforts made and the experience accumulated in this field by the United States.

Key Words: sexual harassment in the workplace, sex discrimination, employment discrimination, employer liability