

POSH Background

Title VII of the Civil Rights Act of 1964 prohibited discrimination in employment based on sex. In 1986, in its first ruling on the subject, the Supreme Court upheld the concept of sexual harassment as a form of unlawful sex discrimination under Title VII of the Civil Rights Act as amended, even though the Act itself does not mention sexual harassment.

The courts now recognize that employees do have a Title VII claim when a job is lost because of rejection of sexual advances, job benefits are lost because of refusal to submit to sexual advances or when an offensive work environment is created as a result of sexually harassing behavior. Based on *Barnes v. Costle*, 561 F.2d 983 (D.C. Cir. 1977), Sexual harassment is prohibited in Federal employment and is covered by the sex discrimination provision of the Equal Opportunity Act of 1972 and redressable through the discrimination complaints procedure.

In 1980, the Equal Employment Opportunity Commission incorporated sexual harassment into the Guidelines on Discrimination because of sex, making sexual harassment a prohibited practice resulting from unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when it is a term condition of employment, used as the basis for employment decisions, or creates an offensive working environment. Among other things, this Act amends Title VII of the Civil Act of 1964 and related laws prohibiting employment discrimination based on race, color, religion, sex, national origin and physical or mental disability.