

# The New Landscape for Sexual Harassment Claims in Texas

1



## Sexual Harassment Under Title VII

- Under Title VII, sexual harassment is a form of sex discrimination
  - Applies to employers with 15 or more employees
  - States have enacted similar antidiscrimination laws
- However, the term “sexual harassment” is not defined under Title VII or TCHRA
  - Federal, state courts have addressed sexual harassment based on the prohibition of “sex” discrimination

2

2



## Sexual Harassment Defined

- Code of Federal Regulations, 29 C.F.R. § 1604.11(a)
  - Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when
    - o (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment,
    - o (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
    - o (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.



## EEOC Statistics

- FY 2021 - National
  - 61,331 charges alleged workplace discrimination
  - 10,035 charges alleged sex-based harassment
  - 5,581 charges alleged sexual harassment allegations
    - o Equals more than 55 percent of all sex-based harassment claims
    - o 8,191 when including Fair Employment Practices Agencies data
  - Males account for 16.3 percent of charges alleging sexual harassment

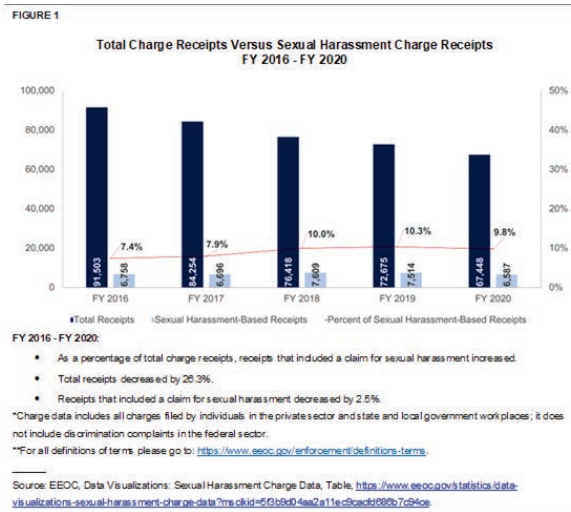


## Texas Statistics

- FY 2021 – Texas
  - 596 charges alleging sexual harassment filed with the EEOC
    - o Highest number among all states
    - o Almost 8 percent of all sexual harassment charges filed with EEOC
  - Additional 129 charges filed with Texas-based FEPAs
    - o Texas Workforce Commission Civil Rights Division
    - o City of Austin Equal Employment and Fair Housing Office
    - o Fort Worth Human Relations Commission



## EEOC Statistics



Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](https://utcle.org/elibrary)

## Title search: The New Landscape for Sexual Harassment Claims in Texas

Also available as part of the eCourse

[2022 Labor and Employment Law eConference](#)

First appeared as part of the conference materials for the 29<sup>th</sup> Annual Labor and Employment Law Conference session "The New Landscape for Sexual Harassment Claims in Texas"