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The New Landscape for Sexual Harassment Claims in Texas

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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

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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.

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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

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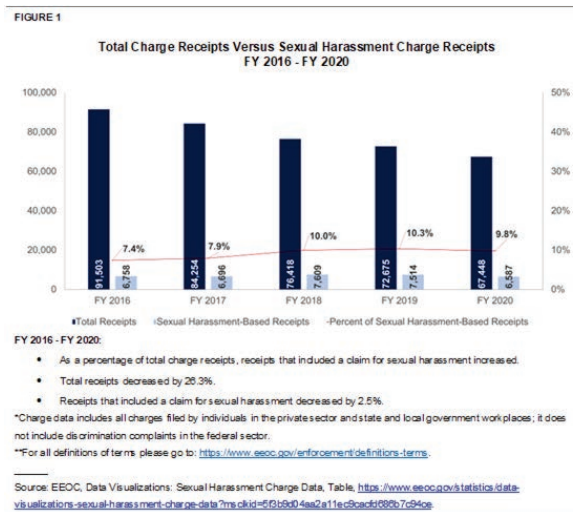


Texas Statistics

- 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



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