

Understanding Different Types of Harassment

Many people may believe that sexual harassment is the one and only type of harassment that can happen. In reality, sexual harassment is perhaps one of the most common forms of harassing behavior, but it is by far not the only one. In fact, many states and local governments have very specific anti-discrimination laws that also contain provisions that prohibit harassment for what are sometimes very unique classes of individuals. The following is a primer on some other types of harassment that may occur in the workplace or elsewhere.

Warning: The examples given below are not meant to be a comprehensive review of all laws relating to harassment. If you are an employer, make sure that you review and understand what types of behavior can constitute harassment in your area. If you are an employee, make sure that you review and understand what protected characteristics you may possess.

General Definition

Harassment prohibits speech or action which is severe or pervasive enough to create a "hostile or abusive work environment."

Types of Harassment

Race, Religion, Sex, and National Origin

Title VII of the Civil Rights Act of 1964 prohibits harassment on the basis of race, religion, sex, and national origin.

Age

A federal court in Indiana has held that harassment on the basis of age is unlawful under the Age Discrimination in Employment Act (ADEA).

Disability

This same federal court in Indiana held that harassment on the basis of disability was prohibited under the Americans with Disabilities Act (ADA). In a different case, a court in Florida held that "fat jokes" directed at an obese employee violated the ADA, as well. A New Jersey court has found that a person could bring a claim for disability harassment based upon two remarks made about his diabetic condition.

Status as a Veteran

- A court has held that a federal law prohibits "veteran status harassment." The court adopted an analysis similar to that used under Title VII of the Civil Rights

Act of 1964 in finding that comments such as "psycho" and "baby killer," when directed toward a veteran, could constitute harassment.

Note: A number of states have specific statutes that prohibit harassment or discrimination against individuals based on their veteran status or their membership in the Armed Forces or National Guard.

- A handful of jurisdictions also prohibit discrimination based upon an unfavorable or less than honorable discharge from the military.

Sexual Orientation and Marital Status

Courts in particular jurisdictions have found that harassment on the basis of sexual orientation or marital status, as prohibited in state or local statutes or codes, is illegal.

Gender Identification

The Code for the City of New Orleans prohibits discrimination based on "gender identification" which includes cross-dressing and transsexualism. In addition the city Code prohibits discrimination, which includes hostile work environment harassment, on the basis of sexual orientation.

Political Beliefs

The Code for the City of Seattle, Washington prohibits discrimination on the basis of "political ideology."

Criminal History

A handful of jurisdictions, such as Wisconsin and New York, and some private employers and institutions, have laws or policies that prohibit discrimination, including in some cases protection against harassment, on the bases of arrest records or conviction records.

Occupation or Sources of Income

- The City of Chicago, Illinois has an anti-discrimination law that prohibits discrimination and harassment based upon "sources of income."
- A few states, and some local jurisdictions, prohibit discrimination with respect to the terms and conditions of employment on the basis of a person's receipt of public assistance benefits.

Citizenship Status

Both New York and Illinois have state statutes that prohibit discrimination and harassing speech that is based upon "citizenship status" and, in the case of New York, "alienage" as well.

Heritage

The City of Cincinnati, Ohio, prohibits discrimination with respect to terms or conditions of employment based on "Appalachian regional origin."

Smokers and Nonsmokers

A number of states have statutes that prohibit discrimination and/or harassment on the basis of a person's status as a smoker, or as a nonsmoker in some states.

Comprehensive Protections

Many states and local governments have statutes or codes that protect against a slew of different forms of discriminatory, and therefore harassing, behaviors.

Examples: The statutes of the District of Columbia prohibit discrimination, including the creation of a hostile work environment, on the bases of "marital status, personal appearance, sexual orientation, family responsibilities, matriculation, disability, or political affiliation."

Specific Examples of What Can Constitute Harassment

- In a case of religious harassment, a state court has found that it was harassing for an employer to place Christian-themed messages and Bible verses on paychecks given to employees.
- Repeated, and unwanted, preaching by coworkers on religious matters can potentially constitute harassment.
- Hanging a picture of a political leader or activist, or photograph of an ethnic disturbance or conflict that reflects negatively upon people of that nation, can constitute national-origin harassment.

Using racial epithets to describe a set of people can constitute racial harassment, even if the epithets are not directed at a particular individual. For example, the use of the word "Japs" to refer to Japanese competitors of a company, even if not directed toward a particular individual, can constitute racial harassment.