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In 1994, a jury awarded $50,000 actual and $7.1 million in punitive damages against a large U.S. law firm on behalf of a secretary who had worked for an important partner for 15 days and had left the law firm after only 70 days. The plaintiff was still allowed to seek attorneys' fees.

In South Carolina, a jury awarded a $1.2 million verdict against the West Columbia Police Department for sexual harassment.

Last October, a federal jury in Virginia awarded $850,000 in damages to a male security officer who claimed that he was harassed by a female secretary who used vulgar, sexually explicit language and then suffered retaliation after complaining.

Cases like these can involve unwanted touching, but usually deal with individuals who claim they were harassed through unwelcomed discussions of sex, descriptions of body parts, propositions, and insults.

Poll after poll of women in the general public show that the vast majority say they have experienced sexual harassment at some point in their lives—many claiming to be subjected to it in a work environment. Poll after poll of men and women in the work place show that they often interpret comments and conversations in completely different ways and have different views of what is funny or a come-on, and whether “no” means “no” or “yes.”

Employees subjected to sexual harassment (with or without economic loss) have become increasingly inclined to seek legal redress. As of November 21, 1991, plaintiffs bringing sex discrimination claims, including sexual harassment, have been entitled to jury trials.

Sexual harassment takes two forms: Tangible Harassment (“quid pro quo”) where a job benefit or continued employment is conditioned on the employee's compliance with sexual demands; and Intangible (“hostile environment”) where conduct creates a sexually offensive work environment.

Unwelcomed sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a condition of an individual's employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

Quid pro quo sexual harassment need not occur on the job site. Illegal sexual harassment can take place anywhere a supervisor uses his or her authority to hire, fire or promote in order to extort sexual favors from an employee. Employers are generally liable for quid pro quo sexual

harassment regardless of whether the employer knew of the offending conduct if the harassment is perpetrated by a supervisory or management official.

Hostile environment harassment is unwelcome conduct which creates an intimidating, hostile or offensive working environment; this type of harassment may take the form of verbal abuse, such as insults, suggestive comments or sexual jokes. Generally, an employer will be held liable for hostile environment sexual harassment committed by a supervisor or co-worker if the employer has prior notice, meaning he or she knew or should have known of the harassing conduct.

To constitute sexual harassment, the conduct has to be unwelcome. Generally, the courts consider the nature of the unwelcome words or conduct (unwelcome sexual physical contact is often found more offensive than verbal abuse); the frequency and total number of days the plaintiff was exposed to the conduct; and the totality of the circumstances.

There are many things employers can do to avoid liability, such as the development of policies which prohibit sexual harassment and the establishment of an investigative procedure to deal with complaints. It is critical for employers to take allegations of sexual harassment seriously. Employers should review carefully their policies and procedures to assure compliance with the law. An attorney experienced in employment litigation should be contacted immediately upon receiving notice of a complaint by an employee or a charge of discrimination from the Equal Employment Opportunity Commission or South Carolina Human Affairs Commission. Prompt remedial action will often limit liability.