

## [Addressing Sexual Assault in the Workplace](#)

Tuesday, April 11, 2023.

Working in a hostile environment, especially of a sexual nature, can be an extremely stressful experience. However, the state of Georgia takes a strong stance against all forms of sexual misconduct, and taking legal action can provide the necessary support to victims. Addressing instances of sexual assault is critical in putting an end to this type of behavior.

In order to prevent sexual harassment, discrimination, sexual battery, and sexual assault in the workplace, federal and state laws have been established, such as Title VII of the Civil Rights Act of 1964, the Georgia Fair Employment Practices Act, and several state statutes including O.C.G.A. § 16-6-2 and O.C.G.A. § 16-6-5. It's important to note that these are just a few examples of the relevant statutes, and addressing sexual misconduct in the workplace requires a comprehensive approach.

It's worth mentioning that sexual misconduct in the workplace is a complex issue that demands careful consideration and appropriate action by employers, employees, and the legal system. This includes individuals in positions of power, such as managers or those who discipline individuals under their care, as well as those who work in facilities like nursing homes, long-term care facilities, hospices, or home health care facilities. Mental health professionals who treat patients and cases involving student-teacher relationships also fall under this provision. It's important to note that consent is not a valid defense and the power dynamic between the perpetrator and victim plays a crucial role in determining the validity of harassment and assault claims.

### **Difference Between Sexual Assault and Sexual Harassment**

Sexual assault and sexual harassment are distinct forms of sexual misconduct. Sexual assault is any sexual activity that takes place without the victim's consent, including unwanted sexual touching, groping, and forced sexual intercourse. On the other hand, sexual harassment is unwelcome sexual behavior that occurs in the context of a person's education or employment, such as unwanted sexual advances or comments of a sexual nature.

The legal consequences for sexual assault and sexual harassment differ as well. Sexual assault is a criminal offense and can result in criminal charges, including significant jail time. Sexual harassment is often addressed through civil lawsuits or employment disciplinary actions, although it can also result in criminal charges.



It's important to note that both sexual assault and sexual harassment can have serious and long-lasting effects on victims, including physical injury, psychological trauma, and social and professional consequences. In the case of sexual harassment, it can involve creating a hostile work environment through remarks or suggestions that make workers uncomfortable, such as discriminatory remarks or suggestions that sexual favors are necessary to obtain or keep a job.

Power dynamics also play a significant role in determining sexual assault and harassment. Even if a student is of legal age to consent, sexual encounters between students and instructors are generally considered sexual assault. Similarly, therapists who have sexual relationships with their patients, even if the patient consents, can be guilty of sexual assault.

## **Strategies for Addressing Sexual Assault in the Workplace**

It's important to note that victims of sexual assault in the workplace may also want to consider seeking legal representation to explore potential civil lawsuits against the perpetrator and/or their employer. Additionally, employers may want to consider implementing more specific policies and procedures for addressing sexual assault in the workplace, such as providing employees with resources for reporting incidents outside of the company or involving a third-party investigation team. By taking proactive steps to prevent and address sexual assault in the workplace, employers can create a safer and more supportive environment for all employees. Addressing sexual assault in the workplace requires a comprehensive approach that involves several key steps. Here are some strategies to consider:

### **Establish a clear policy**

Employers should have a clear policy that prohibits sexual assault and harassment in the workplace. This policy should be communicated to all employees and should include information on how to report incidents of sexual assault.

### **Provide training**

Employers should provide training to all employees on sexual assault and harassment prevention, including what constitutes sexual assault and harassment, how to identify warning signs, and how to respond to incidents.

### **Encourage reporting**

Employers should encourage employees to report incidents of sexual assault and harassment and should make it easy for them to do so. This includes providing multiple reporting options, such as an anonymous hotline or an online reporting system.

### **Take immediate action**

Employers should take immediate action when incidents of sexual assault are reported, including conducting an investigation and taking appropriate disciplinary action against the perpetrator.

### **Offer support**

Employers should offer support to victims of sexual assault, including access to counseling services and other resources that can help them cope with the trauma of the experience.

### **Evaluate and improve**

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Employers should regularly evaluate their sexual assault prevention and response strategies and make improvements as needed to ensure that they are effective in preventing and addressing incidents of sexual assault in the workplace.

If you were a victim, inform the Georgia Department of Labor and file a discrimination claim to describe the sexual harassment or assault incident(s). The state does not have an agency that specifically handles such claims, so you can either approach the Department of Labor or the Equal Employment Opportunity Commission (EEOC) for assistance. To ensure the best service, visit the office nearest to the establishment where you experienced the assault.

### **Talk to an ATLINJ Georgia Seeking Help With Sexual Assault Claims Injury**

If you are considering legal action against sexual assault in the workplace, remember that not all personal injury law firms are created equal. You want to find a lawyer who has experience handling these types of cases, as this will help you get the best possible outcome. We have years of experience helping injured victims like you and can advise you on what to expect during the legal process.

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