

Filing Sexual Harassment Complaints in Virginia

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Employees in Virginia have a number of options for potentially filing a sexual harassment complaint. In evaluating their options, employees often also ask us to help them determine whether or not the facts in their case constitute sexual harassment. While many examples could be provided, the general definition of sexual harassment, according to the Equal Employment Opportunity Commission ([EEOC](#)) is that it includes “unwelcome sexual advances, requests for sexual favors, and other verbal or physical harassment of a sexual nature.”

The harassment victim can be either a woman or a man. Additionally, the harassment victim does not have to be of the opposite sex. That being said, sexual harassment does not always have to be of a sexual nature, however, and can include offensive remarks about a person’s gender/sex. It can constitute sexual harassment to harass an individual by making offensive comments about their gender. Additionally, when more minor comments or teasing are made on a continuing basis, a hostile work environment based on sexual harassment can arise. Additional guidance on sexual harassment was issued by the [EEOC](#).

Federal Employees in Virginia

For federal employees in Virginia, the usual method of filing an Equal Employment Opportunity (EEO) complaint alleging sexual harassment is to contact the federal employee's EEO office within 45 days of the date of the harassment. This short deadline can usually be satisfied by initiating contact with a federal EEO counselor contact directly. Federal agencies will provide the EEO contact information for federal EEO complaint counselors to federal employees. Once initiated, there may be an opportunity to resolve the harassment complaint through alternative dispute resolution prior to the formal EEO complaint process. The formal EEO complaint process involving claims of sexual harassment will follow thereafter if the matter is not resolved. There are also other, less common, routes for filing a federal employee sexual harassment complaint, such as filing a grievance (where permitted, but not usually recommended) and/or a complaint through the [Office of Special Counsel](#) (again, not usually recommended) but these are usually not effective when compared to a federal employee’s options file an EEO complaint and could be deferred to the EEO process.

Private Sector Employees in Virginia

For those employed by private companies in Virginia (the largest group of employees in Virginia), there are a number of potential options for filing a sexual harassment complaint depending on where they live and the size of their employer. A private sector employee employed by a company with 15 employees or more may file a complaint with the Equal

Employment Opportunity Commission (EEOC), which is the most common route for those employed by private businesses. The deadline for doing so in Virginia is generally 180 days which can be extended to 300 days, because of a worksharing agreement between Virginia and the EEOC.

A private sector employee can also usually file a sexual harassment complaint with the Virginia Division of Human Rights ([DHR](#)) if their employer has 6 to 14 employees, but less than 15. Additionally, if the matter involves a government contractor, a private sector employee can also file a harassment complaint with the Office of Federal Contract Compliance Programs ([OFCCP](#)), but this complaint process is rarely used. Lastly, some counties and municipalities in Virginia have enacted harassment ordinances, like Fairfax County and Arlington County which also have procedures for filing complaints against employers. The deadlines for county filings can vary between 180 and 365 days, depending on county. In sum, it is important to figure out the correct forum and to file a claim well in advance of any deadlines.

Employees of the Commonwealth of Virginia

Commonwealth employees in Virginia have somewhat different sexual harassment complaint options. These include the possibility of filing a complaint with the Virginia Department of Human Resource Management, Office of Equal Employment Opportunity Services ([OEES](#)) or the EEOC. The current Executive Order governing state employees was issued in 2014 and is [here](#). Virginia state employees should consult with an attorney before deciding which forum for their sexual harassment complaint.

County and Local Employees in Virginia

Finally, employees of Virginia's various counties also have options for filing a sexual harassment complaint in Virginia as well. They may typically file harassment complaints with the EEOC, or if covered by their county or municipality, a local claim. By far, the majority of county employees take their cases to the EEOC and then to the court system, if their matter is not resolved.

Contact Us

When facing sexual harassment issues in Virginia it is important to obtain the advice of and representation of counsel. Our law firm advises and represents individuals in sexual harassment matters in Virginia and other jurisdictions. We can be contacted at www.berrylegal.com or by telephone at (703) 668-0070. Please also visit and like us on [Facebook](#).

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