

# Reporting Sexual Harassment: Know Your Rights

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Lost among the publicity generated by a recent spate of [sexual harassment claims against 21<sup>st</sup> Century Fox, Inc.](#) and Fox News Channel (“Fox” or the “Company”) is Fox’s weak defense to its alleged inaction despite years of misconduct by some of its senior most employees. After the New York Times broke a story that numerous women had complained about Bill O’Reilly and privately settled claims with Fox, the Company publicly stated that “no current or former Fox News employee ever took advantage of the 21st Century Fox hotline to raise a concern about Bill O’Reilly.” Fox argued it failed to act because it was unaware of O’Reilly’s sexually predatory conduct. Such an attempt to divert responsibility based on the claim that employees failed to use the anonymous hotline is likely to fail. Unfortunately, Fox’s position may cause employees to question whether they are obligated to make use of company hotlines before they seek legal help. As an employee, you might be wondering if this is true – do you have an obligation to report unlawful conduct to your employer’s “hotline” or similar resource?

## **There Is No “One Way” To Report Sexual Harassment**

Despite what companies might want their employees to believe, there is no “one size fits all” method of reporting sexual harassment and/or unlawful discrimination. Creating hotlines, even anonymous hotlines, are not sufficient to insulate your employer from liability in the event that you or a coworker is made the victim of unlawful behavior. Problems arise because employers often make these kinds of hotlines *too* anonymous—even their own employees do not know that they exist. To that point, several employees who have brought a lawsuit against Fox have claimed that they were never told about the hotline and were not even aware that such a hotline was in place.<sup>[1]</sup> Even if such a hotline exists, there are numerous valid reasons why an employee could choose not to use it, from feeling uncomfortable about discussing harassment over the phone, to wanting to approach someone they know and trust with their complaints. As a result, courts routinely find that employers are on notice of their employees’ complaints even where they do not use dedicated complaint procedures such as hotlines. So what are your options if you believe that you or a coworker are experiencing sexual harassment or other unlawful conduct?

## **Common Avenues of Complaints**

Although the specific ways you can complain depend on the size and organization of your individual employer, here are some common ways you can alert your employer that you are a victim of sexual harassment or unlawful discrimination:

**Supervisor/Management** – Submit a complaint to your supervisor or another member of management. All supervisors (and some coworkers) have an obligation to make sure the complaints reach the appropriate individual.

**Human Resources** – If your employer has a Human Resources (“HR”) department, you can inform

someone in HR about the unlawful behavior you are experiencing.

**Employee Handbook** – If your employer has an employee handbook, review it to determine whether your employer has a sexual harassment policy in place. Such policies generally contain complaint procedures and will inform you about the existence of hotlines, individuals who are responsible for accepting complaints, etc.

**Consult a Lawyer** – Of course, you always have the right to speak to an attorney. If you have questions about your legal rights, the attorneys and staff at Wigdor LLP would be happy to speak to you about your options and answer any questions you might have.

For more information, both employees and employers can contact Wigdor LLP at [\(212\) 257-6800](tel:2122576800).

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[https://www.nytimes.com/2017/04/21/business/media/fox-sexual-harassment-hotline-bill-oreilly.html?  
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