



## Sample Employer Notification Letter 2: Reporting Continued Sexual Harassment or Retaliation to Your Employer

After you report the sexual harassment to your employer, whether in person or in writing, your employer is supposed to quickly and effectively end the harassment. However, sometimes employers either do not try to fix the harassment or the employer's efforts are not enough. And, sometimes, an employer will retaliate against an employee for reporting sexual harassment even though retaliation is illegal. If the harassment did not end after you reported it or if you have been retaliated against, you may want to report to your employer again. Or, if you initially complained to your supervisor but your supervisor has not fixed the problem, you may want to complain to Human Resources or another manager.

Your complaint should include a description of the sexual harassment, who you have complained to about it, and what their reaction was. You also should include any steps you have taken to try to fix the situation. Then, be sure to describe any harassment that happened after you reported, including who the harasser was, what happened, when it happened, and where it happened.

If anyone has mistreated you or retaliated against you after you reported, it is important to include specific information about who was involved, what happened, when it happened (even approximately), and where it happened.

Do not forget to keep a copy of your complaint!

The Sample Letter Reporting Continuing Sexual Harassment and/or Retaliation is a fill-in-the-blank example of how to report continued sexual harassment and retaliation to your employer. There is also an example letter that uses the Sample Letter to report further harassment after the employee's initial complaint and retaliation by her supervisor.

**First, answer these questions to collect the information that you should include in your letter to your employer. Next, you will use your answers to fill in the letter on the following pages.**

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### **Your First Complaint**

- 1) When did you first complain? \_\_\_\_\_
- 2) Who did you originally complain to? \_\_\_\_\_
- 3) What is your harasser's name? \_\_\_\_\_
- 4) Who are you now writing your complaint to? \_\_\_\_\_

### **Responses to the Harassment So Far**

5) How did the person to whom you originally complained respond? Describe any promises to investigate the harassment or provide accommodations. Describe any unacceptable responses, such as victim-blaming comments, telling you to "work it out" with the harasser, or saying the company couldn't do anything.

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6) How have you tried to fix the problem? Describe any steps you have taken to resolve the situation, such as filing a complaint with your employer, participating in your employer's investigation, etc.

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## Continued Harassment

Has your harasser continued to harass you after you first reported the harassment?

YES NO

7) If no, please go to the next section. If yes, please describe what happened. Describe any verbal comments, visual harassment, or physical conduct. For examples, see "Sample Letter to Report Sexual Harassment" on pages 36-39. Please be as detailed as possible.

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8) When did this happen? Did it happen once, more than once, or often? Do you remember the date or approximate date(s) that it happened?

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## Retaliation

In this section, you will describe any retaliation you have experienced since you complained about the harassment. Please be as specific as possible about what happened and when it happened. For an explanation of retaliation, see page 49.

Have you been retaliated against? YES NO

It is ok if you have not yet told your harasser to stop. However, if you have, that information is important.

Have you asked your harasser to stop?   YES   NO

9) If no, please go to the next section. If yes, please describe what happened. Who retaliated against you? What did they say or do? (For example: "My supervisor reduced my number of shifts per month from 10 to 2;" "I was issued a performance warning two days after reported the sexual harassment;" or "[Harasser's name] told our co-workers that I'm a 'slut,' that I'm 'just bitter' and that HR needed to look into 'my office relationships.'")

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10) When did this happen? Did it happen once, more than once, or often? Do you remember the date or approximate date(s) that it happened?

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## Resolving the Problem

You have the opportunity to describe what you would like to happen to fix this problem. For example, you can request that your employer investigating the harassment, scheduling your harasser on different work shifts than you, disciplining the harasser, assigning you a new client or work team, implementing anti-harassment trainings for all employees, and/or correcting a negative performance evaluation you received due to the harassment.

16) What would you like your employer to do to fix the problem?

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17) When would you like your employer to respond to your letter? (For example: "soon" or "in 1 week").

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## Sample Letter 2:

### Reporting Continued Sexual Harassment and / or Retaliation

Using your answers to the questions above, write your letter using this template. When you see *blue italicized text*, replace it with the answers you wrote.

Re: Reporting Continued Sexual Harassment [and/or Retaliation]

*Today's date*

To *#4 Name of Human Resources director, supervisor, program director, or other manager*.

On or around *#1 Date that you reported the harassment (or your best estimate)*, I notified *#2 Name of the company employee you reported the harassment to [in person/by email/by phone]* that I was sexually harassed by *#3 Harasser's Name(s)*.

*#2 Name of the company employee you reported the harassment to* told me that *#5 Describe the response of the person you reported to, including any promises to fix the problem and any negative responses*.

Since then, I have attempted to resolve the situation by *#6 Describe any steps you have taken to resolve the situation*.

However, *#3 Harasser's Name(s)* continues to harass me such that it is difficult for me to do

my job. Under the law, an employer must take all reasonable steps necessary to promptly correct and remedy harassment and prevent its recurrence.

***#7 & 8 Describe any continued harassment.***

On or around ***#10 Date that retaliation occurred (or your best estimate)*** I was subjected to retaliation for my sexual harassment complaint when ***#9 Describe the retaliation.***

Under California law, it is unlawful for an employer to retaliate or discriminate against an employee for reporting sexual harassment. Please tell me what **Company Name** will do to comply with the law by stopping the harassment [and retaliation], ensuring the harassment does not reoccur in the future ***[if applicable: "and remedying the retaliation"]***. ***#11 Describe any actions you wish your employer to take.***

I expect to hear from you ***#12 List when you would like a response.***

Sincerely,

**Your name**



## Example Letter 2:

### Reporting Continued Sexual Harassment and Retaliation

This is an example of a completed second complaint.

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Re: Reporting Continued Sexual Harassment and Retaliation

**August 20, 2019**

To **Human Resources Director:**

On or around **July 10, 2019**, I notified **my supervisor, Jose D., in person** that I was sexually harassed by **Charlie T. and David S.**

**Jose D.** told me that **he would make sure that I did not have any shifts with Charlie T. and David S.** He also told me that it was ultimately my responsibility to work it out with **Charlie T. and David S.**

Since then, I have attempted to resolve the situation by **filing a complaint with Human Resources on July 19, 2019.**

However, **Charlie T.** continues to harass me such that it is difficult for me to do my job. Under the law, an employer must take all reasonable steps necessary to promptly correct and remedy harassment and prevent its recurrence.

**Since I reported, Charlie T. saw me in the employee parking lot as I was coming in for my shift. He came over to my car and blocked me with his body from being able to get out of my car. He said that he missed me and that he dreams about me naked. I was scared he**



was going to hurt me.

On or around **August 15, 2019**, I was subjected to retaliation for my sexual harassment complaint when **my supervisor, Jose D., said that he had to cut my shifts from 6 per week to 3 per week to make sure that I did not work with Charlie T. and David S.. This does not make sense because he was able to keep our shifts separate for one month without cutting my shifts. Jose D. also did not cut Charlie T. and David S.'s shifts to make sure that we do not overlap, only mine.**

Under California law, it is unlawful for an employer to retaliate or discriminate against an employee for reporting sexual harassment. Please tell me what **XYZ Store** will do to comply with the law by stopping the harassment and retaliation, ensuring the harassment does not reoccur in the future, and remedying the retaliation. **I would like you to discipline Charlie T. and David S. and ensure that Jose D. is no longer my supervisor.**

I expect to hear from you **by the end of the week.**

Sincerely,

Rosa B.