

MEDIA RELEASE

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New Definition of Workplace Harassment in DC

"Harassment" is redefined, expanded, and codified under the DC Human Rights Act

(WASHINGTON, D.C.) – At the beginning of Fiscal Year 2023, the [DC Office of Human Rights](#) (OHR) started to redefine and codify what “harassment” is and how it should be interpreted by adjudicators reviewing complaints. On July 25, 2022, the Mayor signed the [Human Rights Enhancement Act of 2022](#) (the “Act”) (D.C. Law No. 24-172), which, among other things, amended the DC Human Rights Act (DCHRA) to expand employee protections by:

1. Including a specific prohibition on workplace harassment;
2. Defining harassment and sexual harassment; and
3. Creating a broader legal standard, which fact finders must use to determine if alleged conduct constitutes unlawful, workplace harassment

Harassment is now defined as “conduct whether direct or indirect, verbal or nonverbal, that unreasonably alters an individual's terms, conditions, or privileges of employment or has the purpose or effect of creating an intimidating, hostile, or offensive workplace.”

Sexual Harassment is now defined as: (i) any conduct of a sexual nature that would be considered harassment under the new expanded definition in the Act (ii) sexual advances, requests for sexual favors, or other conduct of a sexual nature where submission to the conduct is made either explicitly or implicitly a term or condition of employment or where submission or rejection of the conduct is the basis for an employment decision affecting the individual’s employment.

Previously, “harassment” (or hostile work environment) required the “severe or pervasive” standard to be met, which meant the harassment had to be severe or pervasive enough to affect a term, condition, or privilege of employment. The Act broadened the legal standard to allow fact finders to weigh the “totality of circumstances” in harassment complaints; the totality of circumstances can now include the frequency, duration, and location of the conduct.

“Historically, hostile work environment claims have been some of the most challenging cases to review given the antiquated and limited definitions,” said OHR Director Hnin Khaing. “Now, with the terms being clearly redefined and explicit within the DCHRA, OHR can better adjudicate complaints and carry out our mission of eradicating discrimination, increasing equal opportunity and protecting human rights.”

An OHR guidance document detailing these new harassment expansions can be found [here](#). OHR hosted its first Open House on December 15, 2022; you can watch the recorded presentation on FY23 new laws, including the expanded definition of harassment, at the OHR YouTube channel [here](#).

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About the District of Columbia Office of Human Rights

The District of Columbia Office of Human Rights (OHR) was established to eradicate discrimination, increase equal opportunity and protect human rights for persons who live in or visit the District of Columbia. The agency enforces local and federal human rights laws, including the DC Human Rights Act, by providing a legal process to those who believe they have been discriminated against. OHR also proactively enforces human rights in the District through Director’s Inquiries, which allow it to identify and investigate practices and policies that may be discriminatory.

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