

Civil Liability of Sexual Harassment on the Job

Chyi Chiu

Abstract

Sexual harassment on the job has become an important legal issue since March 2002, when the Act of Equal Employment for Women and Men came into force. Article 13 of this Act is notably epoch-making, since it imposes duty on the employer to prevent sexual harassment in the workplace.

Along with the harasser's liability, this essay analyzes the employer's vicarious liability under Civil Code and the Act of Equal Employment for Men and Women. This essay also makes a research into the influence of American law on the Act in Taiwan, and a comparative study explaining the legal differences across the Pacific Ocean. This essay advocates that a legal transplant will not be successful without the understanding of foreign legal system and the coordination with domestic legal family. In pursuit of a better protection for harassed women, and a more harmonious legal structure, this essay suggests a few guidelines for the legislators to amend this Act in the end.

Keywords: Sexual harassment, Sexual harassment on the job, quid pro quo Sexual harassment, hostile work environment Sexual harassment, Act of Equal Employment for Men and Women, employee in the performance of his duties, Comparative law, Pure economic loss.