



Workplace Harassment



How Harassment Affects the Workplace (for agencies)

- High legal costs and damage awards.
- Poor public image.
- Lower productivity and morale.
- Higher costs for hiring and training new employees.



How Harassment Affects the Workplace (for employees)

- Emotional and physical pain.
- Less effective job performance.
- Poor employee morale.
- Personal and financial problems.

What is Workplace Harassment?

Harassment is any unwelcome verbal or physical conduct based on one of the protected bases that is so objectively offensive as to alter the conditions of the victim's employment. This standard is met when:

The conduct culminates in a tangible employment action, or
The conduct was sufficiently severe or pervasive to create a hostile work environment.

Elements of a Harassment Claim

Conduct must be unwelcome.

Conduct based on a protected basis.

Conduct creates a hostile work environment (*which may or may not result in a tangible employment action*).

When is the Agency Liable?

1. Was the alleged harasser a "high ranking official?"
2. Did the conduct/behavior result in a significant change in the complainant's terms and conditions or benefits?
3. Did the agency know or should the agency have known?
Did the agency take corrective action?

Appropriate Preventative Actions

All Management Officials and Employees should:
Know your agency's anti-harassment policy.
Set a positive example, treat others with respect.
Don't make assumptions about practical jokes.
Think before speaking, consider others' feelings and perceptions.

Never go along with the crowd if behavior is offensive or inappropriate.



Who can Commit Workplace Harassment?

- Manager/Supervisor/Team Lead
- Co-worker
- Non-employee/Contractor/Public



Unwelcome Conduct

"Unwelcome" conduct is where the employee did not solicit or invite the conduct and regarded it as undesirable.

Critical Inquiry: Did the complainant explicitly or implicitly communicate that the conduct was unwelcome?

Submission does not mean the conduct was welcome
Active participation may defeat the claim.

Is the conduct severe or pervasive enough to create an environment that a reasonable person would find hostile, intimidating or abusive?

Does the employee perceive the conduct as such?

Corrective Action

If it is determined that harassment occurred, corrective action should be undertaken immediately. Corrective measures should be designed to end the harassment and ensure that it does not recur.

The severity of disciplinary action should depend on factors such as the severity and frequency of the misconduct, the impact on the complainant, and whether the harasser engaged in similar misconduct before.



FOR ADDITIONAL INFORMATION

Compliance Manual Section 8: Retaliation
<http://www.eeoc.gov/policy/docs/retal.pdf>