



# Workplace Harassment Employees

## VERBAL ABUSE

### Workplace Harassment

Workplace **harassment** is any unwelcome **verbal** or **physical** conduct that is based on one of the protected EEO bases and that is so objectively offensive that it alters the conditions of the victim's employment.

## PHYSICAL ABUSE

#### Unwelcome Conduct

Conduct is "unwelcome" when the employee did not invite it and regarded it as undesirable.

The victim determines "unwelcomeness."

#### Victim Determines Unwelcomeness

Did the employee explicitly or implicitly communicate that the conduct was unwelcome?

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

#### Harassment Can Occur On and Off Work-Site

Examples:  
Sexual innuendos made at an off-site conference.  
Racist remarks made at a trade fair.  
Ageist gift presented at a retirement party held at local restaurant.

#### Who Can be Considered a Harasser

- A Management Official or Supervisor
- A Co-Worker
- A Non-employee

#### Unwelcome Conduct Alters the Conditions of Employment

Unlawful workplace harassment is any unwelcome verbal or physical conduct based on one of the protected EEO bases and that is so objectively offensive, intimidating, hostile or abusive that it alters the conditions of the victim's employment.

#### Protected EEO Bases



- RACE
- SEX or GENDER
- COLOR
- RELIGION
- NATIONAL ORIGIN
- AGE (40 and older)
- GENETIC INFORMATION
- DISABILITY



#### Hostile Work Environment

Conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, offensive, abusive or hostile.

Can be supervisory official, co-worker or non-employee.

#### Tangible Employment Action

Harassment that culminates in a significant change in employment status.  
Can only be carried out by a someone with supervisory or managerial authority.



#### What Can You Do?

1. Know your Employer's Anti-Harassment Policy
2. Avoid Questionable Behavior
3. Report Inappropriate Conduct
4. Attend Anti-Harassment Training and **PARTICIPATE!**



#### FOR ADDITIONAL INFORMATION

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