



UNITED STATES OF AMERICA
FEDERAL LABOR RELATIONS AUTHORITY
1400 K STREET N.W. • WASHINGTON, D.C. 20424

OFFICE OF THE CHAIRMAN

ANTI-HARASSMENT POLICY

The equal employment opportunity (EEO) laws that apply to federal-sector employment – among others, Title VII of the Civil Rights Act, the Age Discrimination in Employment Act, the Equal Pay Act, the Rehabilitation Act, and the Genetic Information Nondiscrimination Act – prohibit employment discrimination based on race, color, sex (including pregnancy, gender identity, and sexual orientation), national origin, age (40 years of age and over), disability, or genetic information (including family medical history). These EEO laws also prohibit retaliation or reprisal for protected EEO activity. In addition, the prohibited-personnel-practices provisions in 5 U.S.C. § 2302 prohibit employment discrimination based on marital status, political affiliation, and conduct that does not adversely affect the performance of an employee or the performance of others.

In furtherance of the objective of preventing employment discrimination, it is the Federal Labor Relations Authority's (FLRA's) policy to maintain a work environment that is free from harassing conduct. Consistent with this policy, the FLRA will not tolerate harassing conduct by anyone in the workplace. In addition, harassment of anyone on a basis that is protected from discrimination by EEO laws may violate law and may subject the Agency and/or the individual harasser to liability for any such unlawful conduct. Harassment can be sexual or non-sexual in nature. Harassment is defined as any unwelcome verbal or physical conduct based on any characteristic protected by law when:

- The conduct can reasonably be considered to adversely affect the work environment; or
- an employment decision affecting the employee is based on the employee's acceptance or rejection of such conduct.

Forms of harassment include, but are not limited to:

1. **Verbal:** derogatory, provocative, insulting, threatening, or suggestive statements, innuendoes, epithets, slurs, jokes, or sounds;
2. **Visual/Non-verbal:** derogatory posters, cartoons, or drawings; suggestive objects or pictures; graphic commentaries; leering; or obscene gestures;
3. **Physical:** unwanted physical contact, including touching; interference with an individual's normal work movement; or assault; and
4. **Other:** engaging in or threatening reprisal as a result of a negative response to harassment.

In addition, sexual harassment includes unwelcome sexual advances; requests for sexual favors; or any other visual, verbal, or physical conduct of a sexual nature when:

1. Submission to the conduct is made, either implicitly or explicitly, a condition of the individual's employment;

2. Submission to or rejection of the conduct is used as the basis for an employment decision affecting the harassed employee; or
3. The harassment has the purpose or effect of unreasonably interfering with the employee's work performance or creating an environment that is intimidating, hostile, or offensive to the employee.

Not all harassment amounts to a violation of the EEO laws. Generally, harassment must be severe or pervasive to constitute a violation of law. But, in the interest of stopping harassment before it becomes a violation of the EEO laws, the FLRA prohibits not only unlawful harassment but all harassing conduct. Accordingly, the FLRA will not tolerate derogatory, insensitive, abusive, or otherwise inappropriate behavior that is based on personal characteristics protected by anti-discrimination laws, regardless of whether it is of a nature or degree that would violate law.

Each employee must exercise his or her own good judgment to avoid engaging in conduct that may be perceived by others as harassment. Any employee who believes that s/he is subjected to harassment should report it immediately to a supervisor or management official, an EEO Counselor, the Human Resources Division, or the Inspector General. Failure to report such conduct in a timely manner and failure to afford the FLRA the opportunity to take corrective action may jeopardize any claim that the FLRA is responsible for the objectionable conduct.

No FLRA employee is exempt from this policy. Therefore, no one should allow an inappropriate situation to continue by not reporting it, regardless of who is creating that situation.

In response to every claim reported, the FLRA will conduct a prompt, thorough, and impartial investigation and take appropriate corrective and preventative action(s) to include, if warranted, discipline against anyone engaging in harassment. To the extent possible, the FLRA will protect the confidentiality of anyone who brings a claim of harassment or provides information regarding such claims. The FLRA will not retaliate in any way against employees who make harassment claims and/or who participate in investigations regarding such claims.

The process outlined above is separate from, and in addition to, the EEO-complaint process and other proceedings available for addressing allegations of employment discrimination. Using the process described in this policy to report a claim of harassment does *not* satisfy any requirement for filing an EEO complaint or delay the time limits for initiating an EEO complaint. If you wish to pursue an EEO complaint alleging workplace harassment based on race, color, sex, religion, national origin, age, disability, or genetic information, then you must do so separately by filing an EEO complaint. To file an EEO complaint, you must contact an FLRA EEO Counselor within 45 days from: the date of the alleged discriminatory action; the effective date of a personnel action alleged to be discriminatory; or the date the person knew, or reasonably should have known, of the alleged discriminatory action.



Colleen Duffy Kiko
Chairman

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