



Interoffice Communication

To Distribution

From J. A. DeBernardi

Date January 21, 1982

Subject Harassment in the Workplace

Today you will receive a copy of a bulletin board posting related to the subject. You will find attached additional information on this subject for your use and guidance. Also included in the attachment is the procedure to be followed when dealing with any complaints you may receive in this regard.

Please direct any questions you may have on this information to me.

A handwritten signature in dark ink, appearing to read "J. A. DeBernardi", with a stylized flourish at the end.

J. A. DeBernardi

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Distribution
Supervisors
Department Heads

CCR 000067427

HARASSMENT IN THE WORKPLACE

Federal law prohibits harassment in the working environment on the basis of race, color, religion, age, sex, handicap, national origin or veteran status. Specifically, the Equal Employment Opportunity Commission (EEOC) has issued Guidelines dealing with sexual harassment and harassment based on national origin. Likewise, the Office of Federal Contract Compliance Programs (OFCCP) has issued Guidelines prohibiting sexual harassment in the workplace.

These internal guidelines, then, are designed not only to ensure compliance with these regulations, but also to aid in the explanation, prevention, and resolution of complaints relating to the issue of harassment.

Definitions

Sexual Harassment

Unwelcome sexual advances, requests for favors, and other verbal or physical conduct of a sexual nature will be considered harassment when:

- (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
- (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Sexual harassment does not refer to occasional compliments, but refers to behavior which is not welcome, which is personally offensive, which breaks down morale and which, therefore, interferes with the work effectiveness of its victims and their co-workers. Sexual harassment may include actions such as sex-oriented verbal "kidding" or abuse, subtle pressure for sexual activity, or physical contact such as patting, pinching or frequent brushing against another's body.

Harassment on the basis of National Origin

Ethnic slurs and other verbal or physical conduct relating to an individual's national origin constitute harassment when this conduct:

- (1) has the purpose or effect of creating an intimidating, hostile or offensive working environment;

- (2) has the purpose or effect of unreasonably interfering with an individual's work performance, or
- (3) otherwise adversely affects an individual's employment opportunities.

Liability

Under the governmental agencies' interpretations regarding harassment, employers are considered liable for the acts of supervisors and agents, regardless of whether the specific acts complained of were authorized or even forbidden by the employer and regardless of whether the employer knew or should have known of their occurrence.

Employers are considered responsible for acts of harassment among fellow employees when they know or should have known of the conduct, unless it can be shown that immediate and appropriate corrective action has been taken. In some circumstances, employer's may also be held responsible for acts of harassment by non-employees, such as contractors or sales persons.

Additionally, even though it is not considered by the EEOC to be an issue of sexual harassment in the strict sense, a situation where a third party who is denied an employment benefit that is granted to another employee who has submitted to sexual advances, is recognized as a related issue and an employer may be held liable for unlawful sex discrimination under these circumstances.

PROCEDURE FOR DEALING WITH COMPLAINTS

Steps for Investigating Complaints

The following steps should be taken when an employee complains of harassment:

- (1) A complete statement should be obtained from the complainant, including who, what, where, how and when. Company policy should be explained and assurances given that a complete investigation will be conducted.
- (2) The accusation should be explained to the accused allowing them to give their side of the story. Company policy against harassment and the consequences of such conduct (i.e. disciplinary action, suspension, discharge) should be discussed.
- (3) Following the investigation, the complainant should be advised that an investigation has been conducted and corrective measures taken. If the investigation reveals that no harassment has taken place, both parties should be advised that no grounds were found to substantiate the claim.

- (4) Documentation of all steps of the investigation must be maintained in writing.

Notification

Any employee complaint related to harassment should be brought to the attention of the Plant Manager and/or Office Manager immediately.