
WORKPLACE HARASSMENT

APPLICATION: Full-time and part-time classified, "at will" and hourly employees.

PURPOSE To educate employees in the recognition and prevention of illegal workplace harassment and to provide an effective means of eliminating such harassment from the workplace.

DEFINITIONS

Workplace Harassment Any unwelcome verbal, written or physical conduct that either denigrates or shows hostility or aversion towards a person on the basis of race, sex, color, national origin, religion, sexual orientation, age, veteran status, political affiliation, or disability, that: (1) has the purpose or effect of creating an intimidating, hostile or offensive work environment; (2) has the purpose or effect of unreasonably interfering with an employee's work performance; or (3) affects an employee's employment opportunities or compensation.

Retaliation Overt or covert acts of reprisal, interference, restraint, penalty, discrimination, intimidation, or harassment against an individual or group exercising rights under this policy.

Sexual Harassment Any unwelcome sexual advance, request for sexual favors, or verbal, written or physical conduct of a sexual nature by a manager, supervisor, co-workers or non-employee (third party).

- **Quid pro quo** – A form of sexual harassment when a manager/supervisor or a person of authority gives or withholds a work-related benefit in exchange for sexual favors. Typically, the harasser requires sexual favors from the victim, either rewarding or punishing the victim in some way.
- **Hostile environment** – A form of sexual harassment when a victim is subjected to unwelcome and severe or pervasive repeated sexual comments, innuendoes, touching, or other conduct of a sexual nature which creates an intimidating or offensive place for employees to work.

Third Parties Individuals who are not state employees, but who have business interactions with state employees. Such individuals include, but are not limited to:

- customers, including applicants for state employment or services;

- vendors;
 - contractors; or
 - volunteers.
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**PROHIBITED
CONDUCT****Harassment**

The Commonwealth strictly forbids harassment of any employee, applicant for employment, vendor, contractor or volunteer, on the basis of an individual's race, sex, color, national origin, religion, sexual orientation, age, veteran status, political affiliation or disability.

Retaliation

The Commonwealth will not tolerate any form of retaliation directed against an employee or third party who either complains about harassment or who participates in any investigation concerning harassment.

**HARASSMENT
COMPLAINT
PROCEDURE**

Employees and third parties should report incidents of workplace harassment as soon as possible after the incident occurs.

Employees and applicants for employment seeking to remedy workplace harassment may file a complaint with the agency human resource director, the agency head, their supervisor(s), or any individual(s) designated by the agency to receive such reports. **Under no circumstances shall the individual alleging harassment be required to file a complaint with the alleged harasser.**

**State Complaint
Procedure**

The employee or applicant may follow the Commonwealth Employees' Discrimination Complaint Procedure, which is administered by the Office of Equal Employment Services within the Department of Human Resource Management.

Grievance Procedure

Eligible employees also may use the State Employee Grievance Procedure, which is administered by the Department of Employment Dispute Resolution, to address harassment.

**Federal Complaint
Process**

Employees (and applicants for Commonwealth employment) also may file a complaint with the federal Equal Employment Opportunity Commission.

**Assurance Against
Retaliation**

Employees and third parties who make complaints of workplace harassment, or provide information related to such complaints, will be protected against retaliation. If retaliation occurs, the employee(s) should report the retaliation through the harassment complaint procedure.

**POLICY
VIOLATIONS****Engaging In
Harassment**

Any employee who engages in conduct determined to be harassment, or who encourages such conduct by others, shall be subject to corrective action under Policy 1.60, Standards of Conduct, which may include discharge from employment.

**Allowing Harassment
To Continue**

Managers and/or supervisors who allow workplace harassment to continue or fail to take appropriate corrective action upon becoming aware of the harassment may be considered a party to the offense, even though they may not have engaged in such behavior.

Failure To Respond

Managers and/or supervisors who allow workplace harassment to continue or who fail to take appropriate action should be subject to disciplinary action under Policy 1.60, Standards of Conduct, including demotion or discharge.

**AGENCY
RESPONSIBILITIES**

Agencies must communicate this policy to their employees and third parties as applicable, including:

- educating their employees about the types of behavior that can be considered workplace harassment, and
- explaining procedures established for filing workplace harassment complaints.

Agency managers and supervisors are required to:

- Stop any workplace harassment of which they are aware, whether or not a complaint has been made;
 - Express strong disapproval of all forms of workplace harassment;
 - Stop any acts that they see that may be considered workplace harassment, and take appropriate steps to intervene;
 - Take immediate action to prevent retaliation towards the complaining party or any participant in an investigation; and
 - Take immediate action to eliminate any hostile work environment where there has been a complaint of workplace harassment.
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AUTHORITY

The Department of Human Resource Management issues this policy pursuant to the authority provided in Chapter 12, Title 2.2 of the Code of Virginia.

This policy supersedes Policy 2.15, Sexual Harassment, issued September 16, 1993.

INTERPRETATION

The Director of the Department of Human Resource Management is responsible for official interpretation of this policy, in accordance with § 2.2-1201(13) of the Code of Virginia.

Questions regarding the application of this policy should be directed to the Department of Human Resource Management's Office of Agency Human Resource Services or the Office of Equal Employment Services.

The Department of Human Resource Management reserves the right to revise or eliminate this policy.

**RELATED
POLICIES**

Policy 1.60, Standards of Conduct

Policy 1.80, Workplace Violence

Policy 2.05, Equal Employment Opportunity
