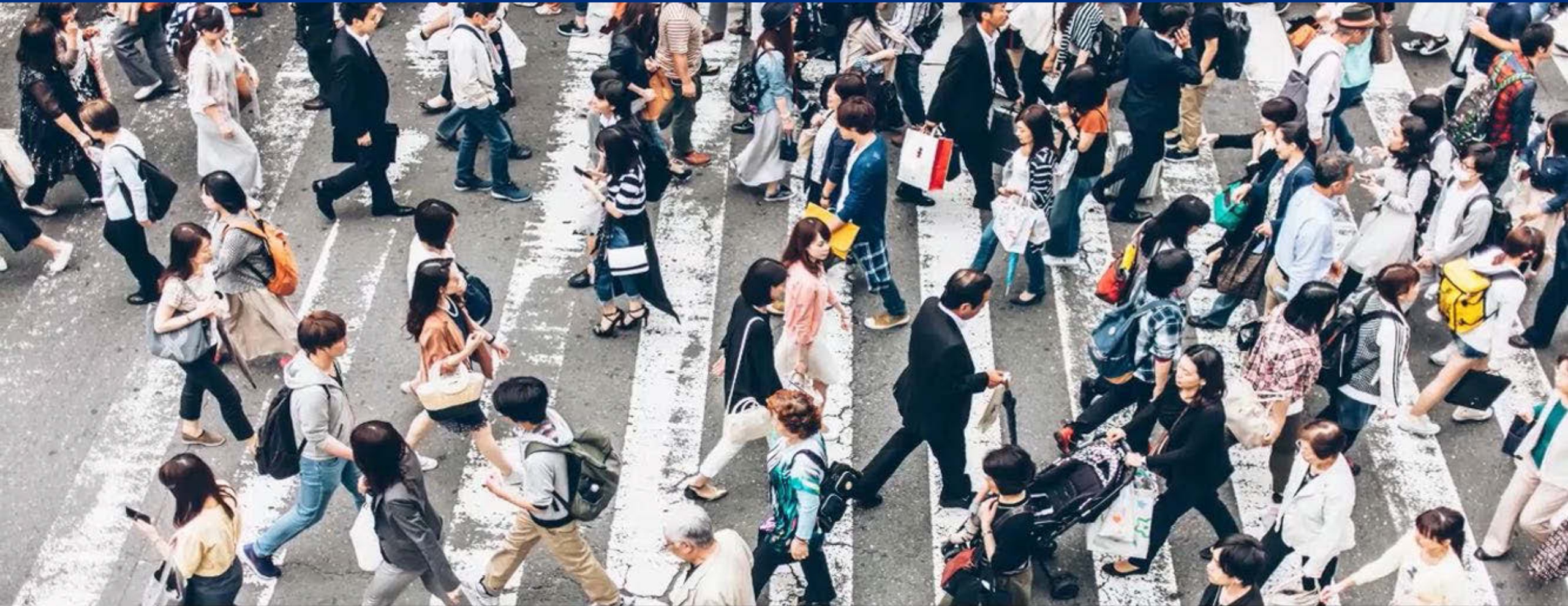


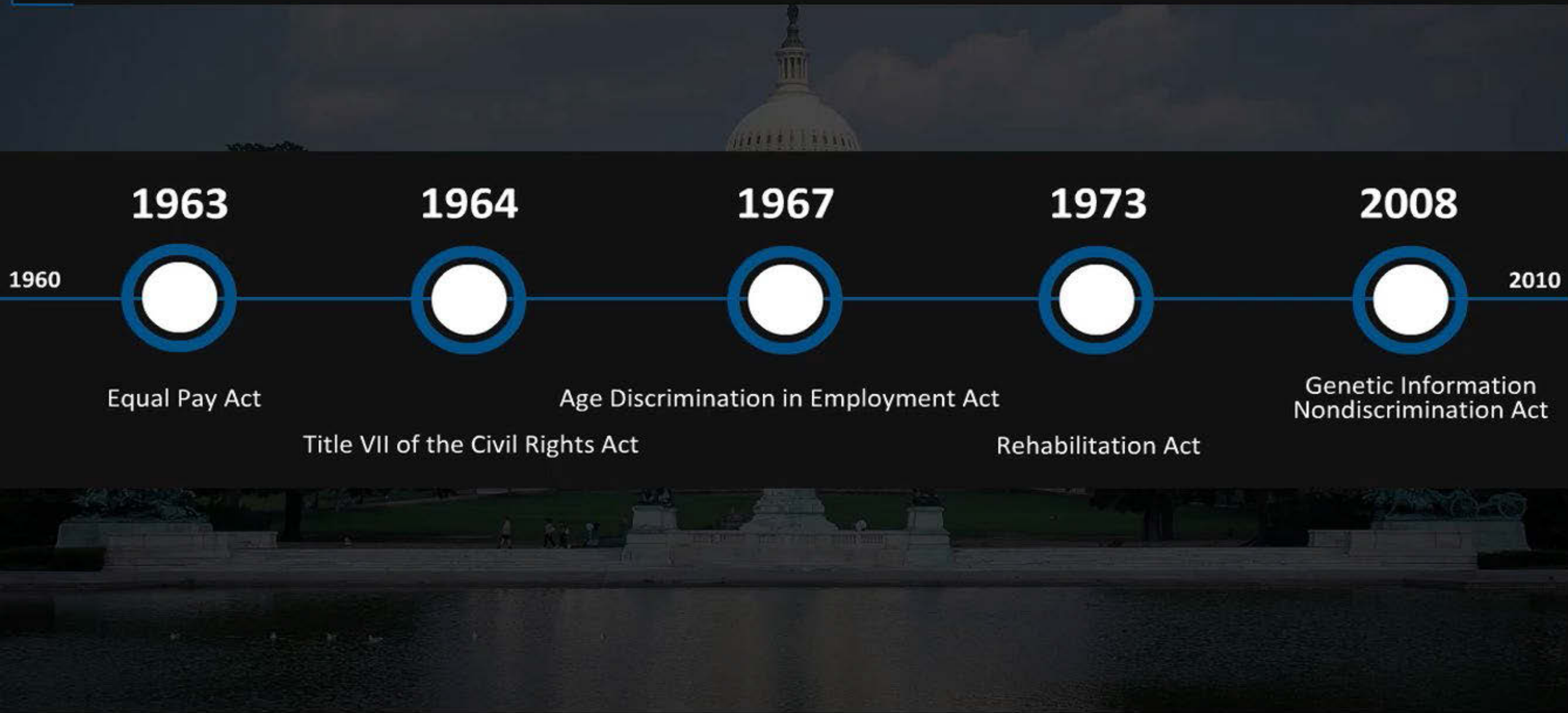


Preventing and Addressing Workplace Harassment



Harassment arises in public spaces, workplaces, and on social media.

U.S. Laws Prohibiting Harassment



It is not acceptable for employees to be subjected to harassment in the workplace.

Pursuant to DHS's Anti-Harassment Policy, although a single instance or act may not rise to the level of harassment that may be actionable under the law, it still has no place at DHS.



This course:

Define harassment.

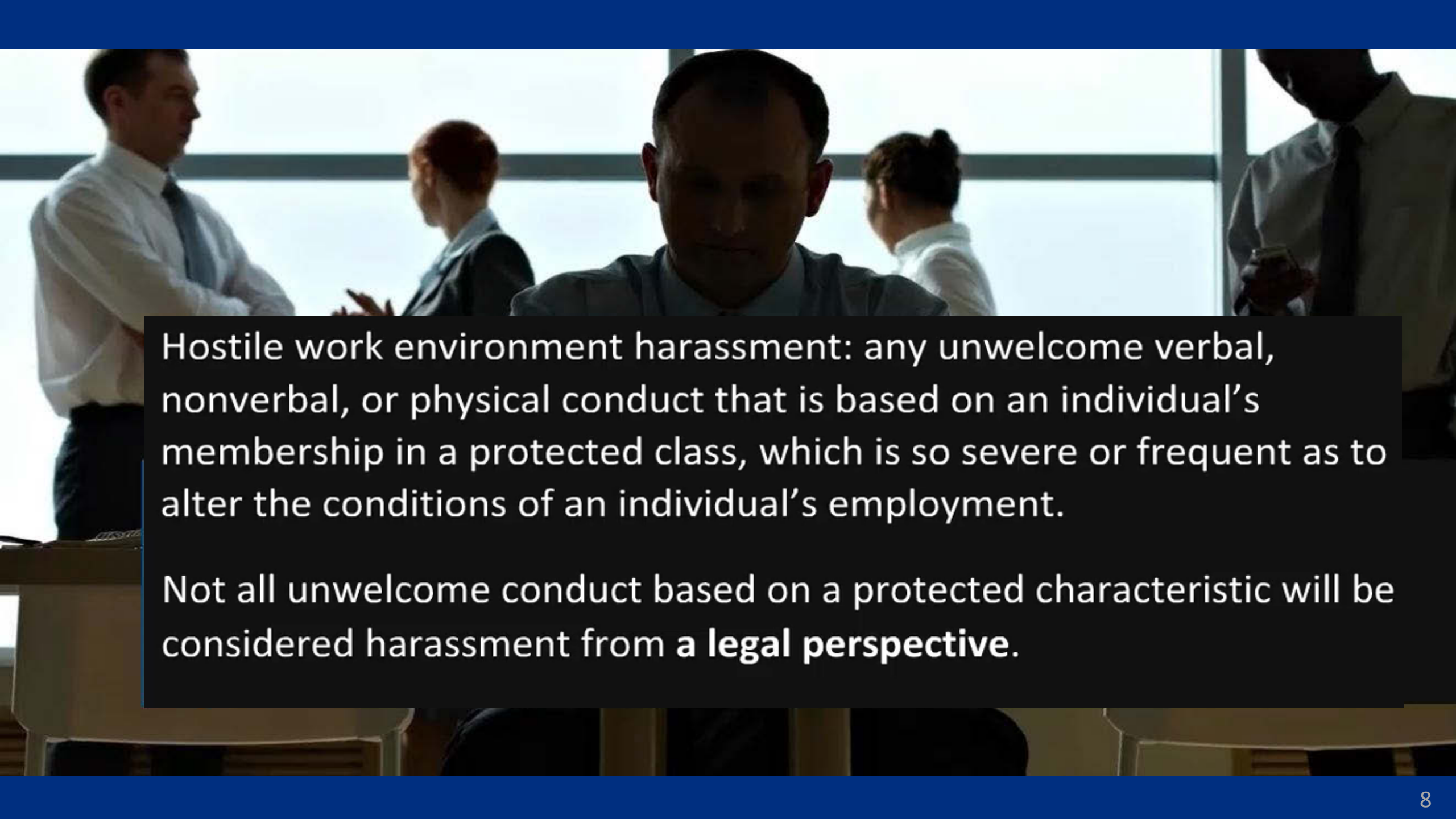
Differentiate between DHS's definition of harassment and the legal definition.

Discover how and where to report harassment.










Hostile work environment harassment: any unwelcome verbal, nonverbal, or physical conduct that is based on an individual's membership in a protected class, which is so severe or frequent as to alter the conditions of an individual's employment.

Not all unwelcome conduct based on a protected characteristic will be considered harassment from a **legal perspective**.



DHS Directive 256-01: even a single instance of unwelcome conduct based on a protected characteristic, whether it is severe or not, may be considered harassment.



Legally, an employee cannot be discriminated against based on: race, color, religion, sex, pregnancy, national origin, age, disability, protected genetic information, sexual orientation or gender identity.

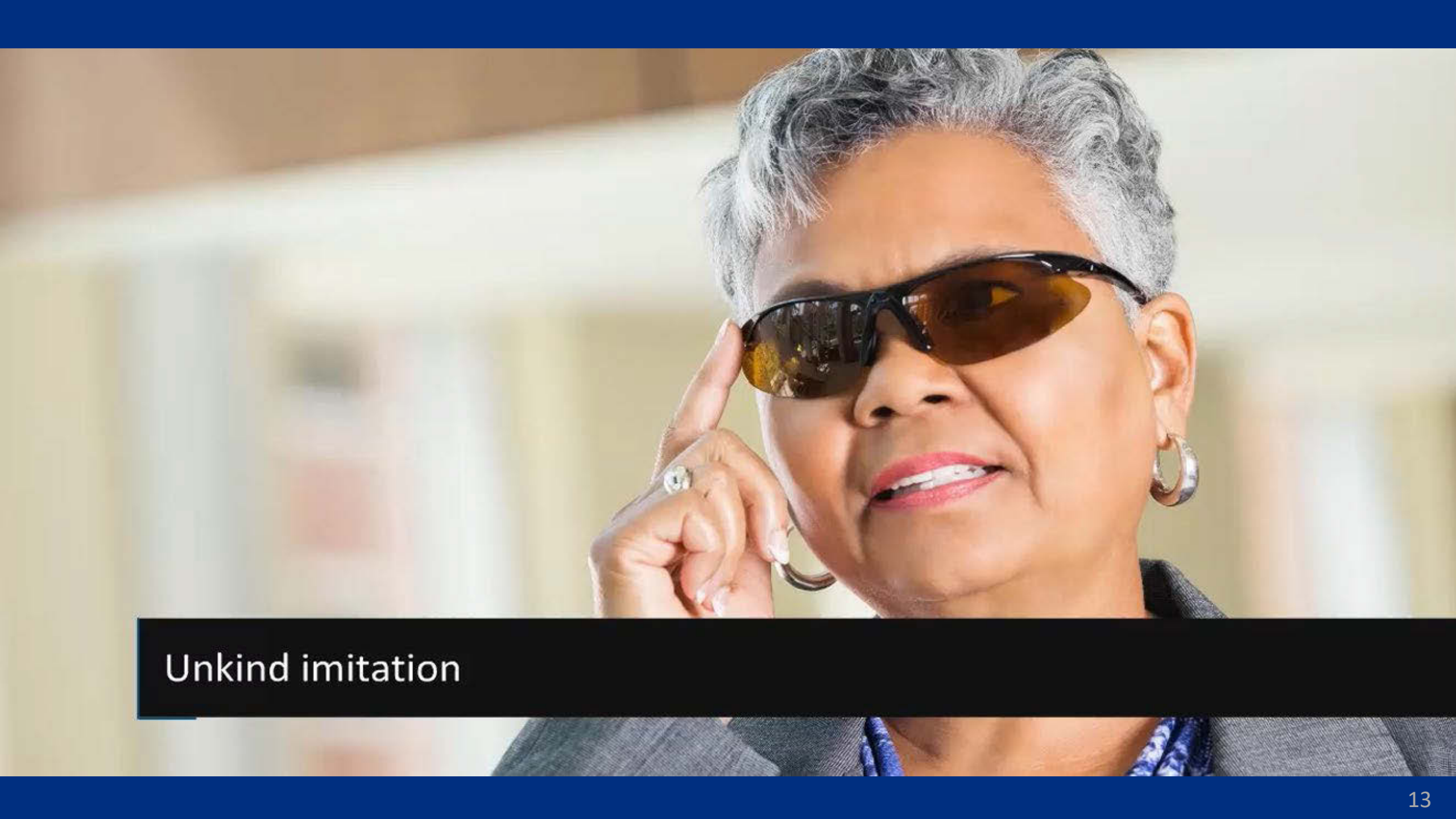
DHS also prohibits harassment based on:

Marital status
Parental status
Political affiliation

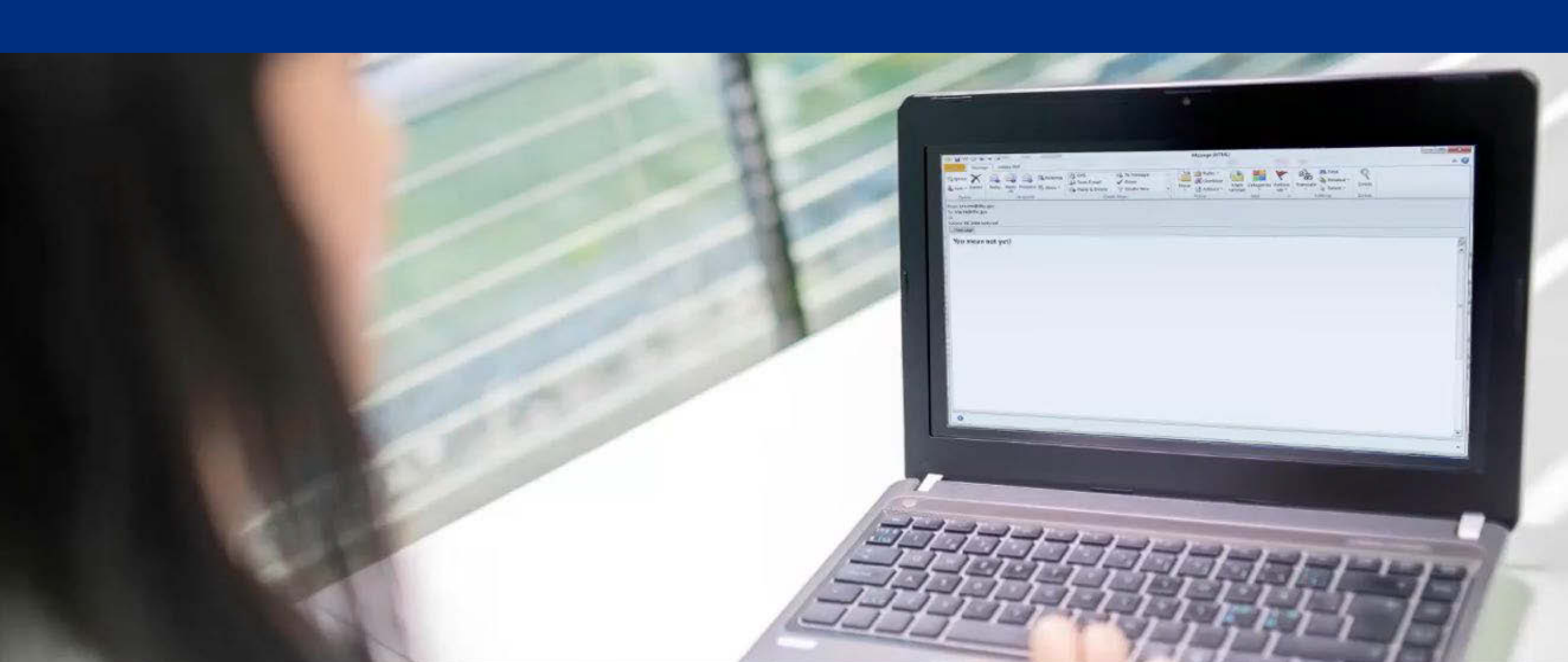


- Sexual, racial, or ethnic jokes, epithets, stereotyping, or slurs
- Subtle or blatant pressure for dates
- Unwelcomed physical contact
- Suggestive or lewd remarks





Unkind imitation



Pushing for a date



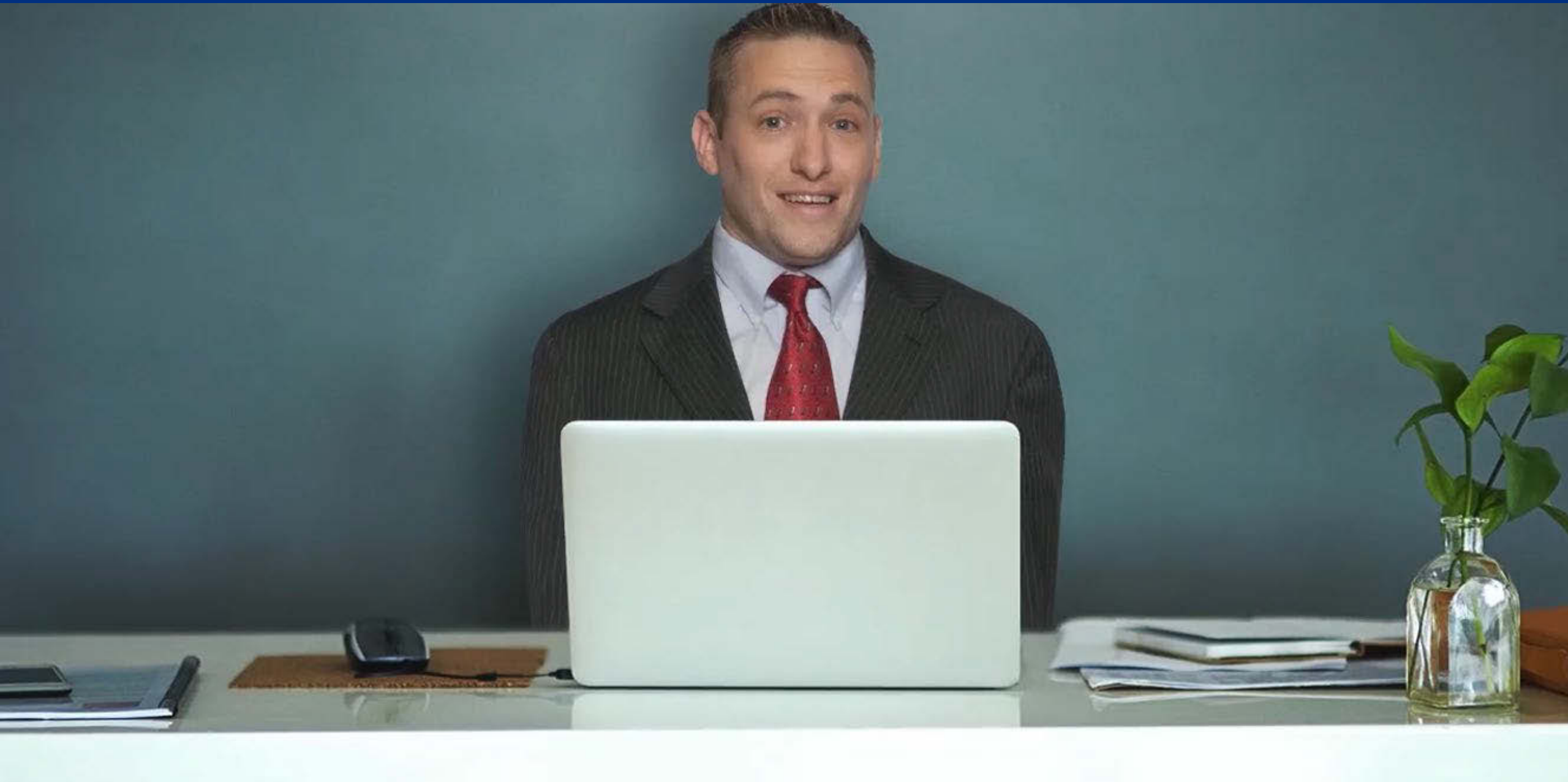
Inappropriate jokes among friends



Mean jokes



Accent imitation







Unwelcome conduct is where the individual did not solicit or invite the conduct and regarded the conduct as undesirable.

Submitting to harassment does not signal that it is welcomed.



Alicia participated in their friendly banter initially.
Told Teddy to stop.
When it became about gender
It became harassment.

Scenario



Almost every day for the past three months, when Freda, an Administrative Assistant, walks by her colleague Maria's cubicle, Maria makes a comment about her appearance. Maria says things like “Looking good,” “Those jeans fit you just right in all the right places,” or “Wow, I wish I had the curves you have.”

Freda has told Maria several times that she is not comfortable receiving comments on her appearance, but Maria doesn't understand why Freda can't just take a compliment.

Maria has continued with the comments, and, to try to get a rise out of Freda, she has even begun referring to Freda as “supermodel.”

Freda's Supervisor, Leonie, is within earshot, and giggles every time she hears Maria's comments to Freda. After the last comment, Freda asks Leonie to ask Maria to stop. Leonie tells Freda the comments are harmless, but that she will talk to Maria.



Question 1

Are Maria's comments welcome?

1. Yes
2. No



Question 2

Has Freda made her feelings about Maria's comments known?

Select all that apply.

1. Yes, she has made it clear to her Supervisor that Maria's comments are unwelcome.
2. Yes, she has made it clear to Maria that her comments are unwelcome.
3. No, she has not made it clear that Maria's comments are unwelcome.
4. No, she needs to tell Maria directly that her comments are unwelcome.



Question 3

Do you believe that Maria's comments toward Freda are based on a protected characteristic?

1. Yes, based on race.
2. Yes, based on sex.
3. No, there is no connection to a protected basis.



Question 4

Do Maria's comments constitute harassment according to the legal definition of hostile work environment harassment?

1. Yes, all comments about a person's appearance are harassment.
2. Yes. Maria's continued unwelcome comments are frequent.
3. No, Freda's comments are not severe enough.
4. No, Freda's comments are not frequent enough.

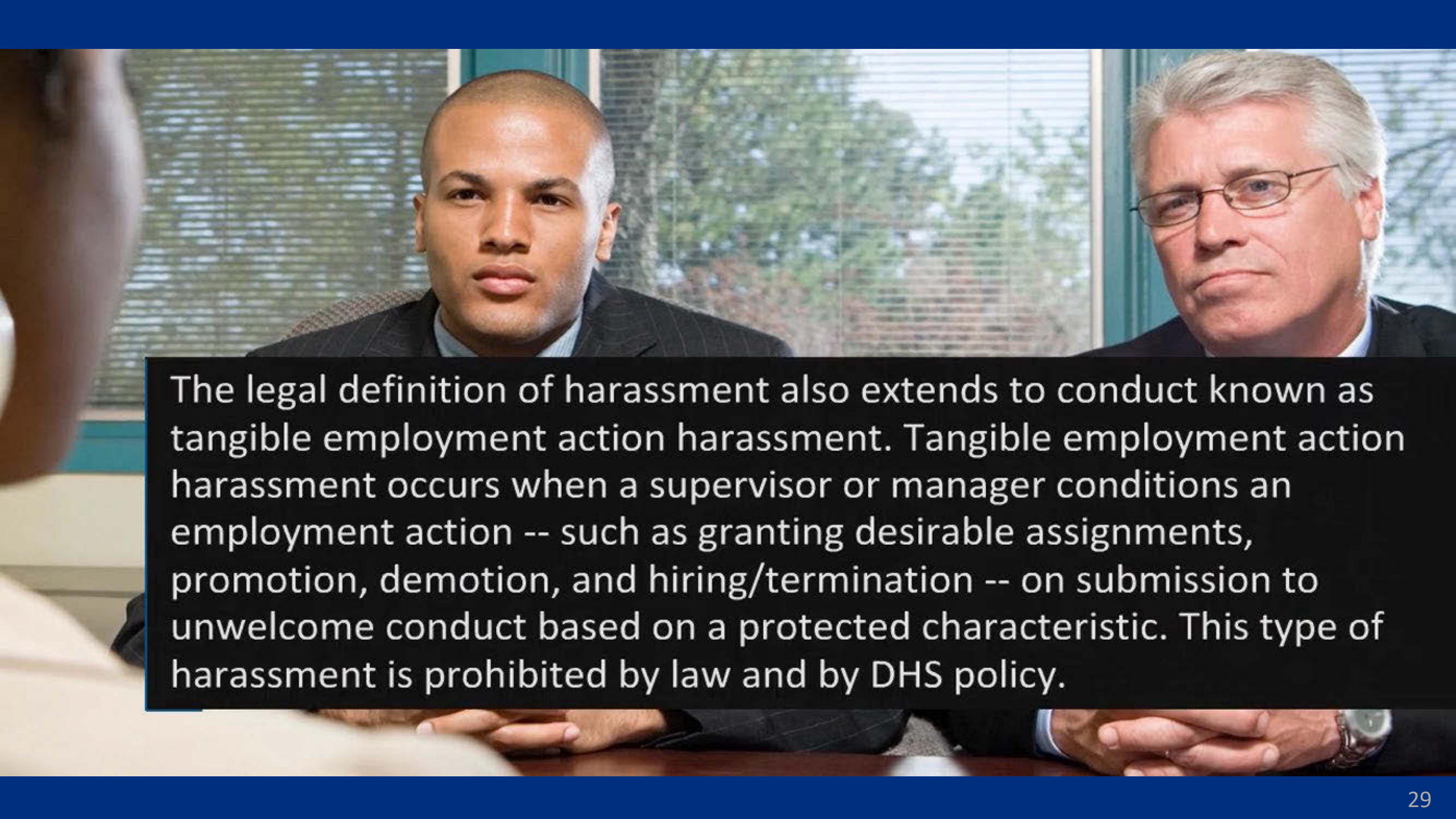


Question 5

Per DHS's Anti-Harassment Policy, do you think Maria is being harassed?

1. Yes
2. No



A photograph of two men in an office setting. The man on the left is younger, with a shaved head, wearing a dark suit jacket over a light blue shirt. The man on the right is older, with grey hair and glasses, also wearing a dark suit jacket over a light blue shirt. They are both looking towards the camera with serious expressions. The background shows a window with blinds and some greenery outside. A large black text box is overlaid on the bottom half of the image.

The legal definition of harassment also extends to conduct known as tangible employment action harassment. Tangible employment action harassment occurs when a supervisor or manager conditions an employment action -- such as granting desirable assignments, promotion, demotion, and hiring/termination -- on submission to unwelcome conduct based on a protected characteristic. This type of harassment is prohibited by law and by DHS policy.

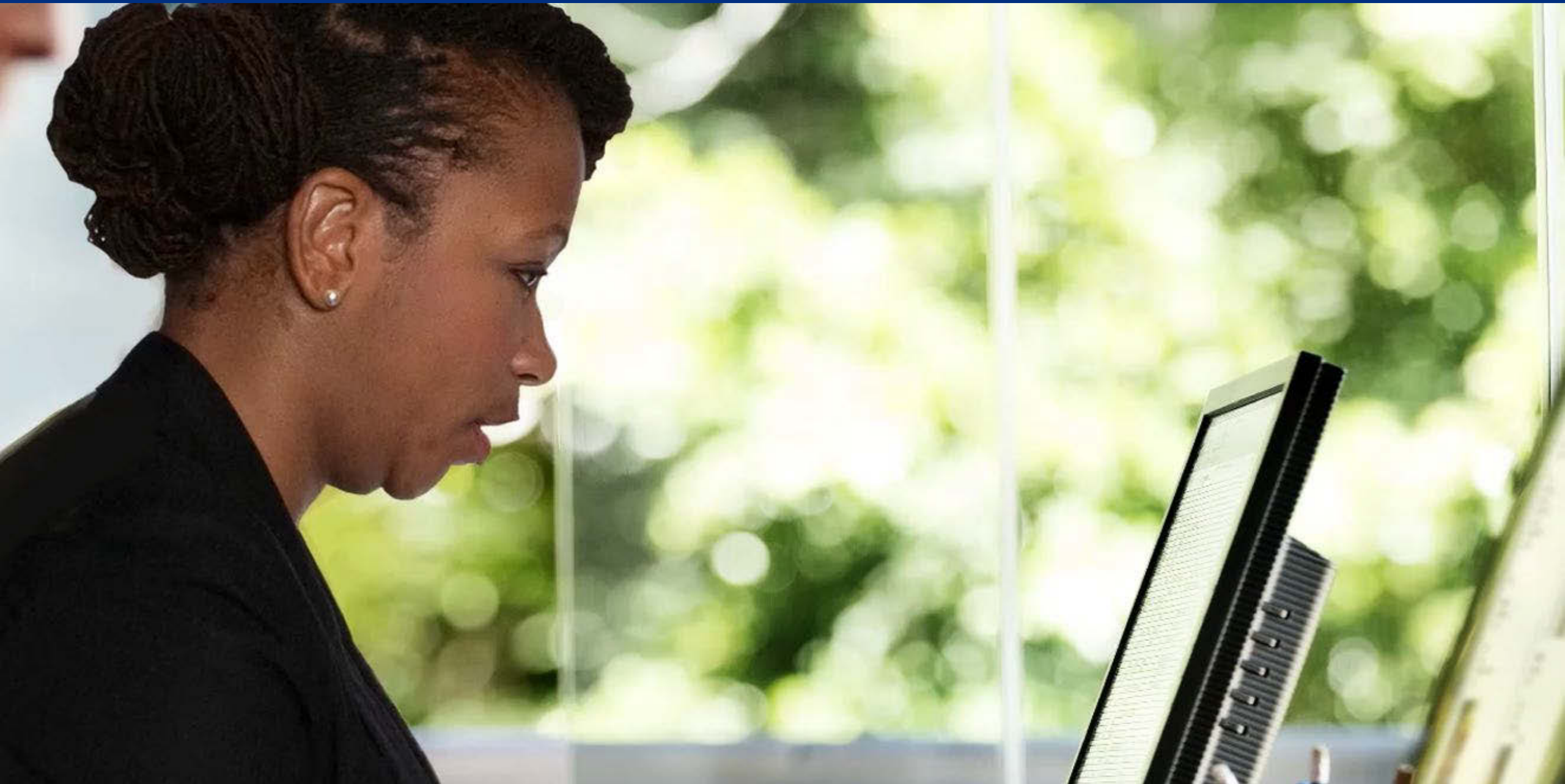


Knowledge Check

Which of the following are examples of tangible employment action harassment?

Select all that apply.

1. Rita tells Samira she can either put up with the jokes regarding various ethnic groups she uses as ice breakers to open staff meetings, or she would be happy to transfer her to another division. Samira pretends to find the jokes funny so as not to be transferred.
2. Jeff promises Grayson a raise if Grayson will give him a massage.
3. Despite being in his department the longest, Jamal hasn't been able to promote Arlene because her work effort just doesn't warrant it.
4. Amit sees that Jeremy should be promoted to a site Supervisor, but Jeremy can't access all sites in his wheelchair, so Amit doesn't give him the chance.
5. Sonya made the difficult decision to fire Janice due to consistent underperformance and routine delays in executing tasks.









Two reporting options:

Supervisor



Component
Anti-Harassment
Program



+

EEO Office





Ensure that a prompt inquiry into the matter is conducted.



Implement interim measures to ensure harassing conduct stops while the inquiry is ongoing.



Seek guidance from higher-level management officials, with Employee Relations, or their servicing legal office.



Conduct a fact-finding investigation.



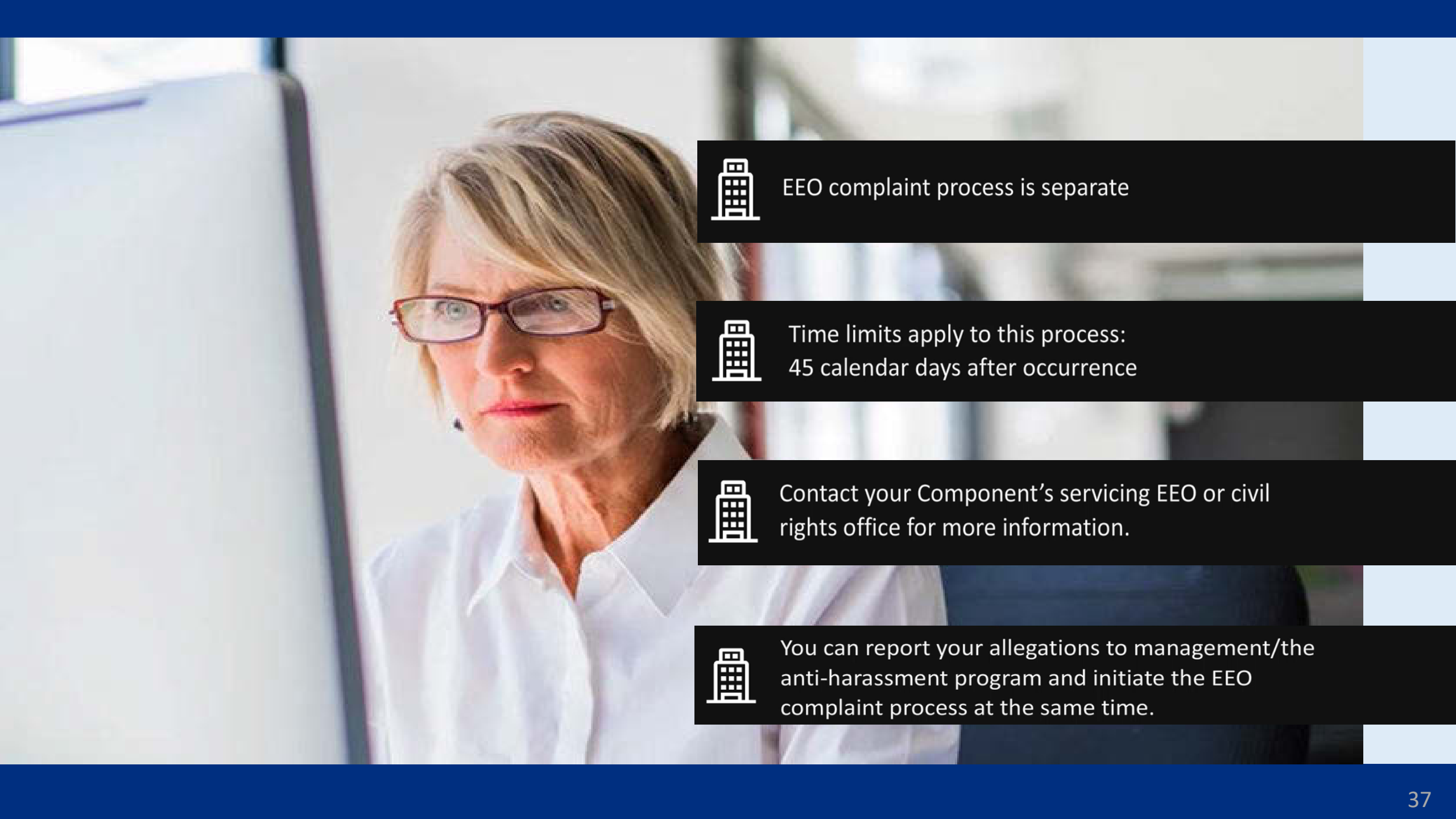
An inquiry into allegations



Conducted by a neutral fact-finder



A fact-finding report will be provided to a decision-maker to determine what, if any, corrective action is warranted.



EEO complaint process is separate



Time limits apply to this process:
45 calendar days after occurrence



Contact your Component's servicing EEO or civil rights office for more information.



You can report your allegations to management/the anti-harassment program and initiate the EEO complaint process at the same time.



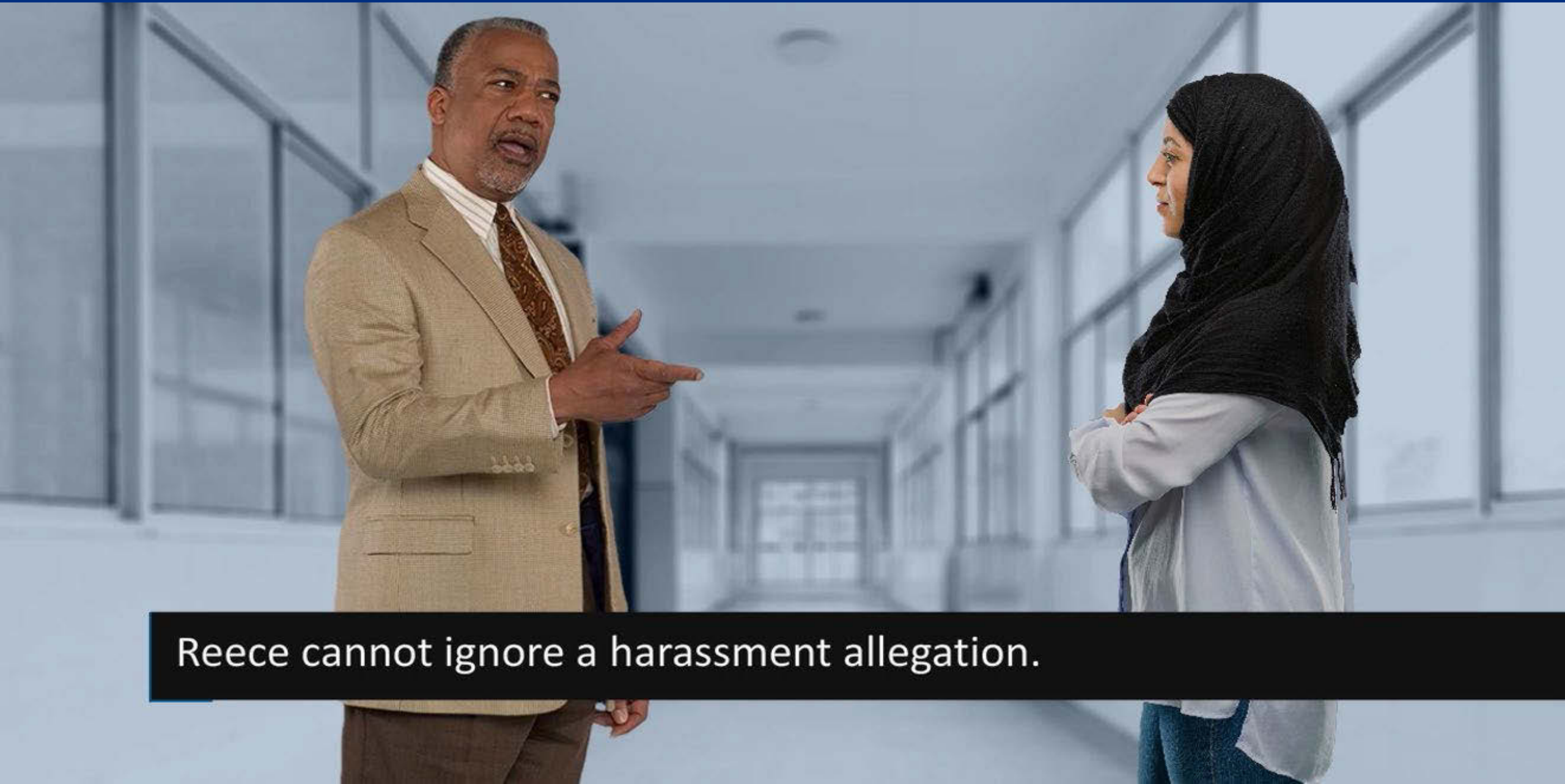
Knowledge Check

If you felt you were being harassed, what could you do?

Select all that apply.

1. Nothing. Just endure the harassment.
2. File a complaint with the EEO Office.
3. Notify my Supervisor.
4. Contact the Equal Employment Opportunity Commission.
5. Contact my Component's Anti-Harassment Program.





Reece cannot ignore a harassment allegation.

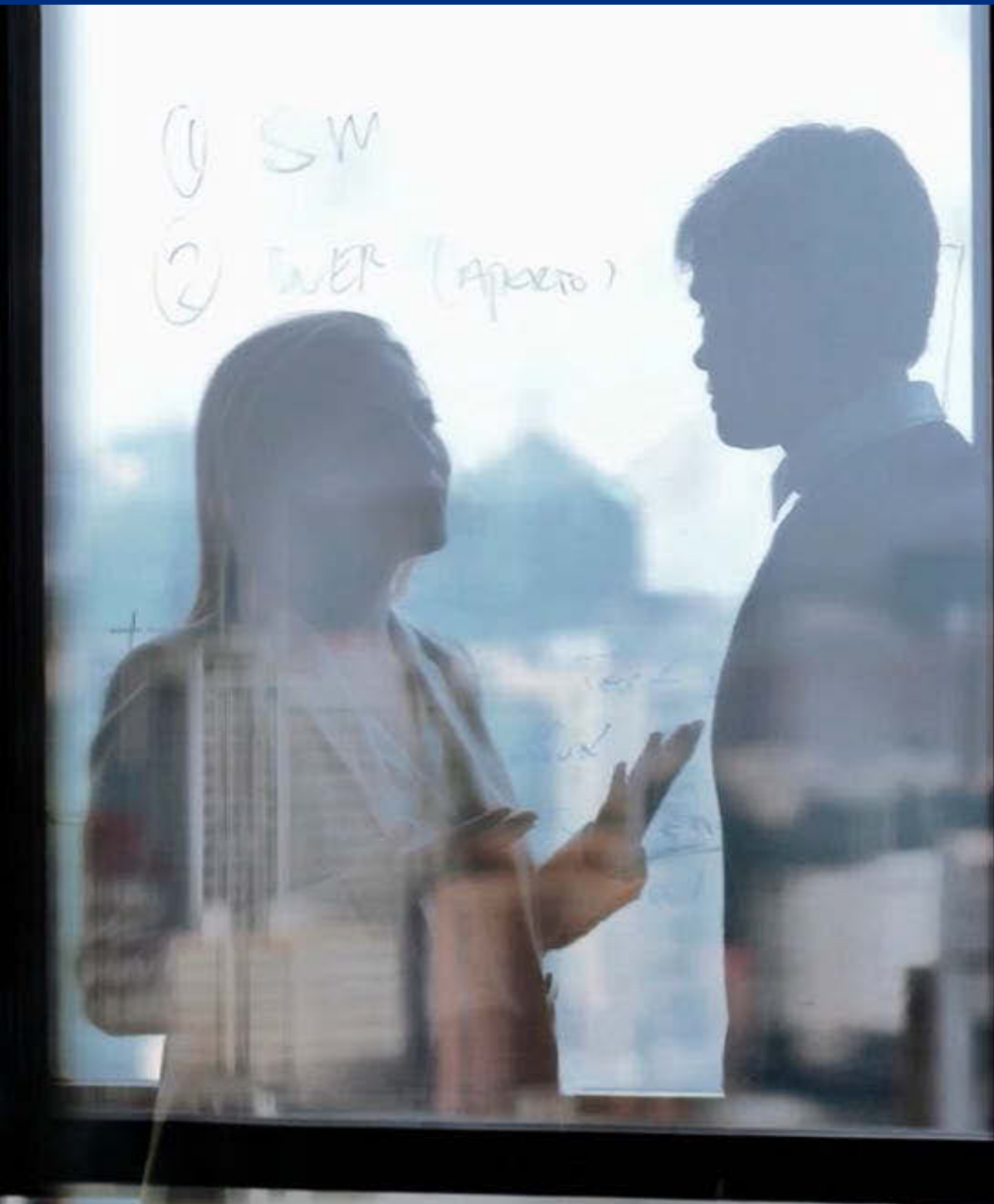


If harassment occurred, the agency has an obligation to implement effective corrective action.

Stop the harassment.

Correct its effects on the employee.

Ensure that the harassment does not recur.



Decision-makers should seek guidance from higher-level management officials, their servicing Employee Relations (or equivalent) office, and/or their servicing legal office.

Scenario

Tre recently transferred into a new department. The transfer went well, and he found his new co-workers welcoming. Furthermore, they understand Tre is hearing impaired, and make a point of looking directly at him while speaking, because they know he reads lips well. They generally accommodate alternate, visual means of communication for Tre. His co-workers involve him in group events outside of work, like their Friday lunch outings.

However, one co-worker hasn't been welcoming: Jamie could even be referred to as hostile. He talks to Tre behind his back and then makes a big deal out of having to get his attention first. Jamie frequently covers his mouth when speaking at meetings he and Tre attend together, and deliberately looks away when talking to Tre directly. Tre also gets the feeling that Jamie makes jokes with a few others about his hearing impairment, but Tre can't prove it, so he just tries to ignore it when it happens. Tre is, for better or worse, accustomed to Jamie's behavior. He's experienced this sort of thing in other stages of his life. While he dismisses Jamie's daily obnoxious behavior, one day he is tagged in a Facebook photo showing his face photoshopped onto a person standing in the middle of a busy highway, about to get struck by a car.



Question 1

After seeing it, Tre immediately reports it to his Supervisor, Janine. He explains the whole situation, and his concerns about Jamie's treatment of him. That same day, Janine speaks to Jamie and asks him to remove the Facebook post.

How would you assess Janine's response to Tre's harassment allegation?

Select the correct answer.

1. It was prompt and effective.
2. While she acted quickly, her actions were not substantial enough to address the gravity of harassment.
3. While she acted quickly, the result will be harmful to Tre.
4. Her quick action will send a message to her entire team that harassment won't be tolerated.



Question 2

What other actions could Janine take to better handle Tre's harassment claim?

1. Transfer Tre to his former department so that Jamie cannot harass him.
2. Talk to Jamie about his inappropriate behavior and advise him to stop.
3. Suggest that Jamie apologize to Tre.
4. Impose disciplinary action on Jamie.
5. Consult with her servicing employee relations office for guidance as to what disciplinary action she should take with respect to Jamie.



Question 3

Suppose Janine had dismissed Tre's allegation, or tried to make a joke out of it. What are the possible consequences of ignoring harassing behavior??

Select all that apply.

1. The morale and productivity of the team could be affected.
2. It could lead to more inappropriate conduct in the workplace.
3. The Agency could be held liable for Tre's harassment claims.
4. It is likely that Jamie would feel free to continue to harass Tre, as well as other employees.



No one wants harassment at DHS.

Two reporting options:

A Supervisor



Your Component Anti-Harassment Program



+

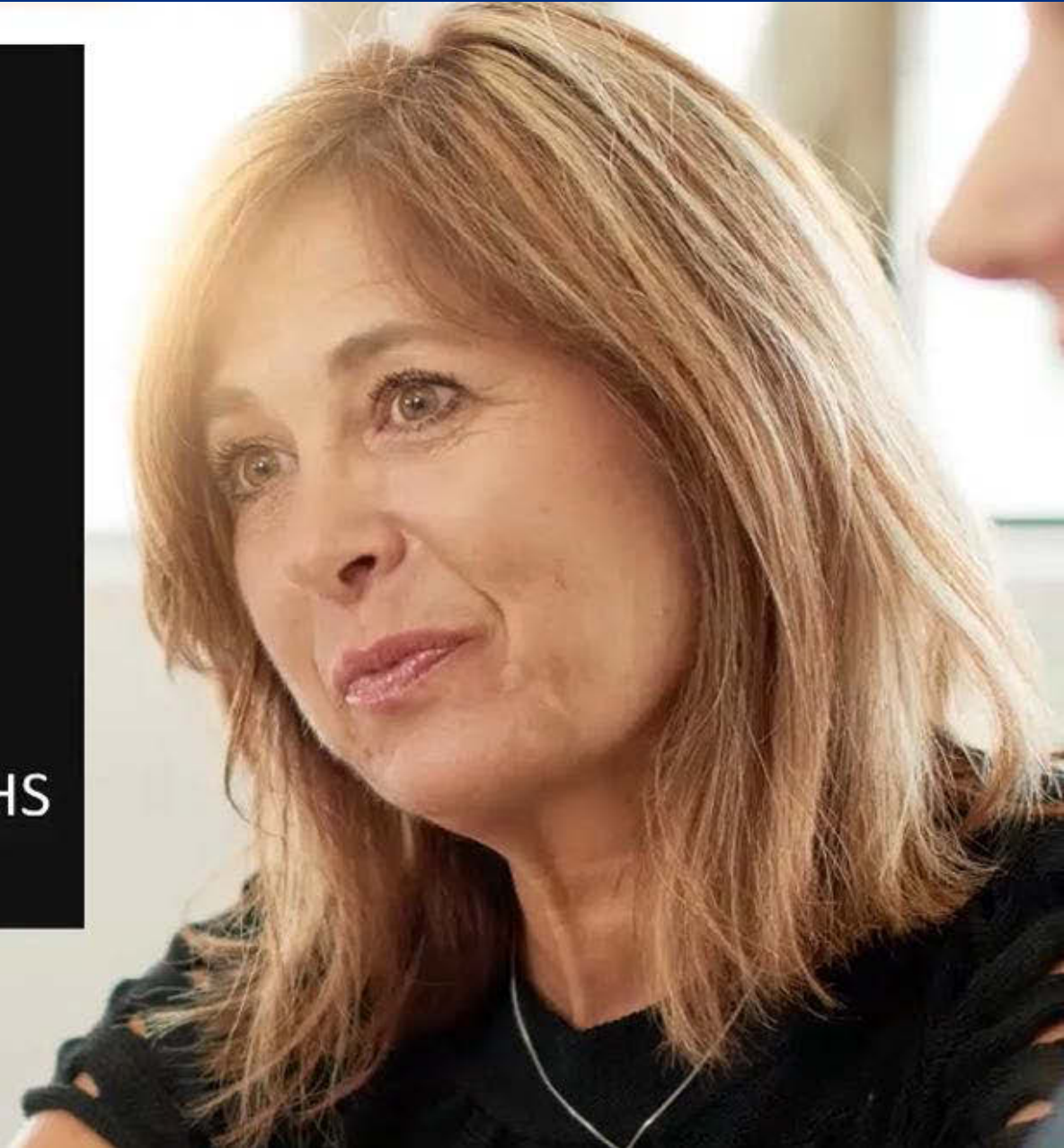
The EEO Office



Retaliation: adverse action against an individual for:

- Filing a complaint
- Helping someone file a complaint
- Being witness to an investigation
- Expressing reasonable opposition to prohibited workplace harassment

Retaliation is prohibited by law and by DHS Anti-Harassment Policy.



Scenario (Part 1)



Devin is a Program Manager. During his probationary period, he develops a friendship with his co-worker, Frances, also a Program Manager. They often talk to each other about what is going on in their personal lives, and begin to follow each other on social media. When Devin breaks up with his girlfriend, Frances offers him a lot of encouragement. Frances starts spending more time at Devin's cubicle and asks Devin out for lunch. Devin goes to lunch with Frances a few times, but then declines the next three lunch offers.

Frances asks Devin out to dinner. Devin declines and tells Frances, "I don't date people I work with." Frances responds, "Well, there is an exception to every rule." Frances continues to visit Devin's desk daily and continues to ask him out to dinner. Devin always politely declines. Frances starts leaving notes on Devin's desk and sending him emails complimenting his appearance. One evening Frances calls Devin at home and asks if he wants to meet her for a drink. Devin tells Frances, "No."

The next morning, Devin complains to his Supervisor, Kevin. Kevin laughs and asks Devin, "What's the problem? Frances is good looking."



Question 1

Is Devin being harassed?

1. Yes
2. No



Question 2

If Devin is being harassed, it must be the result of a protected basis.

Which protected basis appears to be at issue?

Select the correct answer.

1. Race
2. Disability
3. Age
4. Sex
5. Genetic information
6. National origin



Question 3

Devin went out to lunch with Frances a few times.

Would this disqualify a claim of harassment?

Select the correct answer.

1. Yes. Their lunches together suggest Devin was also sexually interested in Frances.
2. No. Devin made clear that he was no longer interested in going to lunch with Frances.
3. No. By DHS's single-incident policy, all negative behavior qualifies as harassment, even if one party encourages the harassing behavior.



Question 4

Kevin, Devin's Supervisor, does not act as though the issue is serious.

What are the risks posed by this inaction?

Select all that apply.

1. He risks leaving DHS liable for Devin's harassment claim.
2. He risks creating an impression that sexual harassment is acceptable within his department.
3. He risks leaving Frances to believe that she can continue her harassing behavior.

Scenario (Part 2)



Devin is unsatisfied with Kevin's response, and presses him to at least talk to Frances. Kevin relents, and within a couple days, speaks to Frances.

After that time, Frances becomes cool and distant towards Devin. When Devin and Frances have to work together on a project, Frances is short with Devin, and later complains that Devin doesn't keep up his end of the project.

She tells her Supervisor that it is clear Devin doesn't know what he's doing. At the same time, Devin starts to overhear co-workers referring to him as “soft” and as a “troublemaker.”

Devin complains to Kevin that, since he came to him about Frances, he is being treated differently by Frances and his co-workers.



Question 1

With respect to Devin's interactions with Frances, which statement is true?

Select the correct answer.

1. Frances has ceased to harass Devin.
2. Frances has started retaliating against Devin for complaining to Kevin.
3. Kevin, when pushed, took prompt and effective corrective action.



Question 2

It is possible Kevin will ultimately respond to Devin's additional complaint effectively.

If he doesn't, what other actions could Devin take?

Select all that apply.

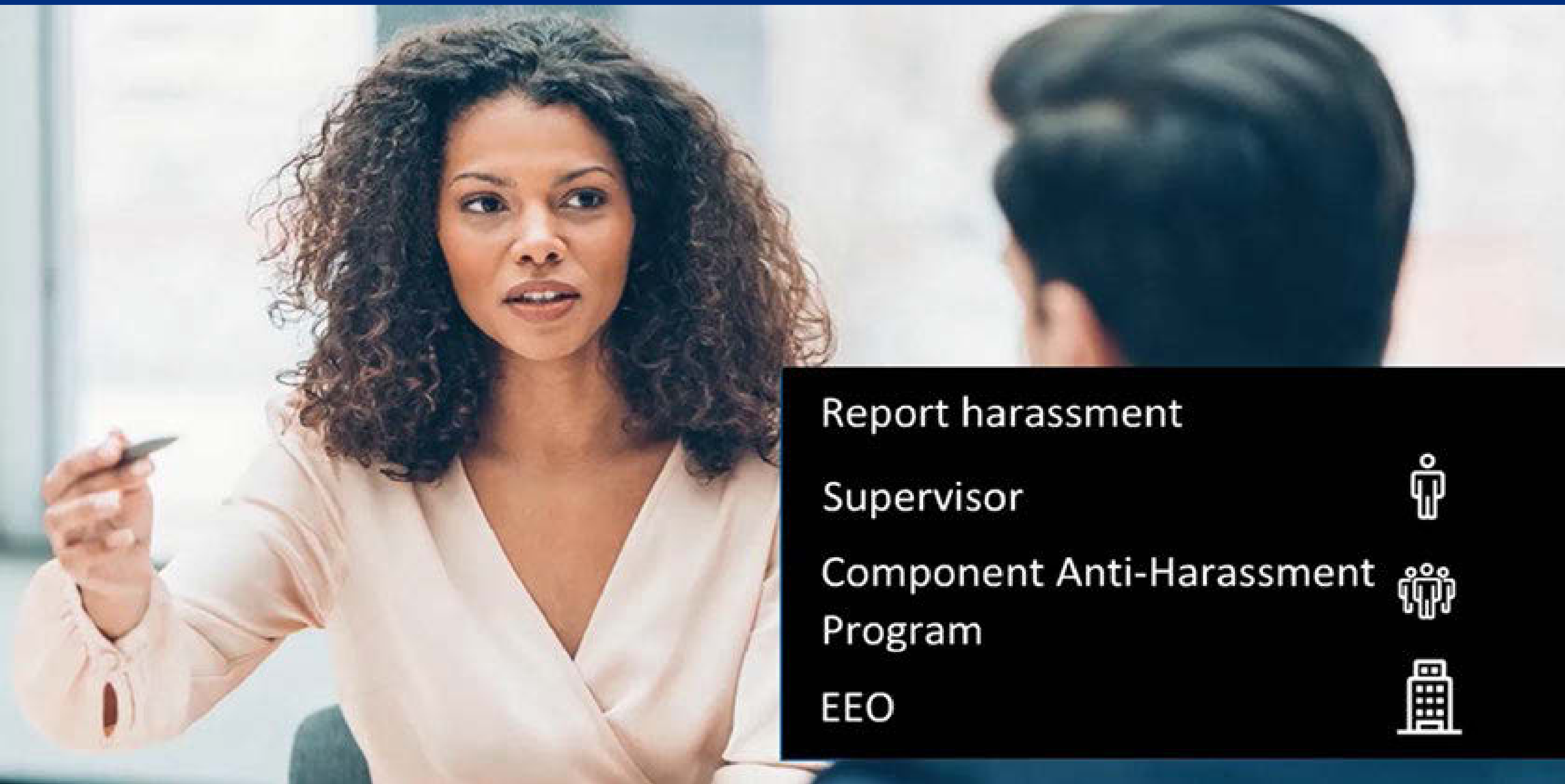
1. Devin could file a complaint with the EEO Office.
2. Devin could file a complaint with the EEOC.
3. Devin could file a complaint with his Component's Anti-Harassment Program.
4. Devin could report the incident to a higher-level management official.





Harassment:
Unwelcome verbal, nonverbal, or physical conduct, because of a protected basis, which is so objectively offensive as to alter the conditions of an individual's employment





Report harassment

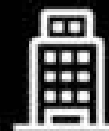
Supervisor




Component Anti-Harassment Program



EEO





Preventive measures:

- Know the Agency's Anti-Harassment Policy.
- Be mindful of conversations, jokes, etc., held in the office.
- Treat everyone with respect.

Supervisors and Managers have a special responsibility to implement effective corrective action.



Homeland Security



Preventing and Addressing Workplace Harassment

SEE FACILITATOR/TRAINING OFFICER FOR TEST