



Employees' Guide to Understanding Sexual Harassment

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Dear Postal Employee:

The United States Postal Service wants all employees to know that sexual harassment will not be tolerated in the workplace. This guide will help you learn about sexual harassment. This is important because the only way to achieve a workplace free of such harassment is to make sure everyone knows what it is and what to do about it when it happens. Employees have to do their part. Read the guide. Absorb it.

The Supreme Court has ruled time and again that sexual harassment is improper and unlawful. And the Postal Service recognizes that it also undermines employee morale. The law requires employers to take all reasonable steps to end sexual harassment in the workplace. If you feel you are being sexually harassed, report it, if not to your immediate supervisor then to another supervisor, or to someone who can do something about it. Help is available, but you have to do your part by reporting it.

Know your rights. Take responsibility. Read the guide.

A handwritten signature in white ink on a dark blue background. The signature is cursive and reads "William J. Henderson".

William J. Henderson
Postmaster General, CEO

USPS policy on sexual harassment

The United States Postal Service is committed to providing a work environment free of sexual harassment.

Sexual harassment is improper and unlawful conduct that undermines the employment relationship as well as employee morale. Examples of such harassment include, but are not limited to, the following:

- Making or threatening to make employment decisions based on an employee's submission to or rejection of sexual advances or request for sexual favors.
- Deliberate or repeated unsolicited remarks with a sexual connotation or physical contacts of a sexual nature that are unwelcome to the recipient.
- A sustained hostile and abusive work environment so severe and pervasive that it interferes with or changes the conditions of one's employment.

Employees who engage in sexual harassment will be subject to disciplinary action, up to, and including, removal.

If an employee engages in inappropriate conduct in the workplace, it may also violate the Postal Service's standards of conduct. Disciplinary action may result even if the conduct is not sexual harassment under the law.

All managers and supervisors are responsible for preventing sexual harassment in the workplace and must respond promptly when they learn of any conduct that may be sexual harassment. Managers and supervisors must see that a prompt and thorough investigation of the conduct takes place. If sexual harassment is found, they must take prompt and appropriate remedial action.

Postal employees who believe that they are the victims of sexual harassment should bring the situation to the attention of any supervisor or manager, or to Human Resources. In addition, employees can seek relief through the Equal Employment Opportunity (EEO) complaint process, grievance arbitration procedures for bargaining unit employees under the collective bargaining agreements, and the grievance procedures, where appropriate, under the ELM for applicable nonbargaining employees. If pursuing an EEO complaint, you must contact an EEO counselor within 45 days of the act(s) giving rise to your claim in order to preserve your rights under federal law.

Report any possible criminal misconduct to the Postal Inspection Service.

The U.S. Postal Service will not tolerate sexual harassment.

What employees must know about sexual harassment

You have the right to work in an environment free of sexually harassing behavior.

You must avoid the type of conduct that typifies sexual harassment.

Every employee has a right and a responsibility to stop the behaviors that constitute sexual harassment: Never ignore it!

Those in authority — whether a supervisor or department head — have the responsibility to conduct a prompt inquiry into the charges of sexual harassment and to see that a prompt and thorough investigation is conducted.

Those in authority must also take prompt remedial action when harassment is found. To this end, they must remedy the situation and take disciplinary action against a harasser, when appropriate.

The definition of sexual harassment

Although sexual harassment has become a familiar term in our vocabulary, it is not always easy to define. Issues of “he said — she said” abound, and behavior that seems harmless to some is perceived as offensive by others. The Equal Employment Opportunity Commission and the courts have established some basic guidelines.

Sexual harassment can cover a wide array of behaviors—words, actions or most often, a combination of the two. It can range from the display of sexist cartoons to pressure to engage in sexual behavior. It includes behaviors such as repeated comments about a person’s appearance, brushing up against someone, displaying sexually explicit pictures, making frequent sexual comments or jokes, unwelcome intimate touching, patting or grabbing and sex for favors.

Behaviors that go beyond these, such as rape and other sexual acts involving force or coercion, are criminal offenses and should be immediately reported to local law enforcement and the Postal Inspection Service.

Types of sexual harassment

Quid pro quo: trading personnel decisions for personal gain

The first type of sexual harassment is *quid pro quo*, which is Latin for “something for something.” This type of sexual harassment arises when a person in authority tries to trade job benefits for sexual favors. It is an abuse of power and authority to coerce an employee to give in to a superior’s wishes.

Examples:

“Have dinner with me tonight, or I’ll deny your request for annual leave.”

“If you really want to make a career for yourself here, you’ll go out with me.”

When employees believe that they must comply with such a request or suffer the consequences, it is sexual harassment.

Hostile environment: crossing the line between social nuisance and sexual harassment

The second form of sexual harassment, *hostile environment*, covers a broad range of behaviors and situations. It is most often defined as a pattern of continuing unwelcome behavior of a sexual nature that is intended to, or does, unreasonably interfere with an employee’s work performance, or one that creates an intimidating, hostile or offensive work environment.

At times, it is difficult to determine whether the behavior at issue constitutes hostile environment harassment. For example, the alleged harasser may make overly personal comments which could simply be the result of his or her poor judgment. On the

other hand, the comments may be so offensive and inexcusable that they warrant being labeled as sexual harassment. Sometimes behavior that is insensitive, juvenile, or overly friendly, even though it may be offensive to some people, may not be interpreted as sexual harassment as defined by law. However, neither you nor your managers should tolerate offensive or crude behavior in the workplace, and the Postal Service will not tolerate such behaviors whether or not they violate the law.

Who is protected from sexual harassment

Both men and women are protected from sexual harassment by the opposite or the same sex.

The problem of perception

What one person may perceive as sexually harassing behavior, another may think of as expressions of concern, or mild, inoffensive flirtation. It is often very difficult to draw a line between sexual harassment and social insensitivity. And, unfortunately, the law does not provide any predetermined rule or standard about exactly what comments and behaviors will constitute illegal sexual harassment. However, bear in mind that if a “reasonable person” would find the behavior so offensive as to interfere with his or her work performance, then it is more likely to be sexual harassment.

Importance of communicating unwelcomeness

Obviously, if someone is being harassed, he or she should be sure to let the harasser know in no uncertain terms to stop the behavior. This does **not** mean that the victim has to confront the harasser or put it in writing. Nonverbal behavior can also be sufficient in some cases to communicate unwelcomeness. “No” means no whether communicated verbally or nonverbally. However, a clearly communicated “no” more often deters the harassment.

Sexual harassment and the office romance

Is it possible for there to be an office romance without fear of being charged with sexual harassment? Yes, so long as the relationship is fully consensual. But trouble often ensues when a relationship that was once seemingly fully consensual ends, and one or both parties accuse the other of misconduct. The subordinate employee may claim that the relationship was not consensual after all, or that the supervisor's decisions since the relationship ended have been retaliatory.

Not surprisingly, if a supervisor who engages in office romances also makes it a practice to favor those with whom the supervisor is involved, he or she may create an atmosphere in which others in the office believe that their chances of advancement depend on their willingness to have a relationship with the supervisor. Then the relationship between the supervisor and that employee is not fully consensual because the employee believes that the only way to get ahead is to submit to the romantic overtures.

Therefore, even though office romances are not illegal, employees interested in avoiding potential trouble should not engage in such relationships with coworkers or supervisors.

How you can tell if your own behavior amounts to sexual harassment

Sometimes, people worry that their actions, intended as mere innocent fun, might be mistaken for or perceived as sexually harassing behavior. The line between illegal sexual harassment and overly friendly actions is often a fine one, but an important distinction to note is that sexual harassment is unwelcome. Be alert for signs, verbal or non-verbal, that your behavior is unwelcome. If you are unsure, consider asking. Also, keep in mind that your behavior may offend someone other than the person to whom you are directing it.

Warning: Any behavior that is inappropriate in the workplace, even if not sexual harassment under the law, may violate Postal Service standards of conduct. You could be subject to disciplinary action on that basis.

What to do if you are sexually harassed

First, tell the person to stop! If you are not able to do so alone, ask a friend or a trusted coworker to help you talk to the harasser.

Sometimes, people are unaware that their behavior is offensive or even harassing until it is brought to their attention. If you can communicate your belief that the behavior is offensive and make clear your desire that it be stopped, sometimes doing so will be enough. Reminding people that harassment is illegal can also help reinforce your message.

Whether you get the harasser to stop or not, report harassing behavior to those in authority who will make a record of it and are responsible for stopping it. You can write, or just talk to any of the following:

- Your immediate supervisor
- Any supervisor or manager
- Human Resources staff
- An EEO counselor
- A postal inspector when you believe that criminal misconduct is involved.

As an alternative, if you are uncomfortable making a report yourself, you can call the Employee Assistance Program (EAP) Hotline — (800) 327-4968 — to make your report. You also can ask a union representative, an EAP counselor or a coworker to speak to a manager on your behalf.

Keep a written record of all the people you talked to including supervisors and witnesses.

It is possible that in some circumstances, employees could lose their right to pursue a successful legal action if they failed to take advantage of the Postal Service's internal procedures for reporting and resolving sexual harassment complaints. In order to preserve all of your rights, *use the process*.

What supervisors and managers must do

The law requires employers to take all reasonable steps to end sexual harassment in the workplace, and to remedy those situations where it occurs.

Managers or supervisors who receive information regarding a situation that may involve sexual harassment are required to conduct a thorough inquiry (or to ensure that the information reaches a manager or supervisor who has the authority to conduct the inquiry). They must determine if the employees involved need to be moved apart. They must take prompt action to put an end to the harassment and follow up with discipline when appropriate. If you believe that the person to whom you reported the harassment has not taken prompt action, discuss the matter with another appropriate person. Even if you use the Equal Employment Opportunity (EEO) complaint process, postal management in some situations may still be required to address your complaint about sexual harassment in the workplace.

No retaliation

Retaliation against an employee who raises a claim of sexual harassment or provides evidence in an investigation is illegal.

When it becomes a crime

If you believe you are a victim of a criminal sexual assault, contact local law enforcement and Postal Inspectors, and seek immediate medical attention whether you are injured or not.

What you need to know about EEO

If you choose to pursue a complaint through the EEO process, you must contact an EEO counselor within 45 days of the most recent incident(s) of harassment. It is essential that the filing be timely, or you could lose your right to pursue an EEO case under federal law.

Other resources

In addition, other resources inside and outside of the Postal Service are available to provide you with assistance and support.

USPS Employee Assistance Hotline:
(800) 327-4968

National Domestic Violence Hotline:
(800) 799-7233

Rape, Abuse and Incest Network:
(800) 656-4673



DIVERSITY PROGRAMS
RM 3821
475 LENFANT PLAZA SW
WASHINGTON DC 20260-5600

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10