BULLETIN
FEDERAL MEDIATION AND CONCILIATION SERVICE

SUBJECT: Sexual Harassment

No.: 83-BUL-102

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TO: All Employees

FROM: Peter L. Regner, Director PR
Equal Employment Opportunity Program

Sexual harassment is a form of employee misconduct which undermines the integrity of the employment relationship. All employees must be allowed to work in an environment free from unsolicited and unwelcome sexual overtures. Sexual harassment does not refer to occasional compliments. It refers to behavior which is not welcome, which is personally offensive, which debilitates 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;
- physical contact such as patting, pinching or constant brushing against another's body;
- demands for sexual favors, accompanied by implied or overt promises of preferential treatment or threats concerning an individual's employment status.

Sexual harassment is a prohibited personnel practice when it results in discrimination for or against an employee on the basis of conduct not related to work performance, such as the taking or refusal to take a personnel action, including promotion of employees who submit to sexual advances or refusal to promote employees who resist or protest sexual overtures.

Within the federal government, a supervisor who uses implicit or explicit coercive sexual behavior to control, influence, or affect the career, salary, or job of an employee is engaging in sexual harassment. Similarly, an employee of an agency who behaves in this manner in the process of conducting agency business is engaging in sexual harassment.

It is possible for sexual harassment to occur at two levels: among peers or co-workers, or between supervisors and subordinates. Individuals who experience sexual harassment from co-workers should either make it clear that such behavior is offensive to them or bring the matter to the appropriate supervisor's attention or to the attention of other appropriate officials. In

fulfilling their obligations to maintain a positive and productive work environment, supervisors must attempt to halt any harassment of which they become aware by calling attention to this agency's policy or by more direct disciplinary action, if necessary. Failure of a supervisor to take appropriate action to halt sexual harassment practices constitutes a dereliction of duty.

A form of sexual harassment which may be difficult for employees to cope with occurs when people offer or threaten to use the power of their office or position to control, influence or affect the career, salary, or job of another employee (or prospective employee) in exchange for sexual favors. Individuals who instigate this type of harassment are also subject to disciplinary action, including suspension, demotion or removal.

Complaints of sexual harassment involving misuse of one's official position should be made orally or in writing to a higher-level supervisor, to an appropriate personnel official, or to anyone authorized to deal with discrimination complaints (e.g. EEO counselor, union official, etc.)