



EMPLOYEE'S GUIDE TO
**UNDERSTANDING
SEXUAL HARASSMENT**

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Publication 553

Dear Postal Service Employee:

The United States Postal Service wants you to know that sexual harassment will not be tolerated in the workplace. Publication 553 will help you learn about sexual harassment. This is important because the only way to achieve a workplace free of such behavior is to make sure everyone knows what it is and what to do about it when it happens. You, as an employee, have to do your part. Read and become familiar with this guide and report improper behavior.

The Supreme Court has ruled that sexual harassment is improper and unlawful. Sexual harassment also undermines employee morale. The law requires employers to take reasonable steps to end sexual harassment in the workplace. If you feel you are being sexually harassed, report it to your immediate supervisor, another supervisor, or someone who can do something about it. Help is available, but you have to do your part by reporting it.

Read the guide. Know your rights. Take responsibility.

A handwritten signature in black ink that reads "John E. Potter". The signature is written in a cursive style with a large, looping initial "J".

John E. Potter
Postmaster General, CEO

Postal Service Policy on Sexual Harassment

The United States Postal Service is committed to providing a work environment free of sexual harassment and inappropriate sexual conduct. The Postal Service's workforce must be one in which all employees are treated with dignity and respect by supervisors, subordinates, and coworkers. There is no place in the Postal Service's workplace for sexually intimidating, embarrassing, or coercive behavior.

Sexual harassment is against the law. Employees will be subject to disciplinary action, up to and including removal, for engaging in sexually harassing behavior such as, but not limited to:

- Making or threatening to make employment decisions based on an employee's submission to or rejection of sexual advances or requests 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.
- Behavior that creates a sustained hostile or abusive work environment so severe or pervasive that it unreasonably interferes with or changes the conditions of one's employment.

Although not every instance of inappropriate sexual behavior may fit the legal definition of sexual harassment, such behavior in the workplace undermines morale and violates the Postal Service's standards of conduct. Disciplinary action may result even if the conduct is not sexual harassment under the law. The Postal Service owes its employees a safe, productive, and inclusive workplace and can tolerate nothing less.

Postal Service employees who believe they are the victims of sexual harassment or inappropriate sexually based conduct or who have witnessed inappropriate conduct of a sexual nature should

bring the situation to the attention of a manager, supervisor, union official, an Equal Employment Opportunity (EEO) counselor, or the manager of Human Resources.

All managers and supervisors are responsible for preventing sexual harassment and inappropriate behavior in the workplace and must respond promptly when they learn of any such conduct. Any manager or supervisor who receives a complaint will see that a prompt and thorough investigation is conducted and ensure that the harassment/inappropriate conduct does not happen again. The Initial Management Inquiry Process materials available in Publication 552, *Manager's Guide to Understanding Sexual Harassment*, should be used by all managers and supervisors when a complaint is brought to their attention. If sexual harassment or inappropriate conduct is found, managers must take prompt and appropriate remedial action.

In addition, employees can seek relief through the EEO complaint process, grievance arbitration procedures established through the collective bargaining agreements with the unions, and the nonbargaining grievance procedures described in section 650 of the *Employee and Labor Relations Manual* (ELM). Employees pursuing an EEO complaint must contact an EEO counselor within 45 days of the act(s) giving rise to the claim in order to preserve their rights under federal law.

Any possible criminal misconduct should be reported to the Postal Inspection Service.

Retaliation against employees who raise a claim of sexual harassment, report inappropriate conduct, or provide evidence in any investigation is illegal and can result in disciplinary action.

The Postal Service will not tolerate sexual harassment, any inappropriate sexual conduct, or reprisal in the workplace.

What You Should Know About Sexual Harassment

You have a right to work in an environment free of sexual harassment.

The only way to achieve a workplace free of sexual harassment is to make sure that every employee knows what to do about it when it happens.

You can help identify and stop sexual harassment in the workplace:

- Do not ignore sexual teasing, jokes, remarks, or questions.
- Do not condone harassment by participating or remaining silent.
- Ask the person or persons doing the harassing to stop.
- Report harassing behavior to your immediate supervisor, another supervisor, or someone else who can do something about it (e.g., a manager, union official, an EEO counselor, or the manager of Human Resources).

Those in authority have the responsibility to see that a prompt and thorough investigation is conducted and to remedy the situation.

Help is available. Do your part. Take appropriate action.

What Sexual Harassment Is

Although a familiar term, *sexual harassment* 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. Nonetheless, over the years, a number of principles have become well established and offer guidance as to what can constitute a sexual harassment claim.

Sexual harassment can cover a wide array of behaviors. It can consist of words, actions, or, most often, a combination of the two. It can range from the display of sexist cartoons to the crime of rape. It includes obvious things such as an invitation to have sex in exchange for favors or unwelcome intimate touching, patting, or grabbing. Yet it can also include less obvious behaviors such as repeated comments about a person's appearance. Other behaviors such as brushing up against someone, displaying sexually explicit pictures or e-mails, and making frequent sexual comments or jokes can also constitute sexual harassment.

Rape and other sexual acts involving force or coercion are also criminal offenses and should be reported immediately to local law enforcement agencies and the Postal Inspection Service.

Two Types of Sexual Harassment

Quid pro quo: trading personnel decisions for personal gain

Quid pro quo, Latin for "something for something," is the type of sexual harassment that arises when a person in authority tries to trade job benefits for sexual favors. It is the use of power and authority to alter an employee's job conditions or withhold an economic benefit because the employee refuses to submit to the sexual demands.

If the employee does not submit to the demand and the manager, postmaster, or supervisor then carries out the threat so that a tangible employment action — e.g., demotion, denial of promotion, discharge — results, it is *quid pro quo* harassment. Note, however, that even if the threat is not carried out, the statement could nonetheless constitute hostile environment harassment.

Hostile environment: crossing the line between social nuisance and 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 unreasonably interferes with an employee's work performance or that creates an intimidating, hostile, or offensive work environment. A hostile environment may also be created in a situation when an employee submits to sexual demands of a manager, postmaster, or supervisor and receives a benefit as a result. In addition, behavior that is not necessarily sexual in nature but that is demeaning or abusive toward members of one sex can also constitute hostile environment harassment.

At times it is not easy to determine whether the conduct at issue rises to the level of sexual harassment. Behavior that is insensitive, juvenile, or boorish, even though it may be offensive to some people, may not be interpreted as sexual harassment as defined under the law. However, neither you nor your managers should tolerate inappropriate behavior in the workplace. The Postal Service will not condone such behavior.

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 a "bright-line" rule about exactly what comments and behaviors constitute 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 likely to be considered sexual harassment.

Importance of Communicating That Words or Actions Are Unwelcome

Obviously, if you are being harassed, you should be sure to let the harasser know in no uncertain terms to stop the behavior. If you are not able to do so alone, you could ask a friend, union official, or a trusted coworker to help you talk to the harasser. This does not mean that you have to confront the alleged harasser or put it in writing. Nonverbal behavior can also be sufficient in some cases to communicate unwelcomeness. "No" means "no," whether it is communicated verbally or nonverbally. However, a clearly communicated "no" more often deters the harassment. You should also report the incident to your manager or supervisor.

Sexual Harassment and the Office Romance

The Postal Service strongly discourages supervisors and employees from engaging in romantic and/or physical relationships. Perceptions of unfair treatment often arise under these circumstances and undermine employee morale.

When a supervisor who engages in office romances appears to favor those with whom he or she is involved, the relationships tend to foster a belief among other employees that their chances for advancement depend upon their willingness to engage in similar conduct with the supervisor. Relationships between supervisors and employees that are based on such a belief are not fully consensual. Therefore, even though office romances are not illegal, managers who hope to be leaders in the Postal Service should avoid such relationships. And all employees can avoid trouble by avoiding such relationships with coworkers or supervisors.

How You Can Tell If Your Own Behavior Amounts to Sexual Harassment

Sometimes actions, although intended as merely innocent fun, may be perceived as sexually harassing behavior. The line between sexual harassment and overly friendly actions is often a fine one, but an important distinction to note is that sexual harassment is unwelcome. The workplace should not be a place where people are subject to offensive comments, actions, or behavior. Be alert for signs, verbal or nonverbal, 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 it is directed.

Any behavior that is inappropriate in the workplace, even if it does not rise to the legal definition of sexual harassment, may violate Postal Service standards of conduct. This very same behavior often leads to incidents of sexual harassment. If you are offended by someone's behavior, report the behavior to your supervisor or manager so that it can be addressed. If your behavior offends someone else, you could be subject to disciplinary action on that basis.

What to Do If You Are Sexually Harassed

First, Tell the Harasser to Stop!

Sometimes, people are unaware that their behavior is offensive or even harassing until it is brought to their attention. Communicating your belief that the behavior is offensive and making clear your desire that it be stopped may be sufficient to end the offensive or harassing behavior. Reminding people that harassment is illegal can also help reinforce your message.

If you are not comfortable confronting the harasser alone, ask a friend, union official, or a trusted coworker to help you talk to the harasser.

Second, Report It!

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.
- The manager of Human Resources.
- An EEO counselor.
- A union official.
- A Postal Service inspector when you believe that criminal misconduct is involved.

As an alternative, if you are uncomfortable making a report yourself, you can ask a union representative or a coworker to speak to a manager on your behalf. The Postal Service will protect the confidentiality of harassment complaints to the extent possible.

The Employee Assistance Program (EAP) is available to provide you with emotional support for problems that may result from being sexually harassed. You can contact an EAP counselor at 800-EAP-4-YOU (800-327-4968).

Keep a written record of all the people you speak to about the incident(s), including supervisors and witnesses. In some circumstances employees may lose their right to pursue a successful legal action if they fail 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.

You have the right to pursue a complaint through the Equal Employment Opportunity (EEO) process. If you choose to do so, you must contact an EEO counselor within 45 days of the act(s) giving rise to the claim. It is essential that the filing be timely, or you could lose your right to pursue your complaint under federal law.

What Supervisors and Managers Must Do to Prevent Sexual Harassment

The law requires employers to take reasonable steps to end sexual harassment in the workplace and to remedy the situation when harassment is found.

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 also determine if the employees involved need to be moved apart. In addition, they must take prompt action to put an end to the harassment and follow up with discipline when appropriate.

If you believe that a person to whom you report harassment has not taken prompt action, discuss the matter with another appropriate person. Even if you use the EEO complaint process, Postal Service management is still required to address your complaint about sexual harassment in the workplace.

Why You Need Not Fear Retaliation

Retaliation against an employee who raises a claim of sexual harassment or provides evidence in an investigation is illegal and will not be tolerated. You, as an employee, need to understand that you are protected. Report retaliation to a manager, supervisor, union official, an EEO counselor, or the manager of Human Resources.

When Harassment Becomes Assault

If you believe you are the victim of a criminal sexual assault, contact local law enforcement and Postal Service inspectors and seek immediate medical attention.

Contractors, Vendors, and Other Third Parties

Just as the Postal Service will not tolerate sexual harassment by or against its employees, it also will not tolerate it by or against *anyone* in the workplace, including contractors, vendors, and other third parties who may be in the workplace only temporarily. If you feel you are being sexually harassed, you should report the incident to a manager, supervisor, an EEO counselor, or the manager of Human Resources.

Other Resources

Resources inside and outside 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**



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