



Harassment Reporting & Investigation Procedures

U.S. Occupational Safety and Health Review Commission

The Review Commission's Policy

- It is the policy of the Review Commission to prohibit harassment and to convey that such conduct will not be tolerated. Employees are encouraged to report harassment to a supervisor or other management official before it becomes severe or pervasive and elevates to the level of a hostile work environment. Harassment based on race, color, religion, gender (sexual or non-sexual), national origin, age (40 or older), disability, genetic information, and retaliation is prohibited.
- Additionally, the Review Commission will not condone any form of retaliation towards employees who report incidents of harassment or assist in any inquiry about such a report. The Review Commission's Anti-Harassment policy applies to all employees in their working relationships and to unlawful harassment by anyone in the workplace, including harassment by co-workers, supervisors, or non-employees.

Harassment

Harassing conduct, which may be oral and/or written, includes, but is not limited to the following:

- Epithets, slurs, jokes, insults, negative stereotyping, or threatening, intimidating or hostile acts, that relate to a person's race, color, sex, gender, national origin, age (40 or older), disability, religion, genetic information, or retaliation;
- Written material (including graphics) which demeans or shows hostility or aversion toward an individual or group because of race, color, sex, gender, national origin, age (40 or older), disability, religion, genetic information, or retaliation and is posted on walls, bulletin boards, e-mail or elsewhere on Review Commission property.

Harassment of an individual based on race, color, sex (pregnancy, gender identity, and sexual orientation), national origin, age (40 or older), disability, religion, genetic information, or retaliation is unlawful if submission to, or rejection of, such conduct by an individual is made the basis for an employment decision affecting the individual; or such conduct is sufficiently severe or pervasive as to create a hostile work environment.

Harassment Reporting Procedures

Any person who believes that they have been the subject of an incident of harassment in violation of the Review Commission's policy should report the matter to anyone in the complainant's supervisory chain of command, HR staff, the EEO Director, or the EEO Counselor. Although an oral report may be accepted, the employee may be required to follow-up the oral complaint in writing. Whether written or oral, the report should include the specific nature of the incident, the date and place of the incident, and the names of all parties involved, as well as all pertinent facts.

The EEO Counselor must be contacted directly by the employee within 45 days of the alleged occurrence of discriminatory harassment. The EEO Counselor will help the employee define the issues and bases of the claim and attempt to resolve them. If the claim cannot be resolved, the Counselor will provide the employee with a Notice of Right to file a formal complaint. This notice will provide the employee with information about how to file a formal complaint of discrimination. The complaint must be filed within 15 days from receipt of the notice.

Harassment Investigation Procedures

- All allegations of harassment will be promptly and objectively investigated within 10 days of being reported. Based on the nature of the allegation, the investigation will be conducted by the appropriate investigative resources, including outside resources, if conflict of interest issues are present.
- All allegations of harassment will be subject to a prompt, thorough, and impartial investigation.
- Immediately following the completion of the investigation, a written summary of the investigation shall be prepared by the investigator. The summary shall be prepared promptly after completion of the inquiry and shall be submitted to the EEO Director and the supervisor who will be responsible for taking disciplinary action against the alleged harasser, if the allegations are true.
- Review Commission management shall promptly evaluate the evidence and determine the appropriate action to take. This responsibility normally rests with the first-line supervisor of the employee alleged to have engaged in the harassment unless the supervisor is involved in the allegation. The EEO Director shall be informed of this decision, including a decision not to act.
- Where the investigation establishes that an employee did engage in harassment under this policy, the employee shall be subject to appropriate corrective action, disciplinary or otherwise, up to and including removal.
- Where the inquiry establishes that a manager or supervisor did not properly carry out the responsibilities provided under this policy, the manager or supervisor shall be subject to appropriate corrective action, disciplinary or otherwise, up to and including removal.

Resources

- [OSHRC 17 - Review Commission's Anti-Harassment Directive](#)
- [Title VII of the Civil Rights Act of 1964](#)
- [The Age Discrimination in Employment Act of 1967](#)
- [Sections 501 and 505 of the Rehabilitation Act of 1973](#)
- [The Americans with Disabilities Act Amendments Act of 2008](#)
- [The Civil Rights Act of 1991](#)
- [Title 29 Code of Federal Regulations, Part 1614](#)
- [Executive Order 13087](#)