

Hostile Work Environment

What is a hostile work environment?

A hostile work environment is a form of harassment. It is demonstrated by such severe and pervasive conduct that permeates the work environment and interferes with an employee's ability to perform his or her job.

How does hostile work environment relate to discrimination?

A hostile work environment is actionable in the EEO process when it is based on allegations of discrimination; e.g., race, color, sex, national origin, religion, age, disability or sexual orientation¹, or reprisal.

As a manager, why do I need to be concerned with allegations of hostile work environment?

As a manager, you are responsible for the work environment of your employees. The work environment should be such that your employees have the opportunity to succeed and be fully productive. When an employee feels threatened by hostility in the office,

he or she may not be able to perform his or her job at their highest potential.

How do I address an allegation of hostile work environment?

When presented with an allegation of hostile work environment/harassment, you must conduct an expedited inquiry into the allegation to determine if a hostile work environment/harassment exists. You should inform your EEO Manager that you have been presented with an allegation of hostile work environment/harassment immediately upon your notice. The EEO Manager will note the allegation, the date, and other information for the EEO records. This information may be important to any future EEO proceedings concerning the allegation.

What is an expedited inquiry?

An expedited inquiry is an administrative review that uncovers facts and evidence sufficient enough to determine whether a hostile work environment/harassment exists. An expedited inquiry is conducted as soon as possible after the allegation of hostile work environment/harassment is presented.

Who conducts the expedited inquiry?

Your EEO Manager may assist you in the expedited inquiry. The EEO Manager may conduct the expedited

inquiry or may make arrangements for the expedited inquiry to be conducted by someone else.

What happens after the expedited inquiry is completed?

After you are presented with the expedited inquiry report, you must determine what actions must be taken. Your EEO Manager is available to assist you in determining appropriate actions. You may also find a need to consult your Employee Relations Specialist.

I've already issued a policy statement on prohibiting discrimination and harassment in my organization. Do I need to issue another policy statement?

If your policy statement prohibiting discrimination is recent (e.g., issued within the past year), you may not need to reissue the statement. However, you may need to reiterate your policy, verbally, in an all employee staff meeting. If your policy statement is over a year old, you should reissue your policy statement reaffirming your commitment and stating that unlawful discrimination and harassment will not be tolerated.

¹ Sexual orientation complaints are processed pursuant to 373 DM 7

Suppose the inquiry shows that harassment did occur or a hostile work environment exists. How do I address this?

You must ensure that the hostile work environment/harassment ceases. Among other things, you might provide training to all employees on preventing hostile work environment/harassment of the type and kind found. You should also determine whether any administrative or disciplinary action needs to be taken against the individuals who created the hostile work environment/harassment. In doing so, you should consult the Department's Table of Penalties, your EEO Manager, and your Employee Relations Specialist.

What if the inquiry indicates that there is no harassment or hostile work environment. Do I still need to do anything?

You should reaffirm your commitment to nondiscrimination and harassment in the workplace with your employees. You should also conduct a close-out meeting with the employee who raised the issue. You might also invite the EEO Manager to be present with you during this meeting. The EEO Manager may need to provide the employee with a Notice of Final interview to officially close out the inquiry.

If I stop the harassment, will this resolve the complaint?

Stopping the hostile work environment/harassment is the primary action. However, this may not prevent the employee from filing a formal EEO complaint alleging a discriminatory hostile work environment/harassment. This is a right the employee has under the Federal EEO complaint process. The employee might also be entitled to personal relief such as restoration of leave or other appropriate remedy caused by the harassment.

If there is a formal complaint, why does there need to be another investigation?

The EEO regulations require that a complaint of discrimination be fully and completely investigated. This includes taking statements under oath or affirmation from witnesses and collecting agency records. The expedited inquiry may be insufficient to meet the requirements of the EEOC guidance and from which a thorough and impartial decision may be made.

For more information regarding Hostile Work Environment issues, please contact (202) 208-5693; TDD (202) 208-5998; or call your EEO Office at (775) 861-6584/6510.

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INTERIOR
*EQUAL EMPLOYMENT
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**HOSTILE WORK
ENVIRONMENT**

