

CHAIRMAN



UNITED STATES INTERNATIONAL TRADE COMMISSION

WASHINGTON, DC 20436

September 14, 2016

MEMORANDUM TO ALL U.S. INTERNATIONAL TRADE COMMISSION EMPLOYEES

FROM: Irving A. Williamson, Chairman 

SUBJECT: Anti-Harassment Policy

The U.S. International Trade Commission is devoted to the prevention of harassment in any form. My goal is to promote a work environment that reflects the Commission's commitment to excellence and respect for all individuals. All supervisors and managers are responsible for preventing and promptly correcting any harassment in the workplace before it rises to the level of a violation of federal law. Harassment in any form is prohibited and will not be tolerated.

Harassment:

Harassment is a form of employment discrimination that violates Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, (ADEA), and the Americans with Disabilities Act of 1990, (ADA).

Harassment is unwelcome conduct that is based on race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability or genetic information. Harassment becomes unlawful where 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive. Anti-discrimination laws also prohibit harassment against individuals in retaliation for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or lawsuit under these laws; or opposing employment practices that they reasonably believe discriminate against individuals, in violation of these laws.

Examples include:

- Making negative comments about an employee's personal religious beliefs, or trying to convert them to a certain religious ideology;

- Using racist slang, phrases, or nicknames;
- Making remarks about an individual's skin color or other ethnic traits;
- Displaying racist drawings, or posters that might be offensive to a particular group;
- Making offensive gestures;
- Making offensive reference to an individual's mental or physical disability;
- Sharing inappropriate images, videos, e-mails, letters, or notes of an offensive nature;
- Offensively talking about negative racial, ethnic, or religious stereotypes;
- Making derogatory age-related comments; or
- Wearing clothing that could be offensive to a particular ethnic group.

No single situation constitutes harassment and harassment may be direct or indirect.

Sexual Harassment:

Sexual harassment is a form of sex discrimination that violates Title VII of the Civil Rights Act of 1964. The Equal Employment Opportunity Commission defines sexual harassment as:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or such conduct has the purpose or effect of unreasonably interfering with an individual's work performance, or creating an intimidating, hostile, or offensive working environment.

Such conduct may include:

- an employer or supervisor conditioning promotion, job assignments, or other tangible job benefits based on acquiescence to unwelcome sexual conduct, or penalizing an individual for refusing to participate in such conduct;
- sexist or stereotypical remarks about a person's clothing, body, appearance or activities;
- sexually oriented jokes, stories, remarks or discussions;
- descriptions of sexual acts;
- posting or displaying sexually graphic pictures anywhere in the workplace;
- deliberately touching, pinching, patting, or giving inappropriate looks to another person;
- pressure for dates or sexual activity;
- unwelcome telephone calls, e-mail messages, social network postings or letters of a sexual nature; or
- demands for sexual favors.

In sexual harassment, the harasser may be male or female, and the victim may be of the opposite sex or the same sex as the harasser. Even a consensual relationship between the harasser and the victim may involve sexual harassment. For example, if the victim agrees to sexual behavior out of fear of retaliation, the conduct of the other party may still constitute sexual harassment despite the victim's consent. The focus is on whether the conduct was unwelcome, not consensual.

Harassment in any form (as stated above) is prohibited and will not be tolerated. Managers and supervisors must set the tone for a positive and professional work climate, and must take immediate action on observed or reported incidents. It is important that employees conduct themselves in an appropriate manner, and monitor their personal behavior regarding their words and actions. All employees are accountable for their conduct in the workplace.

Employees who feel they are victims of harassment are encouraged to report the incident immediately, without fear of reprisal, to a supervisor, management official, the Office of Human Resources and/or the Office of Equal Employment Opportunity (EEO). The individual must contact the EEO within 45 days of the last harassing incident. All claims of harassment will be investigated promptly and thoroughly, and where allegations are substantiated, appropriate action will be taken.