



Pension Benefit Guaranty Corporation
1200 K Street, N.W., Washington, D.C. 20005-4026

July 8, 2020

TO: All PBGC Staff

FROM: Gordon Hartogensis
Director

SUBJECT: Anti-Harassment Policy Statement

The Pension Benefit Guaranty Corporation (PBGC) has a policy providing for a work environment free from all forms of harassment. For example, in addition to providing the protection required by EEO laws from harassment based on race, color, religion, sex (including pregnancy, sexual harassment, gender identity, and non-sexual harassment based on sex), sexual orientation, national origin, age, disability (mental or physical), family medical history, genetic information or reprisal. PBGC's policy also protects against harassment based on parental and marital status.

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.

Examples include (but are not limited to):

- 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; or
- making derogatory age-related comments;

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

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.

Sexual harassment is defined 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.

The goal of the Anti-Harassment Policy Statement is to address and eliminate harassing conduct at the earliest possible stage, regardless of whether the conduct violated the law. All employees are responsible for exhibiting professional conduct and behavior in the workplace and cooperating in the enforcement of this policy. Individuals engaging in conduct or behavior that violates this policy may be subject to appropriate disciplinary action up to, and including, removal from Federal service. Supervisors must strive to maintain and promote a work environment free of harassment. To prevent and remedy incidents of workplace harassment, PBGC officials must be made aware of the conduct or behavior as soon as possible

PBGC will not tolerate the creation of a hostile work environment and will address reported workplace harassment promptly. Individuals who believe they are being harassed or subjected to a hostile work environment are encouraged to tell the alleged harasser (orally or in writing) to stop, keep a record of the events, immediately report the behavior, and cooperate in any inquiry regarding allegations of harassment. Retaliation for reporting workplace harassment or for assisting in any inquiry concerning a report of harassment also will not be tolerated. In addition, PBGC will protect the confidentiality of employees who bring harassment claims, to the extent possible.

PBGC employees who believe they have been harassed or have been subjected to a hostile work environment should report the matter immediately to their immediate supervisor, another management official, Office of Equal Employment Opportunity (OEEEO) at (202) 229-4363, all-fed-EEO@PBGC.gov or PBGC's Harassment Inquiry Committee (HIC): Intake points of contact;

Paul Chalmers (OGC) – (202) 229-3555;

Kimberlee Gee (OGC) – (202) 229-4768;

Arrie Etheridge (HRD) – (202) 229-3728;

Karen Esser (HRD) – (202) 229-3275;

Upon receipt of a harassment allegation, the Agency will conduct a prompt, thorough and impartial inquiry, if appropriate. The fact-finding inquiry will commence within 10 calendar days of the HIC receiving notice of a harassment allegation. Absent extenuating circumstances, an inquiry should be completed, a decision reached, and final corrective action taken within 90 calendar days of the HIC receiving notice of the allegation. Extenuating circumstances include, but are not limited to, a delay in receiving the complainant's statement or supporting documentation.

Additional information about the HIC Procedures is available on SharePoint at <http://pbgcgov.sharepoint.com/EEO/Pages/AntiHarassment.aspx>

An employee who reports allegations of harassment or hostile work environment to the HIC, a PBGC supervisor/manager, or HRD has **not** filed an EEO complaint. An employee who wishes to file an EEO complaint must contact PBGC's EEO Office within 45 calendar days of the alleged harassing conduct or the date they became aware of the harassing conduct. Failure to do so may result in the dismissal of the EEO complaint.

The federal sector EEO discrimination complaint process cannot be initiated by reporting harassment or hostile work environment to a supervisor or management official, HRD or by contacting the Employee Assistance Program (EAP) or union.

This policy applies to all PBGC employees. Related questions or requests for information should be directed to OEEO Director, Brenecia Watson, (202) 229-6868.