

## Chapter 5 - Equal Employment Opportunity

PREVENTION OF UNLAWFUL HARASSMENT

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PURPOSE. This directive establishes Mint policy and guidelines for behavior involving unlawful harassment.

1. SCOPE. This directive applies to all Mint employees.
2. AUTHORITY.
  - a. Title VII of the Civil Rights Act of 1964, as amended, Age Discrimination in Employment Act of 1967, as amended and The Rehabilitation Act of 1973.
  - b. EEOC Enforcement Guidance For Employer Liability (915.002)
3. OUTCOME. A workplace environment free of harassment.
4. POLICY. The Mint will not tolerate harassment in the workplace or retaliation against anyone who complains of harassment or who participates in an investigation. The confidentiality of harassment allegations will be protected.
6. LIABILITY. The question of liability arises only after there is a determination that unlawful harassment occurred. If a determination is issued and it is proven that unlawful harassment occurred, the Mint may be held liable if it knew or should have known about the misconduct unless it can show that it took immediate and appropriate corrective action. If a supervisor participates in unlawful harassment and a determination is rendered to that effect, the Agency may be held liable if the harassment culminates in an employment action such as hiring, firing, promotion, failure to promote, demotion, or compensation decisions.
7. DEFINITION.
  - a. Harassment violates federal law when it involves discriminatory treatment on the basis of race, color, sex (with or without sexual conduct), religion, national origin, age (40 or older), disability, or protected activity under the anti-discrimination statutes. The Treasury Department also recognizes same sex discrimination, parental status, sexual orientation and discrimination based on genetic information. Federal law does not prohibit simple teasing, offhand comments, or isolated incidents that are not “extremely serious.” Rather, the conduct must be “so objectively offensive as to alter the conditions of the victim’s employment.” The conditions of employment are altered only if the harassment culminated in a tangible

employment action or was sufficiently severe or pervasive to create a hostile work environment.

Examples of measures that can be used in order to correct the effects of unlawful harassment may include: restoration of leave taken because of the harassment, expungement of negative evaluation(s) in employee's personnel file that arose from the harassment, reinstatement, apology by the harasser, monitoring treatment of employee to ensure that s/he is not subjected to retaliation by the harasser or others in the workplace because of the complaint and correction of any other harm caused by the harassment.

Examples of measures to stop the harassment and ensure that it does not recur may include: oral or written warning or reprimand, transfer or reassignment, demotion, reduction of wages, suspension, discharge, training or counseling of harasser to ensure that s/he understands why his or her conduct violated the employer's anti-harassment policy and monitoring of harasser to ensure that harassment stops.

- b. Protected Activity includes participating in the EEO complaint process as an aggrieved individual or witness, participating in an investigation of a harassment claim, or opposing harassment.
- c. Retaliation, also referred to as reprisal, is the taking of any adverse action against an individual because of his or her prior participation in the EEO process or opposition to discriminatory practices.

## 8. RESPONSIBILITIES.

- a. Mint Employees are responsible for:
  - 1. Reporting harassment to the Equal Employment Opportunity Office before it becomes severe or pervasive.
  - 2. Taking advantage of any preventive or corrective opportunities provided by the U.S. Mint in order to avoid harm (e.g., talking to EEO; utilizing the dispute resolution program).
- b. Mint Supervisors are responsible for:
  - 1. The action of its employees. For example, if an incident is reported to a supervisor/manager, you have a duty to follow up on the incident in order to prevent any harassment. If you fail to do so, the agency can be held liable for failing to keep the workplace free of harassment.

2. Encouraging employees to avoid or limit the harm from harassment.
  3. Exercising reasonable care to prevent and promptly correct any harassing behavior.
  4. Reporting complaints of harassment to appropriate officials.
- d. Equal Employment Opportunity (EEO) Manager is responsible for:
1. Ensuring that the Mint adheres to the anti-harassment policy by utilizing the complaint resolution procedures, to assure that the complaint will be handled impartially.
  2. Ensuring prompt, thorough, and impartial inquiries into allegations of harassment.

9. CRITICAL REQUIREMENTS.

- a. The Mint will not tolerate harassment by anyone in the workplace, supervisors, co-workers, or non-employees on the basis of race, color, religion, national origin, sex (with or without sexual conduct) (same sex), age, disability, parental status, sexual orientation and discrimination based on genetic information or harassment based on opposition to discrimination or participation in complaint process.
- b. The Mint will protect the confidentiality of harassment allegations to the extent possible. This information will be shared with only those who need to know.
- c. The Mint will not tolerate retaliation against anyone who complains of harassment or who participates in inquiry proceedings.
- d. All allegations of harassment will be promptly and thoroughly investigated.

10. SUNSET REVIEW DATE. August 2011

11. RESPONSIBLE OFFICE. Mint Headquarters and field facility Equal Employment Opportunity Offices.