



Animal and Plant Health Inspection Service Anti-Harassment Policy Statement

United States
Department of
Agriculture

Animal and Plant
Health Inspection
Service

Washington, DC
20250

As APHIS Administrator, I want to express my strong commitment to continuing to prohibit sexual and other types of harassment in the workplace. I encourage managers, supervisors, and employees to remain cognizant of this policy and refrain from and take steps to prevent acts of harassment of any nature.

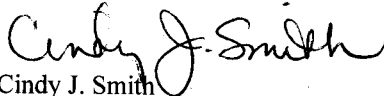
Harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual; has the purpose or effect of creating an intimidating, hostile, or offensive work environment; unreasonably interferes with work performance; or otherwise adversely affects employment opportunities. Harassing conduct includes, but is not limited to, epithets, slurs, negative stereotyping, threatening, intimidating, or hostile acts, written or verbal comments, or graphic material to denigrate or show hostility or aversion toward an individual or group.

Employees seeking relief from harassment based on sex (with or without sexual conduct), race, color, religion, national origin, age, disability, sexual orientation, marital or parental status must contact the Civil Rights Enforcement and Compliance (CREC) Alternative Dispute Resolution Center (1-800-372-7231) within 45 days of an alleged incident. All other allegations of harassment should be reported to supervisors, managers, or the Workplace Violence Prevention and Response Hotline (1-866-234-3174).

All claims of harassment must be resolved before they become severe or pervasive. APHIS employees, applicants, and service recipients may express harassment complaints without fear of retaliation. All acts of retaliation must be reported immediately through the appropriate forum. All allegations will be investigated, and any individual(s) determined to have perpetuated harassment will be subject to disciplinary action. Upon resolution of harassment claims, program area managers must ensure that such acts do not recur. APHIS managers are encouraged to participate in the Agency's annual training about unlawful harassment.

Enforcement guidance from the Equal Employment Opportunity Commission on employer liability for acts of harassment states that "***An employer is always liable for harassment by a supervisor on a prohibited basis that culminates in a tangible employment action.***" Tangible employment actions include: hiring and firing; promotion and failure to promote; demotion; undesirable reassignment; a decision causing significant change in benefits; compensation decisions; and work assignment. The guidance also provides that "***in some circumstances, an employer may be subject to vicarious liability for harassment by a supervisor who does not have actual authority over the employee.***"

Managers must disseminate this policy statement to all supervisors and provide copies to employees. This policy and the ***EEOC Enforcement Guidance, Notice 915.002 Enforcement Guidance: Vicarious Employer Liability for Unlawful Harassment by Supervisors*** are located on the CREC website at www.aphis.usda.gov/civil_rights. Prevention is the most effective tool to successfully eliminate harassment in the workplace.


Cindy J. Smith
Administrator

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