



U.S. Chemical Safety and Hazard Investigation Board

SUBJECT: Sexual Harassment Prevention Policy

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1. **PURPOSE.** This Order articulates the policy of the Chemical Safety and Hazard Investigation Board (CSB) of prohibiting sexual harassment, establishes the procedures for reporting incidents of sexual harassment in the workplace, and guides corrective action in the event a sexual harassment claim is made.
2. **EFFECTIVE DATE.** This Order is effective upon passage by the Board.
3. **APPLICABILITY.** This Order applies to all CSB Board Members, employees, and contractors.
4. **REFERENCES.** This policy implements U.S. Equal Employment Opportunity Commission regulations on sexual harassment, found in 29 C.F.R. § 1604.11. *See also* 42 U.S.C. § 2000e, *et seq.*; 5 U.S.C. §§ 2301(b)(2), 2302(b)(1)(A) & (C), 2302(c), 2302(d)(1); and 5 C.F.R. § 2635.101(b)(13).
5. **DEFINITIONS.** 29 C.F.R § 1604.11 defines sexual harassment. In part, Section 1604.11 states:

Harassment on the basis of sex is a violation of section 703 of Title VII of the Civil Rights Act of 1964. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) 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.

6. **POLICY.**

Every CSB employee deserves the opportunity to work to his or her own potential in an environment that values human dignity and is free of sexual harassment. Sexual harassment is an abuse of an individual and a violation of federal law. Therefore, sexual harassment will not be tolerated at the CSB.

An appropriate CSB management official will investigate any allegations of sexual harassment. In all instances where it is determined that sexual harassment has occurred, timely and appropriate corrective actions will be taken, including disciplinary actions. If a supervisor becomes aware of any sexual harassment or other unlawful discrimination by any subordinate(s) but fails to take timely and appropriate corrective action, that supervisor may be disciplined as well. Training on the topic of sexual harassment will be provided to all agency personnel including Board Members, supervisors, staff, and federal contractors who work on site at the CSB's main offices in Washington, D.C.

The CSB's existing policy of equal employment opportunity, as articulated in Board Order 004, dated February 24, 2000, continues in full force and effect. The CSB will continue to provide equal opportunity in employment for all persons, to prohibit discrimination on the basis of race, sex, national origin, religion, age, handicap, and to promote the realization of equal employment opportunity.

7. **INDIVIDUAL RESPONSIBILITIES.** If you believe you are being or have been sexually harassed, there are several things you can do. You are encouraged to attempt to resolve sexual harassment issues at the lowest possible level, but this is not required. Some of the things you can do in response to perceived sexual harassment include:

- a. Tell the offending person that his or her conduct is offensive and unwelcome. Make it clear that you are not interested, and that the offender's behavior is unacceptable to you.

Note: If you cannot directly address the offending person for any reason, or if your attempts to halt the person's inappropriate behavior have not stopped the harassment, or your efforts have resulted in retaliation, you should then either:

- (1) Report the conduct to the offender's supervisor. [However, if you believe the offender's supervisor is in any way involved with the situation giving rise to your concerns, or that person will be unable to address your concerns, work through your established chain of command and speak to that person's next level supervisor.]

or

- (2) Report the conduct to your own supervisor, or to the CSB's Human Resources Director. [However, if you believe either your supervisor or the CSB's Human Resources Director are in any way involved with the situation giving rise to your concerns, or they will be unable to address your concerns, work through your established chain of command and speak to their next level supervisor.]

- b. You may also:

- (1) Obtain general information about sexual harassment or discrimination from the CSB's Equal Employment Opportunity Director, or from the EEOC's website, <http://www.eeoc.gov>.
- (2) Speak with an Equal Employment Opportunity counselor at the Bureau of the Public Debt (BPD), pursuant to the CSB's interagency agreement for such services. EEO counselors can be reached through BPD's Sexual Harassment Hotline at phone number (304) 480-6257.

- (3) Write down the dates, times, places, acts complained of, and the names of any witnesses that were either involved or witnessed the incidents of harassment, your complaints, and the surrounding facts and circumstances.
- (4) If you deem it appropriate, file a complaint through the EEO complaint system, in accordance with 29 C.F.R. Part 1614, using the procedures outlined in CSB Order 004 and that Order's Appendix.

8. **SUPERVISOR RESPONSIBILITIES.**

- a. Monitor your subordinates and, to the extent possible, the rest of the agency workforce. You should also attempt to do your best to monitor any third parties, whether or not employed by the CSB, who might reasonably be able to affect your subordinates' work environment. This group could include CSB contractors, other tenants in the building, and possibly even members of the public. Be proactive. Prevention of sexual harassment is an agency-wide priority and the responsibility of every supervisor.
- b. Ensure that all of your subordinates have read the Board Orders pertaining to equal employment opportunity and sexual harassment, available on the CSB intranet. Be available to answer any questions they may have about these policies. Remain vigilant to circumstances requiring enforcement of such policies. Consult with appropriate agency officials if you have any questions about the policies yourself.
- c. Take all complaints of sexual harassment seriously. Treat any employees bringing a sexual harassment complaint with respect. Assure employees that you will address his or her concerns as quickly and as confidentially as possible. Also, ensure that anyone who raises allegations of sexual harassment has a copy of the CSB's sexual harassment prevention policy.
- d. Seek detailed information from the employee regarding the substance of the complaint. Take detailed notes regarding the nature of the harassment, as well as the relevant times, dates, places, as well as any witnesses to the harassment. Gather any available documentary evidence the employee has or wishes to provide.
- e. As soon as possible after receiving a complaint, consult with your own supervisor, the CSB's Human Resources Director, and a member of the Office of General Counsel for advice regarding how to proceed. Consider the need or propriety of either a "no contact" order, the use of administrative leave, and other good management practices in order to provide immediate relief to the complaining employee from the alleged harasser. Then, as necessary, the Human Resources Director, the appropriate supervisor, or both, will conduct an investigation into the allegations.

- f. Take appropriate corrective action. Follow up with the employee and the alleged offender(s), as needed. Monitor the results. Continue to take appropriate action to halt any future harassment or retaliation as quickly as possible. Keep appropriate agency officials apprised of any problems or concerns.
9. **REPRISAL**. Every CSB employee must understand that they are free to bring any complaints of sexual harassment or discrimination without fear of reprisal or retaliation. The CSB will not tolerate any form of reprisal. Any Board Member, supervisor, staff employee, or contractor that engages in any form of reprisal may be appropriately disciplined.
10. **BOARD OVERSIGHT**. The CSB Chairperson shall oversee the implementation of this Order.

U.S. CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

April 21, 2003