

What Employees Should Do

If you experience harassment or offensive behavior in your workplace, take the following steps as soon as possible:

- Make it known to the harasser in no uncertain terms that the behavior is unwelcome and/or report the incident to your immediate supervisor or any other supervisor not involved. Reinforce your efforts with a follow-up note, and keep a copy for your records.
- If the unwelcome behavior does not stop, report the behavior to your agency HR staff or EEO officer, another supervisor, or director.
- Prepare and maintain written records of the dates, times, and facts of all harassment, and record the names of all witnesses and any other victims of the harasser.
- Obtain copies of any written materials regarding the quality of your work to document a retaliatory, job-threatening action by a supervisor or co-worker.
- Document any physical or psychological concerns resulting from the incident.
- Most of all, do not ignore the incident, resign your position, or believe that your agency will not consider your complaint to be serious.

Harassment based on any protected class is unlawful discrimination!

If you wish to report a complaint, you can:

- Contact an agency manager, EEO Officer, ADA Coordinator, or member of the human resources staff. SHR recommends using the complaint form at <https://montana.policytech.com/docview/?docid=318&public=true> when filing a complaint within the department.

- File a complaint with the Human Rights Bureau, Department of Labor and Industry (PO Box 1728, Helena, MT 59624-1728, phone 1-800-542-0807). Complaints with the Human Rights Bureau will be accepted within 180 days of the harassing act, or extended up to 120 days if you file an internal complaint according to your agency's procedure.

If you are not personally a victim of harassment but observe actions against other employees that you believe to be harassment, you are encouraged to bring it to the attention of your agency's HR or EEO officer.

For more information, contact your **agency Human Resources Manager**. Other contacts include:

- State Human Resources Division (SHR) at 444-3871;
- Professional Development Center at 444-3985; or
- Montana Human Rights Bureau at 444-2884 or Toll Free in Montana at 1-800-542-0807.

Other resources are available on SHR's website at <http://hr.mt.gov/newresources/default.mcpx> and the Montana Operations Manual at <https://montana.policytech.com/default.aspx?public=true&siteid=1>.

The Interagency Committee for Change by Women (ICCW) functions under an executive order to create positive change for all state employees by promoting the full participation of women in state government. For more information about the ICCW, visit: <http://www.mdt.mt.gov/iccw>.

Note: Alternative accessible formats of this brochure are provided upon request. Persons who need an alternative format should contact the State Human Resources Division, Department of Administration, 125 N. Roberts St., PO BOX 200127, Helena, MT 59620-0127. Telephone 406-444-3871. Those using a TTY

Information for State of Montana employees, supervisors, and managers.

HARASSMENT IS AGAINST THE LAW

Prepared by the:

- Interagency Committee for Change by Women
- State Human Resources Division, Department of Administration
- Human Rights Bureau, Department of Labor and Industry

Revised April 2013

Right to a Work Environment Free of Illegal Harassment

It is the policy of Montana State Government as an employer to:

- provide state employees with a working environment free from discrimination and harassment;
- communicate the state's Equal Employment Opportunity (EEO), Nondiscrimination, and Harassment Prevention program and complaint resolution procedures to employees and supervisors;
- recognize the unique nature of the complaints of sexual harassment and other forms of discriminatory harassment;
- encourage early reporting;
- resolve complaints promptly, confidentially, and at the lowest management level possible; and
- prohibit retaliation against an employee because he or she made a report of alleged harassment or who testified, assisted, or participated in any manner in an investigation of a report.

Each agency is required to have an EEO officer responsible for managing the agency's EEO program. The state's EEO, Nondiscrimination, and Harassment Prevention Policy is available at <https://montana.policytech.com/docview/?docid=318&public=true>.

Sexual Harassment

Agency managers will not tolerate sexual harassment of employees, clients, customers, or other persons doing business with state government. There are two categories of sexual harassment:

Quid Pro Quo: Requesting sexual favors in return for job benefits or opportunities. **Examples** may include, but are not limited to, sexual demands as a condition of employment;

loss or threatened loss of a job for failing to comply with a supervisor's sexual demands; altering employment benefits in exchange for sexual favors; or forcing an employee to resign because he or she did not submit to a sexual request.

Hostile Working Environment: Unwelcome sexual conduct that unreasonably interferes with an employee's job performance or creates an intimidating, hostile or offensive working environment. Although a single occurrence or a pattern of sexually oriented behavior might not constitute illegal harassment, it is still unacceptable. **Examples** may include, but are not limited to, displaying sexually suggestive objects, pictures, screen savers, cartoons, or posters; verbal abuse of a sexual nature; sexually oriented discussions, jokes, innuendoes, comments, or obscenities; and sexually suggestive letters, notes, emails, or text messages.

Harassment not involving sexual activity or language is also discriminatory if it is sufficiently patterned or pervasive and directed at employees because of their sex. This is **gender-based** harassment.

Other Harassment

Agency managers will not tolerate harassment of employees, clients, customers, or any other persons doing business with state government because of **race, color, national origin, age, physical or mental disability, marital status, religion, creed, sex, sexual orientation, political beliefs, genetic information, veteran status, culture, social origin or condition, or ancestry.**

Even mutually agreeable behavior, or behavior accepted between two or more people, can be offensive to others; for this reason, it is unacceptable. **Examples** may include, but are not limited to, oral, written, or electronic communication in the form of slurs, repeated jokes, comments, visual images, innuendoes, or other verbal or physical conduct that focuses on any protected class.

Agency Liability

Under federal and state discrimination law, agencies may be liable for monetary compensation and other forms of relief to employees who are victims of harassment by:

- supervisors, whether or not the agency knew of the harassment; or
- co-workers and non-employees, when the agency knew or should have known of the harassment in the workplace and failed to take immediate corrective action.

What Managers Should Do

Prevention is the best method for eliminating harassment. The following steps will aid in preventing harassment:

- ensure the state's EEO policy poster and complaint-resolution procedures are posted;
- provide training for all employees;
- express strong disapproval of harassment including jokes, comments, gag gifts, and the posting of photos and written materials that may be offensive;
- lead by example;
- encourage employees to report harassment immediately;
- immediately investigate and follow complaint procedures outlined under the EEO, Nondiscrimination, and Harassment Prevention Policy;
- take allegations seriously, remain neutral, and document relevant information;
- protect confidentiality whenever possible;
- follow up with complainant and alleged wrongdoer;
- ensure there is no retaliation—it is illegal;
- take immediate, prompt, and effective corrective action upon determining that harassment occurred; and
- inform employees of their right to report discrimination and harassment to the Montana Human Rights Bureau or the federal EEOC.