

## Topic No. 0254: Workplace Harassment Policy

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Topic description:	This document states the Department of Labor (DOL) workplace harassment policy
Topic owner:	Division of Equal Opportunity Development
Audience:	All Department of Labor employees, contract employees , and managers
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Changes in this revision:	Updated revision and review dates.
Previous revision:	04/29/10, New

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### Scope

This policy applies to all people within the workplace. Workplace harassment is against the law. It is a form of discrimination that violates Title VII of the Civil Rights Act of 1964 and other State and Federal guidelines.

### Policy Statement:

Workplace Harassment is against the law. It is a form of discrimination that violates Title VII of the Civil Rights Act of 1964 and other State and Federal guidelines.

Workplace Harassment is any unwelcome verbal or physical conduct:

- based on these protected categories:
  - race,
  - color,
  - religion,
  - sex,
  - ethnic or national origin,
  - age (40 and over),
  - disability (mental or physical),
  - sexual orientation,
  - veteran status or
  - political affiliation
- that is severe or pervasive enough to create a hostile work environment.
- Or, it can be when a supervisor's harassing conduct affects an employee's employment status or benefits (for example, termination or demotion).

The NYS Department of Labor prohibits unlawful harassment in the workplace. Our staff have the right to work in an environment that is free from unlawful workplace harassment and retaliation. Likewise, we all share the responsibility for maintaining a comfortable work environment.

### Employee Responsibilities

#### Managers and Supervisors

As official agents of the department, managers and supervisors must:

- Educate their staff on the department's policies on Workplace Harassment
- Emphasize that we will not tolerate actions and behaviors of this nature

- Not knowingly allow such behavior to continue
- Take immediate steps to recommend disciplinary action against any employee who repeats such behavior after being counseled that it is unlawful.

### Line Staff

Department employees must maintain a workplace that is free from discrimination and harassment. The department has zero tolerance for any conduct or comment by employees that could reasonably be interpreted as harassing, offensive, inappropriate in the work place and creating a hostile environment, if it is based on the protected categories listed above.

- Any employee, who:

- is subjected to,
- witnessed or
- observed

harassment, offensive or inappropriate conduct based upon any protected status noted above, should promptly report this conduct to a manager or supervisor so that we can take corrective action.

- If the unlawful behavior continues, the affected employee(s) have the right to file a formal discrimination complaint. They can file a complaint with the Division of Equal Opportunity Development (DEOD). (You can find official complaint forms and the complaint procedure is on the department's Intranet.)

### The Division of Equal Opportunity Development

This office is responsible for investigating and resolving all complaints of unlawful harassment, discrimination and retaliation. Send all complaints of this nature to:

The Division of Equal Opportunity Development  
NYS Department of Labor  
State Office Bldg. Campus - Bldg 12 -Rm. 540  
Albany, NY 12240

We also offer confidential counseling services for employees. Managers and supervisors who may need guidance and clarification on:

- agency non-discrimination policies
- complaint procedures and
- other Affirmative Action and Equal Opportunity matters may call 518-457-1984 for assistance.

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### Related Topics:

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### Contact Information

The Division of Equal Opportunity Development  
NYS Department of Labor  
State Office Campus, Bldg 12, Rm. 540  
Albany, NY 12240

518-457-1984

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