



**UNITED STATES GOVERNMENT**  
National Labor Relations Board

**Date:** September 22, 2022

**To:** All Employees

**From:** Lauren McFerran, Chairman  
Jennifer A. Abruzzo, General Counsel

**Subject:** Policy Statement on the Prevention of Unlawful Harassment, Including Sexual Harassment

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The NLRB is strongly committed to providing a workplace that is free from all forms of unlawful discrimination, including harassment. Harassment based on an individual's race, color, national origin, religion, sex (including gender identity or expression, sexual orientation, and pregnancy), age (40 or older), disability, and genetic information and/or family medical history is unlawful and will not be tolerated. Similarly, retaliatory harassment of an individual who has complained about or reported prohibited discrimination or otherwise participated in EEO activity is also unlawful and will not be tolerated.

Any form of prohibited harassment is disrespectful, harms employment relationships, and jeopardizes productivity in the workplace. It can also undermine career opportunities by rewarding or penalizing employees based on conduct unrelated to job performance.

The Agency's policy against unlawful harassment applies to all Agency employees, including political appointees, and includes harassment by supervisors/managers of subordinates, harassment by subordinates of supervisors/managers, and harassment of Agency employees by their co-workers. This policy covers employees when they are outside of the workplace while conducting Agency business or attending an Agency-sponsored training conference or event. The policy also covers employees who are not themselves the object of harassment, but who work in a setting where harassment of others is sufficiently severe or pervasive as to alter the conditions of their employment. In addition, the Agency's policy against unlawful harassment provides a mechanism to address harassment by non-employees who conduct business with the Agency.

Harassment that is based on race, color, national origin, religion, sex (gender identity or expression, sexual orientation, and pregnancy) age (40 or older), disability or genetic information includes unwelcome or offensive conduct. Harassment is unlawful when (a) the offensive conduct becomes a condition of continued employment, or (b) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive. Non-sexual unwelcome conduct may include, but is not limited to, offensive jokes, slurs, epithets or name calling, negative stereotyping, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, and interference with work performance.

Sexual harassment also is a form of sex discrimination. Sexual harassment can occur between individuals of the same gender, as well as between those of different genders. Sexual harassment is defined by the EEOC as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, including offensive remarks about a person's sex, when any of the following criteria are met:

- a) submission to the conduct is made, either explicitly or implicitly, a term or condition of an individual's employment;
- b) submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual; or
- c) the conduct has the purpose or effect of unreasonably interfering with the individual's work performance and/or creating an intimidating, hostile, or offensive work environment.

Harassment based on any protected bases, whether engaged in by a manager, supervisor, co-worker, or non-employee, violates both Agency policy and the law. The Agency also does not tolerate inappropriate and offensive harassing behavior even if it does not rise to the level of unlawful harassment. Such conduct violates the Agency's code of conduct and employees engaging in such behavior may be subject to disciplinary action up to and including discharge.

The Agency takes complaints of unlawful harassment very seriously. Any employee who believes that they are a victim of any type of unlawful harassment, including sexual harassment, should immediately report the offending behavior to a supervisor, or other appropriate management officials. Supervisors or managers who receive complaints of unlawful harassment shall immediately report such complaints to their division head or to Special Counsel. The Office of EEO is also required to report harassment complaints to Agency management. Once such a complaint is received, the Agency will conduct a prompt, thorough, and impartial investigation that will begin within 10 calendar

days of receiving a harassment allegation(s). The Agency also will take immediate and appropriate corrective action when it determines that harassment occurred.

Employees may also contact an EEO Counselor, the Director of the Office of Equal Employment Opportunity (OEEEO) at (202) 273-3891, the Office of the Inspector General at (202) 273-1960, or the Director of Human Resources at (202) 273-3900. Employees covered by a collective-bargaining agreement may also seek assistance from a union representative. If an employee wishes to initiate the EEO complaint process, an allegation of harassment must be raised with an EEO Counselor or with the Office of EEO within 45 calendar days of the incident of alleged harassment.

The Agency will strive to protect the confidentiality of the identity of employees who report or participate in a harassment investigation to the greatest extent possible. Any person found to have engaged in harassing conduct based on any protected category will be subject to disciplinary action up to and including termination of employment. The Agency will also take appropriate action with respect to any supervisor or manager who condones or fails to report harassing conduct brought to their attention. Further, the Agency will not tolerate retaliation against any employee who complains of harassment or who participates in the harassment complaint process.

We expect every NLRB employee to conduct themselves in a manner consistent with this policy so that all employees can work in a respectful environment.

/s/ Lauren McFerran  
Lauren McFerran  
Chairman

/s/ Jennifer A. Abruzzo  
Jennifer A. Abruzzo  
General Counsel