



United States Department of the Interior
FISH AND WILDLIFE SERVICE
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Harassment/Hostile Work Environment Fact Sheet

What is harassment?

- Harassment is a form of employment discrimination that violates anti-discrimination laws: Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967(ADEA), the Americans with Disabilities Act of 1990 (ADA), and the Genetic Information Nondiscrimination Act of 2008 (GINA).
- Harassment is unwelcome conduct that is based on **race, color, religion, sex** (including pregnancy, sexual orientation and gender identity), **national origin, age** (40 or older), **disability, genetic information** or **retaliation** for engaging in protected EEO activity or opposing employment discrimination.
- Offensive conduct may include, but is not limited to, offensive jokes, slurs, epithets or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, and interference with work performance.

When does harassment become unlawful?

- Harassment is unlawful when the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive or when it results in an adverse employment decision (such as the victim being fired or demoted).
- In addition, the offensive conduct must be connected to the Complainant's membership in a protected group (race, color, religion, sex, national origin, age, disability, genetic information or previous EEO activity).

What types of harassment are not unlawful?

- Petty slights, annoyances, simple teasing, offhand comments and isolated incidents (unless extremely serious) will not rise to the level of illegality. The EEO laws are not meant to be a general civility code or rid the work place of all petty slights and annoyances.

What is meant by the term “hostile work environment?”

- Aggrieved individuals often use the phrase “hostile work environment” to refer to any unpleasant work situation. However, in the context of Equal Employment Opportunity law, a “hostile work environment” refers to a legal conclusion that unwelcome harassing conduct was so severe or pervasive that a reasonable person would find it intimidating, hostile or abusive.

How are harassment/hostile work environment claims different than other employment discrimination claims?

- By their very nature, hostile work environment claims typically involve repeated conduct; the “unlawful employment practice” does not occur on any particular day, but instead occurs over a series of days or perhaps years. In contrast to a single discrete employment act, a single incident of harassment may not be actionable on its own (because it is not severe or pervasive). Rather, harassment/hostile work environment determinations are based on the cumulative effect of all the offensive conduct.

What relief is available when there is a finding of discriminatory harassment?

- The most relief any successful complainant is entitled to receive is "make whole" relief, which is defined as relief which places an individual, as near as possible, in the situation he or she would have been in absent the discrimination. Such relief includes compensatory damages. Compensatory damages are awarded to compensate complainants for harm or suffering due to discriminatory acts or conduct.
- In harassment/hostile work environment situations, complainants are entitled to relief on timely “discrete acts” alleged as part of a harassment claim. Discrete acts include, termination, failure to promote, denial of transfer, or refusal to hire. To be timely, federal sector complainants must raise such acts to an EEO Counselor within 45 days of their occurrence. A complainant cannot recover relief for a specific discrete act if it is not raised in a timely manner.
- Federal employees cannot be awarded punitive damages.