

Memorandum

TO: All Employees

FROM: Chairman Daniel B. Maffei

SUBJECT: Sexual Harassment Policy

DATE: May 3, 2023

The Federal Maritime Commission (FMC) is committed to providing a place of work that is free from sexual harassment and any other discriminatory behavior. Sexual harassment is prohibited by law and will not be tolerated. It is a form of sex discrimination and is a violation of federal law. I require your assistance and collaboration in maintaining a just, welcoming, and unbiased workplace throughout the FMC.

All FMC employees and members of the public engaged in official business with the FMC have the right to an environment free from any kind of harassment and are required to comply with this policy. I expect all employees to refrain from engaging in unwelcome, harassing, or hostile conduct and to inform their supervisor, another management official, or the Office of Human Resources (OHR), if subjected to unwelcome, harassing or hostile conduct.

Unwelcome sexual advances, requests for favors and other verbal or physical conduct of a sexual nature constitute sexual harassment when: (1) submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of an individual's employment and is used as the basis for employment decisions affecting such individual; or (2) 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.

Sexual harassment can occur by verbal, nonverbal or physical means. Examples include sexual innuendo, sexually suggestive comments, insults, threats, pranks, jokes about gender-specific traits, or sexual propositions, in person or via email; making suggestive or insulting noises, whistling, or making obscene gestures; touching, pinching, grabbing, or brushing the body; making or posting sexually humiliating or distasteful pictures, comic strips or other materials in the workplace; giving gifts or leaving objects that are sexually suggestive; etc.

In addition, sexual harassment can occur in a variety of circumstances, including but not limited to the following:

- Regardless of gender, anyone can commit or be subject to sexual harassment. Sexual harassment can also occur against individuals of the same gender as the alleged harasser.
- The victim does not have to be the person harassed, but could be anyone affected by the offensive conduct.
- Unlawful sexual harassment may occur without economic injury to the victim.

Any person who believes that they have been harassed or witnessed harassing conduct should report the incident to their supervisory chain, Inspector General, Human Resources Director or the EEO Director. When an allegation of sexual harassment is reported, the FMC will:

- Conduct an immediate preliminary inquiry;
- Notify appropriate officials of the reported allegation;
- Perform further investigation and/or fact finding, as appropriate;
- Notify the alleged harassee of the completion and outcome of the process; and

- Take corrective action, if warranted.

Any employee who has been found by the FMC to have engaged in sexual harassment of any kind will be subject to appropriate disciplinary actions, which may include dismissal from Federal service. All actions taken to resolve issues of sexual harassment will be confidential. Further, we will not tolerate retaliatory action against an employee who alleges sexual harassment.

All managers, supervisors and executives are responsible for implementing this sexual harassment policy. If the FMC receives an allegation of sexual harassment or has reason to believe that sexual harassment is occurring, we will take the necessary actions to ensure that the matter is promptly addressed.

The FMC Anti-Harassment Policy and Procedures are further detailed in [Commission Order 128](#). This harassment policy is separate and apart from any statutory complaint process that also covers harassment, such as the EEO complaint process. To initiate the EEO complaint process, an employee must contact an EEO counselor within 45 calendar days of the alleged harassment.

The FMC's Office of Equal Employment Opportunity (OEEO) is available for questions or concerns about harassment. For further information about the FMC's policy on anti-harassment and for technical advice on anti-harassment and other EEO-related matters, please contact the OEEO at (202) 523-5859 or email eeo@fmc.gov. The OEEO also provides alternative dispute resolution services for all workplace disputes.