



POLICY #4: NORTH CAROLINA DEPARTMENT OF LABOR UNLAWFUL WORKPLACE HARASSMENT POLICY

(Revised: March 1, 2020)

PURPOSE: The purpose of this policy is to establish that the North Carolina Department of Labor (NCDOL) prohibits in any form unlawful workplace harassment or retaliation based on opposition to unlawful workplace harassment of employees or applicants. NCDOL has prevention strategies to ensure that work sites are free from unlawful workplace harassment including sexual harassment discrimination and retaliation.

POLICY: It is the policy of the North Carolina Department of Labor that no employee shall engage in conduct that falls under the definition of unlawful workplace harassment, including sexual harassment discrimination, or retaliation, and no employment decisions shall be made on the basis of race, religion, color, national origin, ethnicity, sex, pregnancy, gender identity or expression, sexual orientation, age (40 or older), political affiliation, National Guard or veteran status, genetic information or disability. All employees have the right to work in an environment free from discrimination and harassing conduct.

DEFINITIONS:

Unlawful Workplace Harassment is unwelcomed or unsolicited speech or conduct based of race, religion, color, national origin, ethnicity, sex, pregnancy, gender identity or expression, sexual orientation, age (40 or older), political affiliation, National Guard or veteran status, genetic information or disability where:

1. enduring the offensive conduct becomes a condition of continued employment, or
2. the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.

Sexual Harassment - Harassment on the basis of sex is a particular type of violation of this unlawful workplace harassment policy and in addition to the previous definition of unlawful workplace harassment, this unlawful workplace harassment policy prohibits the following: "Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) 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."

Retaliation is any adverse action taken against an individual for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or lawsuit related to discriminatory employment practices based on race, religion, color, national origin, sex, pregnancy, gender identity or expression, sexual orientation, age (40 or older) political affiliation, National Guard or veteran status, genetic information or disability because of opposition to employment practices in violation of the unlawful workplace harassment policy.

Coverage:

This policy covers, full-time or part-time employees with either a permanent, probationary, trainee, time-limited or temporary appointment; former employees; and applicants.

Complaint Process:

An applicant, probationary employee, former probationary employee, career state employee or former career state employee (hereafter referred to as complainant) alleging unlawful workplace discrimination, harassment or retaliation shall first file a complaint with the agency Equal Employment Opportunity (EEO) officer within **15 calendar days** of the alleged discriminatory or retaliatory act that is the basis of the complaint. If the complainant alleges facts that would constitute unlawful workplace discrimination, harassment, or retaliation as prohibited by law, the complaint will be investigated as a part of the EEO Informal Inquiry. The investigation will determine if the facts support a finding that there is reasonable cause to believe the alleged act rises to the level of unlawful workplace discrimination, harassment or retaliation.

The complainant alleging unlawful workplace discrimination, harassment or retaliation has the right, at any time, to bypass or discontinue the EEO Informal Inquiry or the formal internal grievance process and file a charge directly with the Equal Employment Opportunity Commission (EEOC). The complainant may not, however, file a contested case with the Office of Administrative Hearing if the internal process has not been completed.

Information about filing complaints can be found in Section 7 of the Employee Grievance Policy. The Employee Grievance Policy is Policy #2 on the NCDOL intranet at <http://10.35.133.11/ncdol-intranet/sites/default/files/bureaus/administration-division/human-resources/policies-procedures/employee-grievance-policy-agency.pdf>

It can also be found on the Office of State Human Resources website at this link: https://files.nc.gov/ncoshr/documents/files/Unlawful_Workplace_Harassment_Policy_updated.pdf

Any individual alleging unlawful workplace harassment based on sexual orientation cannot grieve beyond NCDOL's internal grievance process.

Prevention Strategies:

Workplace Harassment prevention strategies are included as part of NCDOL's Equal Employment Opportunity (EEO) plan. This plan is located on the NCDOL intranet and can be accessed at this link: <http://10.21.81.220/ncdol-intranet/sites/default/files/bureaus/administration-division/human-resources/equal-employment-opportunity-plan/eeocplan-2014.pdf>

ADOPTED BY 

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