

Commonwealth of Pennsylvania
GOVERNOR'S OFFICE

EXECUTIVE ORDER

Subject:		Number:
Prohibition of Sexual Harassment in the Commonwealth		2002-4
Date:	Distribution:	By Direction Of:
May 3, 2002	B	 Mark S. Schweiker, Governor

WHEREAS, sexual harassment is a form of discrimination that undermines the integrity of the employment relationship and/or service delivery; and

WHEREAS, the Commonwealth of Pennsylvania, Pennsylvania's largest employer, has an obligation to assertively address sexual harassment issues in the workplace; and

WHEREAS, sexual harassment shall not be tolerated in Commonwealth workplaces under any circumstances; and

WHEREAS, this Administration is committed to providing a work environment where employees, applicants for employment, or individuals receiving services from the Commonwealth shall not be subjected to sexual harassment; and

WHEREAS, to prevent sexual harassment in the workplace, all managers, supervisors, and employees must be made aware of the Commonwealth's sexual harassment policy, the steps to take when concerns arise, and our commitment to address instances of sexual harassment aggressively and equitably.

NOW, THEREFORE, I, Mark S. Schweiker, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, do hereby adopt and reaffirm the Commonwealth's sexual harassment policy as follows:

1. No department, board, commission, or other agency under my jurisdiction shall tolerate sexual harassment by any Commonwealth employee against any other employee, applicant for employment, or client or other person receiving services from or conducting business with the Commonwealth. Sexual harassment in Commonwealth work settings is strictly forbidden. Further, no department, board, commission, or other agency under my jurisdiction shall tolerate acts of sexual harassment by persons not employed by the Commonwealth within Commonwealth offices or upon employees of the Commonwealth in the performance of their duties. Sexual harassment is a violation of federal and state law. Therefore, all federal and state laws relating to sexual harassment and/or sex discrimination will be enforced.

2. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and/or other verbal, visual, or physical conduct of a sexual nature where:

a. submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or

b. submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individuals; or

c. 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.

Prohibited sexual harassment may include actions by members of the opposite sex of an employee as well as members of an employee's own sex. Prohibited sexual harassment may include actions which are overtly sexual or facially neutral if such actions constitute gender-based discrimination.

3. Any Commonwealth employee who engages in or knowingly condones sexual harassment related to Commonwealth employment shall be subject to disciplinary action, up to and including dismissal.

4. Retaliation in any form against an employee, applicant for employment, client, or person conducting business with or receiving services from the Commonwealth who exercises his or her right to make a good faith complaint under this policy or who cooperates in an investigation of any complaint is strictly prohibited, and will itself be cause for appropriate disciplinary action.

5. All Commonwealth employees will be educated in sexual harassment issues. Education may consist of written materials, formal training, educational videos, orientation sessions, workplace discussions, and/or individual counseling. All Commonwealth employees will be provided with a copy of this policy and must sign an acknowledgement that they have received and reviewed the policy.

6. Agency heads shall create a workplace environment which encourages discussion of sexual harassment issues, where employees are educated and sensitized to sexual harassment, and where individuals with sexual harassment questions or complaints are provided with a response which is clear, impartial, and timely.

7. The Secretary of Administration shall require each agency to have an effective complaint mechanism which ensures that an employee does not have to complain to the alleged harasser and which provides for prompt and effective investigation of complaints. The Secretary of Administration shall also have the authority to issue Management Directives and establish rules necessary to carry out the mandates of this Executive Order.

8. The Office of Administration, Bureau of Equal Employment Opportunity, shall provide appropriate oversight and resolution of such complaints.

9. This *Executive Order* and *Management Directive 505.30, Prohibition of Sexual Harassment in Commonwealth Work Settings*, constitute the Commonwealth's sexual harassment policy.

10. Cooperation by State Agencies. All Commonwealth departments, boards, commissions, and other agencies under my jurisdiction shall cooperate fully with the Secretary of Administration and provide such assistance and information, as needed, in the implementation of this order.

11. Effective Date. This order shall take effect immediately.

12. Rescission. *Executive Order 1999-3, Prohibition of Sexual Harassment in the Commonwealth.*