



SEXUAL HARASSMENT IN THE WORKPLACE

Mayor's Order 2023-131

Mayor's Order 2023-131 prohibits sexual harassment in all interactions with District employees and officials, and persons acting on behalf of the District. The prohibition applies to harassment by District employees and officials, including harassment of other employees and officials, and to harassment of third parties and members of the public interacting with the District government, including contractors, subcontractors, customers, clients, and other persons visiting or working at District worksites.

The prohibition also applies to harassment by contractors carrying out work on behalf of the District government, including harassment of District employees and officials, and to harassment of third parties and members of the public interacting with the District government, including other contractors, clients, customers, and other persons visiting or working at District worksites.

The Human Rights Enhancement Amendment Act of 2022 expanded the definition of "harassment" and "sexual harassment" under the D.C. Human Rights Act to provide that sexual harassment includes conduct of a sexual nature, "whether direct or indirect, verbal or nonverbal, that unreasonably alters an individual's terms, conditions, or privileges of employment or has the purpose or effect of creating an intimidating, hostile, or offensive work environment." Sexual harassment also includes "sexual advances, requests for sexual favors, or other conduct of a sexual nature where submission to the conduct is made either explicitly or implicitly a term or condition of employment, or where submission to or rejection of the conduct is used as the basis for an employment decision affecting the individual's employment." This is referred to as *quid pro quo* sexual harassment.

A District employee and a District client/customer/contractor of their agency who are in a dating, romantic, or sexual relationship shall conduct themselves in an appropriate manner while on duty and shall not engage in behavior that detracts from a professional work environment.

Reporting Sexual Harassment

Alleged victims of sexual harassment, or a person acting on the victim's behalf with or without the victim's consent, may file complaints that trigger sexual harassment investigations and possible remedies. Alleged victims, including contractors, may file complaints with the Sexual Harassment Officer of the contracting agency or any other District agency, the contracting agency's General Counsel, the supervisor of the employee who engaged in the alleged inappropriate conduct, or the contract administrator.

In addition to pursuing action within the agency, an alleged victim may report a sexual harassment claim within one year of the alleged harassment or its discovery to the District Office of Human Rights using its Intake Questionnaire Form. The alleged victim may also file a complaint with the Equal Employment Opportunity Commission.

Complaints made against District employees who sexually harass contractors or subcontractors, upon investigation, may result in discipline of the employee and accommodations to the contractor, such as having another District official assigned to the contract. Complaints against contractors who sexually harass District employees, agency clients, customers, or visitors, upon investigation, may result in requiring the contractor to use alternate personnel to provide services, and other remedies available under the contract, including contract termination or non-renewal of the contract.