Harassment Outside of the Workplace

The fact that sexual harassment physically occurs off the work premises does not deprive an agency of the jurisdiction to investigate those allegations when the effect of the off-duty contacts is to create "an intolerable influence in the employee's working conditions." *Palacios v. Department of Air Force*, 01830134, 1040/A1 (1983). The Equal Employment Opportunity Commission (EEOC) found that the alleged perpetrator was an agency employee, that the incidents alleged occurred both in the workplace and off the agency's premises and that they constituted a series of events which, if proven true, affected the employee's work environment.

The definition of hostile work environment is that the conduct must be severe or pervasive. "[I]n order to be actionable under the statute, a sexually objectionable environment must be both objectively and subjectively offensive, one that a reasonable person would find hostile or abusive, and one that the victim in fact did perceive to be so." *Faragher v. City of Boca Rotan,* 118 S. Ct. 2283 (1998) (*citing* Harris v. Forklift Sys., Inc., 510 U.S. 17, 21-22, 114 S. Ct. 367, 126 L. Ed.2d 295 (1993)). Whether an environment meets this standard depends on "all the circumstances,' including the 'frequence of the discriminatory conduct; its severity; whether it is physically threatening or humiliating, or a mere offensive utterance; and whether it unreasonably interferes with an employee's work performance.'" *Id*. (quoting *Harris*, 510 U.S. at 23, 114 S. Ct. 367).

When a complainant alleges that incidents of harassment took place both at the workplace and away from the workplace, the agency should evaluate all of the incidents in determining if a hostile environment existed. *Goede v. Postmaster General*, 01996903 (2001).