Scope: All Staff, Volunteers and Contractors

PURPOSE:
To comply with federal, state and local laws prohibiting discrimination, including harassment, in the workplace. To assure that the work environment of Union Hospital is free of sexual harassment and to promote conditions where employees, independent contractors, physician patients, visitors and guests are not subjected to intimidating, hostile or offensive/inappropriate behavior that could constitute harassment.

DEFINITION:
Harassment – Unwelcome or unsolicited comment or conduct that targets a person based on that person's gender, race, religion, age, disability, sexual preference or national origin and is so severe or so pervasive that it interferes an individual’s job performance or creates an intimidating, hostile or offensive working environment. Depending on the facts and circumstances, harassment may include:

- Verbal Harassment – Derogatory or vulgar comments regarding a person’s race, gender, religion, national origin (including accent), ethnic heritage, physical appearance, age, disability or other characteristics. Verbal harassment may also include threats of physical harm. Distribution of written or graphic material which relates to race, age, gender, disability or other characteristics and which could be viewed as offensive, vulgar or derogatory may also constitute harassment.
- Physical Harassment – Hitting, pushing or other aggressive physical contact or touching may constitute harassment where such actions are based on an individual’s race, gender, religion, national origin (including accent), ethnic heritage, physical appearance, age, disability or other characteristics.

POLICY:
All forms of harassment (sexual, racial, religious, age, disability, sexual preference, national origin) are prohibited. It is the policy of Union Hospital to emphasize that all forms of harassment are unlawful and will not be tolerated. All forms of harassment adversely affect morale and effectiveness, and create a hostile work environment.

The Hospital’s anti-harassment policy applies to all persons involved in the operation of the Hospital and prohibits harassment by all Union Hospital personnel, including managers, supervisors, and co-workers, as well as harassment by persons doing business with or for Union Hospital.

**SEXUAL HARASSMENT**

Sexual harassment of any employee by any other employee is a special concern. Federal law defines sexual harassment as unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of employment; or
- Submission to or rejection of such conduct is used as basis for employment decisions affecting the individual; or,
- Such conduct has the purpose or effect of unreasonably interfering with an employee’s work performance or creating an intimidating, hostile, or offensive working environment.

This definition includes various forms of offensive behavior. The following is a partial list:

- Unwanted sexual advances.
- Offering employment benefits in exchange for sexual favors.
- Making or threatening reprisals after a negative response to sexual advances.
- Visual conduct: leering, making sexual gestures, display of sexually suggestive objects or pictures, cartoons, or posters.
- Verbal conduct: making or using derogatory comments, epithets, slurs, sexually explicit jokes, or comments about an employee’s body or dress.
- Verbal sexual advances or propositions.
- Verbal abuse of a sexual nature, graphic verbal commentary about an individual’s body, sexually degrading words to describe an individual, suggestive or obscene letters, notes or invitations.
- Physical conduct: touching, assault, impeding or blocking movements.
HOSTILE/INAPPROPRIATE BEHAVIOR

- **Threat**: A threat is any act which could result in violence; generally a statement, gesture or action that indicates endangerment to self or others.

- **Assault (Aggressive Behavior)**: An unlawful attempt, coupled with a present ability to commit a violent injury to someone. If you feel threatened by the speech or physical activities of another that may be deemed an assault.

- **Battery (Violent/Disruptive Behavior)**: Any willful or unlawful use of force or violence upon another. Violent behavior may include throwing objects or any physical touching of another with the intent of causing harm.

RETAIATION:

Union Hospital strictly prohibits retaliation against any employee or manager who in good faith reports or participates in the investigation of a possible violation of this or any other policy. The Hospital also strictly prohibits retaliation against any employee for filing, testifying, assisting, or participating in any manner in any investigation, proceeding, or hearing conducted by a governmental enforcement agency. Prohibited retaliation includes, but is not limited to, termination, demotion, suspension, failure to hire or consider for hire, failure to give equal consideration in making employment decisions, failure to make employment recommendations impartially, adversely affecting working conditions, or otherwise denying any employment benefit.

Complaint Procedure for Discrimination, Including Harassment

Any employee, who believes he or she has been subject to discrimination in the workplace, including unlawful harassment, threats of violence or becomes aware of unlawful discrimination or threats against another employee, has the responsibility to report it to their supervisor, the Human Resources Department, Security or any other management representative. The report should include details of the incident(s), the names of the individuals involved, and the names of any witnesses. No adverse action will be taken against an employee or manager who in good faith reports or participates in the investigation of a possible violation of this policy.

The Hospital cannot stop harassment of which it is not aware. In order to eliminate harassment in the workplace, the Hospital encourages employees to report all discriminatory conduct before it becomes severe or pervasive. An employee may have been a victim of harassment even if he or she has not suffered a tangible employment action, such as being fired, not promoted, demoted, reassigned, or had a change in compensation or benefits. If an employee is not sure whether he or she has been the victim of harassment, the employee is encouraged to speak with a supervisor or someone from the Human Resources Department for clarification of the Hospital’s harassment policy.

Supervisors and management representatives must immediately report all complaints of discrimination, including harassment, to the Human Resources Department. The Hospital will
promptly undertake or direct an investigation of all reports of discrimination, regardless of the format of the complaint or whether it is made in writing. Every effort will be made to protect the confidentiality of the complainant to the extent possible. Any employee, who is found to have been involved in discriminatory practices, including unlawful harassment, will be subject to immediate and appropriate disciplinary action up to and including termination. The Hospital will follow up with the complainant upon conclusion of investigation to ensure a satisfactory resolution. The Hospital will also take whatever remedial measures may be necessary to correct the effects of the discriminatory conduct in order to put the employee in the position s/he would have been in had the misconduct not occurred. If no determination can be made because the evidence is inconclusive, the Hospital will still undertake further preventive measures, such as training and monitoring.

It may be necessary to undertake intermediate measures before completing an investigation to ensure that further harassment does not occur. Examples of such measures are making scheduling changes so as to avoid contact between the parties; transferring the alleged harasser; or placing the alleged harasser on non-disciplinary leave with pay pending the conclusion of the investigation. The complainant will not be involuntarily transferred or otherwise burdened.

A person who engages in unlawful harassment may be held personally liable for monetary damages. The Hospital does not consider conduct in violation of this policy to be within the course and scope of employment or the direct consequence of the discharge of one’s duties. Accordingly, to the extent permitted by law, the Hospital reserves the right not to provide a defense or pay damages assessed against a person for conduct in violation of this policy.

In addition to Union Hospital’s internal complaint procedure, employees should also be aware that the Federal Equal Employment Opportunity Commission (EEOC) and the State Commission on Human Relations investigate and prosecute complaints of unlawful harassment in employment. Employees who believe that they have been unlawfully harassed may file a complaint with either or both of these agencies. The EEOC and State Commission on Human Relations serve as neutral fact finders and attempt to help the parties voluntarily resolve disputes. These agencies are listed in the telephone directory. Complaints to the State Commission on Human Relations must be filed within six (6) months from the last date of the unlawful harassment. Complaints to the EEOC must be filed within 300 days from the last date of the unlawful harassment.