

Harassment References

Preventing Discrimination and Harassment

Every employee has the right to work in a professional atmosphere that promotes equal opportunity and discourages discrimination, harassment and retaliation.



Anti-Discrimination Laws

Title VII of the Civil Rights Act prohibits discrimination based on race, color, sex, religion or national origin. Passed in 1964, Title VII is the cornerstone of federal anti-discrimination law.

Pregnancy Discrimination Act prohibits discrimination on the basis of pregnancy, childbirth and related medical conditions.

Age Discrimination in Employment Act bars discrimination on the basis of age. Age discrimination is when an employer **treats an individual unfairly or unfavorable because of their age**. The law prohibits discrimination when it comes to any aspect of employment, including hiring, firing, training, pay, job assignments, promotions and any other term or condition of employment.

Americans with Disabilities Act prohibits discrimination on the basis of disability. Disability discrimination occurs when an employer treats a qualified individual unfairly or unfavorably because of their disability. An employer is required by law to provide reasonable accommodation to an employee or a job applicant with a disability.

The Genetic Information Nondiscrimination Act bars employers and health insurers from discriminating based on genetic information.

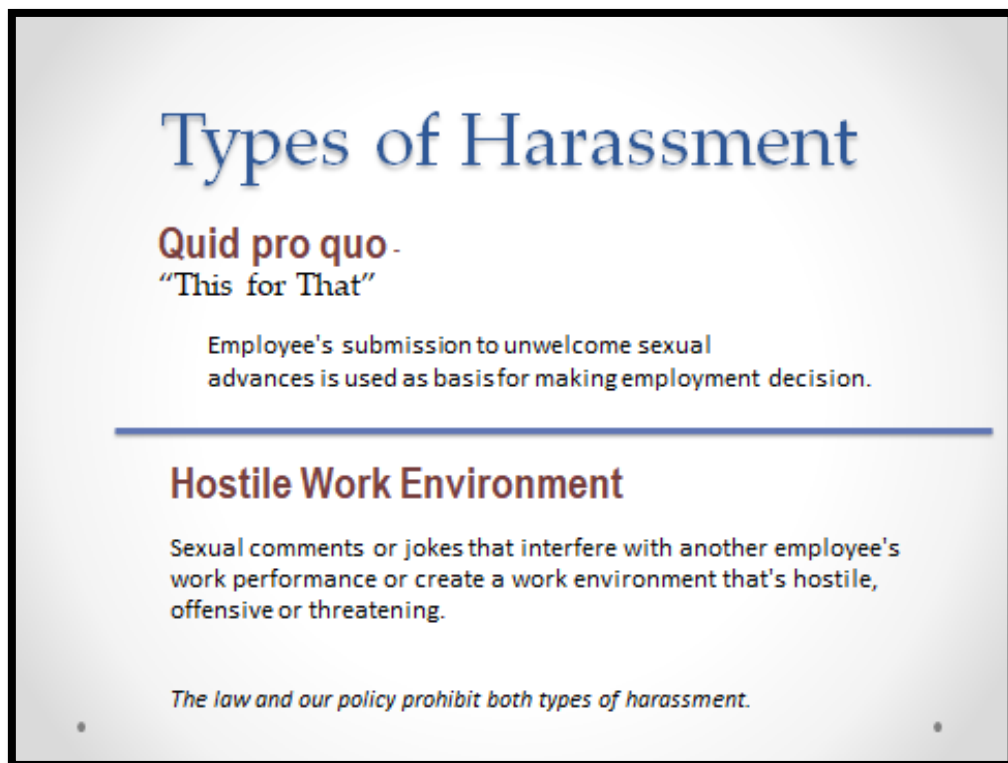
Sexual Harassment Defined

Legal guidelines:

Unwelcome sexual advances,

Requests for sexual favors, or

Other verbal or physical conduct of a sexual nature.



Types of Harassment

Quid pro quo -
"This for That"

Employee's submission to unwelcome sexual advances is used as basis for making employment decision.

Hostile Work Environment

Sexual comments or jokes that interfere with another employee's work performance or create a work environment that's hostile, offensive or threatening.

The law and our policy prohibit both types of harassment.

Whether particular behavior has created a hostile environment may depend on these factors:

- Was it based on gender?
- Was it offensive?
- How serious and frequent was it?

Conduct To Be Avoided

Employees should not engage in any of the following conduct:

- Telling sexually explicit jokes;
- Making requests for a date with someone who is not interested;
- Making suggestive, insulting or obscene comments;
- Massaging someone;
- Discussing sexual thoughts, fantasies or activities;
- Unwelcome touching; or
- Leering or making cat-calls or sexual gestures at someone.

While sexual harassment is the most prevalent, harassment or discrimination on the basis of **any** of the following characteristics is prohibited by law and our policy:

- **race or color;**
- **religion;**
- **sex;**
- **national origin or citizenship;** and
- **age or disability.**

More Conduct To Be Avoided

Employees should avoid these types of conduct:

- Referring to older employee as "over the hill," "old fogey," etc.;
- Using slang for employees of different races, religions or national origins;
- Assuming that older employees have physical limitations;
- Mimicking the accent of an employee of a particular race or national origin;
- Discussing an employee's physical or mental limitations; or
- Revealing an employee's medical condition to others, unless necessary.

Retaliation

- Retaliation violates our policy and the law.
- We may not discipline, demote or terminate an employee for reporting discrimination or harassment.
- We may not take adverse action against an employee for participating in proceedings concerning another employee's claim.
- Complaining employee must have good-faith, reasonable belief that the conduct is unlawful.
- Supervisory employees who engage in unlawful retaliation will be disciplined.

Supervisor Responsibilities

Your responsibilities include –

- Setting the right tone;
- Treating others with respect and dignity;
- Knowing our policies;
- Responding properly to complaints;
- Assisting with investigations of misconduct; and
- Not retaliating.

Respond Properly to Complaints

Remember these rules when responding to complaints:

1. Listen carefully and take all complaints seriously;
2. Be familiar with our policies;
3. Don't promise to keep the complaint confidential;
4. Use open-ended questions and document everything;
5. Assure the employee that there will be no retaliation; and
6. Report all complaints to Human Resources.

Make clear your willingness to receive complaints and take appropriate action.

In Conclusion...

How **you** respond to inappropriate conduct will be considered **our** response.

Address inappropriate behavior immediately and report it to HR.

Your responsibilities are the same regardless of who acts inappropriately.

Not taking action can –

Leave the impression that we condone such behavior;

Foster the view that making a complaint would be futile; and

Subject us to litigation and liability.



Sexual **HARASSMENT**

IN THE WORK PLACE

WHAT CONSTITUTES SEXUAL HARASSMENT?

**OFFERING
BENEFITS**

for a sexual
favor

**UN-
WANTED**

sexual
advancements

THREATS

or retaliation
to "no"

**VISUAL
CONDUCT**

suggestive
gestures

**VERBAL
CONDUCT**

derogatory
comments

**PHYSICAL
CONDUCT**

body position
or touching