

## **COMPANY POLICY - HARASSMENT (POLICY MANUAL)**

It is the policy of \_\_\_\_\_ to assure a work environment free of all forms of harassment. In accordance with that policy, unwelcome sexual advances, requests for sexual favors, sexual demands, or other verbal, physical or visual conduct of a sexual or discriminatory nature will constitute harassment when:

1. Submission to conduct is either an explicit or implicit term or condition of employment; or
2. Submission to or rejection of the conduct is used as a basis for an employment decision affecting the person rejecting or submitting to the conduct; or
3. The conduct has the purpose or effect of unreasonably interfering with an affected persons work performance or creating an intimidating, hostile, or offensive work environment.
4. In third-party situations, one individual is offended by the interaction, conduct or communications between others.

In addition and in accordance with company harassment policy, vicarious actions by supervisors will constitute harassment when discriminatory in nature and based on race, color, gender, religion, national origin, protected activity, age, or disability and when such actions result in tangible employment actions when:

1. A supervisor takes action on a subordinate employee that inflicts direct economic harm.
2. The action is an official, documented act of the company documented and subject to review by higher-level supervisors.
3. The action requires formal approval of the company and use of its internal processes.

Harassment has no place in the workplace. Ignoring the problem is tolerating the problem, and it is determined that harassment of any type will not be tolerated. Each manager will be responsible for:

1. Issuing a strong Management statement prohibiting sexual and vicarious harassment in the workplace. The statement will inform employees of company policy, their rights to redress, and the availability of complaint resolution channels and assistance with incidents of harassment. The statement will also make clear that harassment is considered a form of employee misconduct and that discipline will be enforced against supervisory and managerial personnel who knowingly allow such behavior to continue.
2. Giving this policy and this statement wide distribution. It will be provided to all employees and, where appropriate, included in new employee orientation and publicized in employee publications.
3. Assuring understanding and sensitivity by all management through training programs or other appropriate means.
4. Conducting immediate and thorough investigations of all harassment claims and enforcing appropriate disciplinary action. Particular efforts will be made to conduct investigations with due regard for confidentiality to ensure protection of the complainant and the accused. Complainants will be informed of the internal remedies available. The complaint procedure must provide for follow-up to determine if the harassment has been effectively stopped.

Each manager and supervisor will be responsible for:

1. Applying and implementing of this policy within their area, including the initiation and support of programs and practices designed to develop understanding, acceptance, commitment, and compliance within the framework of this policy.
2. Assuring that all employees are informed of this policy.
3. Taking affirmative steps to encourage individuals who believe that they have been harassed to report such incidents to management.
4. Cooperating fully with any ongoing investigations regarding any incident of harassment.

5. Ensuring compliance with this policy through periodic appraisals of all supervisors and subordinates.
6. Complying with all legal requirements, as well as working with personnel to stay aware of any changes in the law or its interpretation.
7. Ensuring that each employee complies with both the spirit and the letter of this policy.

## **HARASSMENT (EMPLOYEE HANDBOOK)**

This Company believes that each individual we employ has the right to be free from harassment because of race, color, sex (whether or not of a sexual nature), religion, national origin, protected activity, age, or disability. Sexual harassment is defined as:

- A. Unwelcome physical contact.
- B. Sexually explicit language or gestures.
- C. Uninvited or unwanted sexual advances.
- D. Offensive overall environment, including the use of vulgar language, the presence of sexually explicit photographs or other materials, and the telling of sexual stories.

Vicarious harassment includes but is not limited to:

- A. Slurs, jokes or derogatory comments that are racially, religiously, or gender biased in nature.
- B. Any verbal or physical gesture which demoralizes and is directed toward an individual's national origin, age, or disability.
- C. Discrimination by an individual in a supervisory position affecting any employee's status (hiring, promotion, demotion, undesirable reassignment, etc).

It cannot be stressed enough that this company will not tolerate any form of harassment. Should you feel you are being harassed, please follow these guidelines to help us remedy the problem.

Harassment by other employees should be brought to the attention of your Manager. The Manager will investigate the matter, and if the allegation is proven, the responsible employee will be disciplined, up to and including discharge. A second proven charge of harassment against any employee may result in immediate discharge.

Should you feel that your Manager has not investigated the matter to your satisfaction, contact the Personnel Manager immediately.

Should the harassment originate from your Manager, contact the Personnel Manager immediately.

## **HARASSMENT POLICY**

Clearly stated, any form of harassment will not be tolerated by the company or from any source, whether management, co-workers or visitors. The following policy is intended to protect and educate our employees with respect to their rights and obligations as well as to define the company's responsibilities in responding to complaints of sexual or other forms of harassment.

Sexual harassment is defined as unwanted sexual advances or visual, verbal or physical conduct of a sexual nature. This definition includes many forms of offensive behavior such as:

1. Unwanted sexual advances.
2. Offering employment benefits in exchange for sexual favors.
3. Making or threatening reprisals after a negative response to sexual advances.
4. Visual conduct: leering, making sexual gestures, displaying of sexually suggestive objects, pictures, cartoons or posters.
5. Verbal conduct: graphic commentaries about an individual's body, proposition, derogatory comments, epithets, slurs, jokes, degrading words describing an individual, suggestive or obscene letters, notes or invitations.
6. Physical conduct: touching, assaulting, impeding or blocking movements.

In 1986 the Supreme Court recognized what is known as "hostile-environment harassment," or any on-the-job sexually oriented activity that creates a hostile or offensive working environment but does not involve economic factors. The EEOC further recognizes sexual harassment as occurring when:

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

In 1998, the Supreme Court recognized that employers are responsible for unlawful vicarious harassment by supervisors on all covered bases including race, color, sex (whether or not of a sexual nature), religion, national origin, protected activity, age, or disability. Vicarious harassment is defined as:

1. Harassment by “a supervisor with immediate (or successively higher authority over the employee.”

Supervisor is defined as:

2. An individual with the authority to undertake or recommend tangible employment decisions affecting the employee, or
3. An individual with authority to direct the employee’s daily work activities.

Tangible employment decisions include:

1. Hiring and firing; promotion and failure to promote
2. Demotion.
3. Undesirable reassignment.
4. A decision causing a significant change in benefits, compensation decisions, and work assignments.

If any employee believes he or she is a victim of any form of harassment or any employee witnesses or observes harassment of another employee, the allegations should be immediately reported to a Supervisor, Regional Manager, or the Personnel Manager.

I have read our Company Harassment Policy and agree to follow all policies and procedures as outlined within.

Signature \_\_\_\_\_ Date \_\_\_\_\_

## **COMPLAINT REPORTING PROCEDURE**

1. Submit a complaint, preferably in writing, to your Supervisor, Manager or Personnel Manager.

Include the following:

- A. The name(s) of the alleged harasser(s).
  - B. The date(s) of the alleged incident(s).
  - C. Description of the alleged harassment.
  - D. Time.
  - E. Location.
  - F. The name(s) of witness(es).
  - G. As much detail as possible.
2. If possible, find witnesses or other substantiation.
  3. Provide any other documentation or evidence of the reported incident(s) to assist with the investigation.

An immediate, thorough and objective investigation of any alleged incident will take place if a grievance, complaint or report of questionable actions is received.

## **COMPLAINT INVESTIGATION PROCEDURE**

1. The Company will appoint an individual to investigate each complaint.
2. Interviews will be conducted with the complainant, alleged harasser, and, as appropriate, all others directly concerned by either the Supervisor, Regional Manager, and /or personnel from the corporate office.
3. The investigation process will include a disinterested third party, such as a personnel official, to ensure a fair, reasonable and objective process.
4. The investigation may include personnel records, telephone records and any other appropriate materials.
5. Upon completion of an investigation, a determination will be made and the results will be communicated to the complainant, the alleged harasser, and any other parties involved, if appropriate.
6. Proven harassment will be promptly and effectively corrected. Appropriate action will be taken against the harasser and any further harassment and may include:
  - A. Counseling with the harasser(s)
  - B. Transfer of the harasser(s)
  - C. Probation, with a warning of suspension or discharge for continuing or recurring offenses.
  - D. Suspension with or without pay (depending on the seriousness of the offense).
  - E. Discharge for cause.

Female employees are encouraged to file complaints with a female manager, and male employees are encouraged to file complaints with a male manager if it is more comfortable.

If a complainant is not comfortable reporting alleged incident(s) to his or her Supervisor or Manager, submit the complaint to the Personnel Manager for assistance and investigation.