



# ST. JOSEPH HOSPITAL

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 Policy Champion: Wesley Layne: Director of Human Resources  
 Policy Area: HR - Employment  
 Applicability: Nashua St. Joseph Hospital

## Sexual and Other Unlawful Harassment and Discrimination, HR-40

### PURPOSE:

To provide a working environment free from all forms of harassment, discrimination or intimidation. Harassment of any sort (verbal, physical, sexual or visual) against or by any person, including employees, supervisors, co-workers, patients, or other persons, will not be tolerated.

### POLICY:

The Company believes that all employees have a right to work in an environment free of discrimination, which includes freedom from harassment, whether that harassment is based on sex, age, race, color, national origin, religion, sexual orientation, marital status, legally recognized civil union status or membership in other protected groups.

### Examples of Prohibited Conduct:

Each employee must exercise his or her own good judgment to avoid engaging in conduct that may be perceived by others as harassment. Forms of prohibited harassment include, but are not limited to:

- Verbal: sexual innuendoes, racial or sexual epithets, derogatory slurs, off-color jokes, propositions, threats or suggestive or insulting sounds;
- Visual/Non-verbal: derogatory posters, cartoons or drawings; suggestive objects or pictures; graphic commentaries; leering; or obscene gestures;
- Physical: unwanted physical contact including touching, interference with an individual's normal work movement or assault; and
- Retaliation: making or threatening reprisals as a result of a negative response to harassment.

### Definition of Sexual Harassment

Sexual harassment is one form of unlawful harassment. It is also considered to be discrimination. Sexual harassment is defined here separately because the line between acceptable social contact between individuals and unlawful sexual harassment is sometimes more difficult to determine.

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal, physical, and nonphysical conduct of a sexual nature when:

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

Sexual harassment includes a wide range of behaviors, from the actual coercion of sexual relations to unwelcome offensive comments, jokes, innuendoes and other sexually oriented statements and unwelcome emphasizing of sexual identity. It is not possible to create an all-inclusive list of prohibited harassment, so we offer the following as some examples of the types of comments or conduct that may constitute harassment or otherwise be considered a violation of this policy:

- Unwelcome sexual advances, whether or not they involve physical touching;
- Epithets; jokes; slurs; inappropriate nicknames or other references;
- Written or oral references to sexual conduct; gossip regarding one's sex life; comment on an individual's body; comment about an individual's sexual activity or experience;
- Displaying inappropriate objects, pictures, cartoons, email messages, screensavers, Internet sites;
- Leering, whistling, brushing against the body; sexual gestures;
- Suggestive or insulting comments;
- Threats or physical aggression.

Employees need to be concerned not only with the intent of their actions of this kind but also the effects; even unintentional conduct (including conduct that is intended as a "joke") can be deemed a violation of this policy. Repeated occurrences will be considered intentional violations of the policy.

A hostile work environment may be created by supervisors, co-workers, and subordinates as well as by non-employees, such as patients, suppliers, vendors, and contractors who have work-related dealings with employees. Sexual harassment includes behavior by members of the same sex, as well as members of the opposite sex, directed at a person because of his/her sex or sexual orientation.

This policy prohibits all of the activities discussed above, whether engaged in by a supervisor, agent of the Company, coworker, or nonemployee who is on Company premises or who comes in contact with Company employees.

## **Consequences for Violating this Policy**

Harassment may be indirect and even unintentional. Violations of this policy, whether intended or not, will not be permitted. Employees who violate this policy will be subject to disciplinary action up to and including termination. Non-employees, offending patients (clients) and vendors will be asked to leave the premises.

## What You Should Do if You are Harassed

Harassment is a violation of the Company's policy and is prohibited by state and federal law. Experience has shown that a clear statement to the person engaging in the offensive behavior is often all that is necessary to stop the conduct. Employees who believe they are being harassed are encouraged to let the person engaging in the conduct know how they feel, but they are not required to do so.

Employees who have complaints of harassment should report the incident immediately in accordance with our Reporting Procedure for Harassment and Discrimination, set forth below.

## Retaliation is Prohibited

Retaliation against an employee who complains in good faith about sexual or other unlawful harassment is a violation of the Company's policy and is prohibited by state and federal law. Retaliation is a form of unlawful harassment and will be handled in the same manner as other forms of harassment. All incidents of retaliation should be immediately reported in accordance with the Reporting Procedure for Harassment and Discrimination.

## PROCEDURE:

### REPORTING FOR HARASSMENT AND DISCRIMINATION:

If you believe that you have experienced unlawful discrimination or harassment, you must follow this reporting procedure to notify us of the problem so that we can promptly and thoroughly investigate the matter and take appropriate action. Do not allow an inappropriate situation to continue by not reporting it, regardless of who is creating the problem. No employee in this organization is exempt from our policies prohibiting harassment and discrimination.

- Any employee who believes that he/she has been discriminated against or harassed should immediately notify the Director of Human Resources.
- Supervisors, managers, and general managers who become aware of discriminating or harassing conduct and/or a complaint of discrimination or harassment must report the conduct and/or complaint immediately to the Director of Human Resources.
- The Company will investigate every reported incident promptly, thoroughly and in a discreet manner. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge. All complaints will be considered confidential.
- Once the investigation has been completed, a determination will be made as to whether or not harassment has occurred and what, if any, corrective action should be taken.

Any employee who has been found to have violated our policies or otherwise acted inappropriately will be subject to disciplinary action, up to and including immediate termination of employment. The Company will also take other corrective or remedial actions, when appropriate.

We encourage reporting of complaints so that we may appropriately address and correct any problems. An employee who participates in good faith in any investigation under this policy has the Company's assurance that it will not tolerate any retaliation against him/her as a result of bringing the complaint or otherwise

participating in the process. All employees are expected to be truthful, forthcoming, and cooperative in connection with a complaint investigation.

## RESPONSIBILITY:

All Employees

### Attachments:

No Attachments

### Approval Signatures

Committee	Approver	Date
Director of Human Resources	Shirley Lussier: Director of Human Resources	01/2016
	Shirley Lussier: Director of Human Resources	01/2016

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