

<b>WORKPLACE PROCEDURE#:</b>	<b>HR- 2</b>	<b>Workplace Harassment</b>
<b>EFFECTIVE:</b>		<b>June 1, 2010</b>
<b>SPONSOR:</b>		<b>Organizational Development</b>
<b>REVIEWERS:</b>		<b>Administration, Benefits, Human Resources</b>
<b>APPLIES TO:</b>		<b>All Health Ministries of St.Vincent Health</b>

**PHILOSOPHY**

At St.Vincent Health we believe that it is in the best interest of associates and St.Vincent Health to provide a work environment that is free from all forms of unlawful discrimination and harassment.

Respect and compassion for the dignity and diversity of life is our core value of Reverence. The workplace harassment procedure prohibits discrimination and harassment which is based on race, color, religion, gender, disability, protected veteran status, sexual orientation, national origin, age or any other lawfully protected class.

**POLICY**

St.Vincent Health is committed to providing and sustaining an environment free from all forms of unlawful discrimination and harassment. St.Vincent Health prohibits discrimination and harassment which is based on race, color, religion, gender, disability, protected veteran status, sexual orientation, national origin, age or any other lawfully protected class. St.Vincent Health does not and will not tolerate conduct by any associate (management and non-management), medical staff member, patient, visitor or vendor which violates this policy regardless of whether the conduct occurs at or away from the workplace, or after normal working hours. Consequences for violation of this policy may lead to the immediate termination, release or removal from St.Vincent Health.

**What Associates Should Do If They Believe This Policy has been Violated**

Workplace harassment, when it occurs, can be devastating to its victim. If you believe that you or someone else at St.Vincent Health may have been the subject of discrimination or harassment, including sexual harassment, you should report the conduct without delay. You should approach either your direct supervisor or manager or local human resources representative who has the training and experience to take prompt action to resolve your concerns. All reports will be handled promptly and examined impartially with appropriate regard to the confidentiality and rights of everyone involved. No one making a report or participating in the process will be subjected to retaliation of any kind.

Allegations of workplace harassment, whether true or not, can also be devastating for the individual against whom allegations are made. Willfully false statements or willfully false allegations made by any individual will not be tolerated.

## **Sexual Harassment**

While all types of discrimination and harassment based on race, color, religion, gender, disability, protected veteran status, sexual orientation, national origin, age, or any other lawfully protected class are serious, the problems inherent in sexual harassment demand special attention and awareness. Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature are not appropriate and will not be tolerated or condoned.

Unlawful sexual harassment is a form of sex discrimination and occurs when:

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

## **Prohibited Conduct**

Examples of the types of conduct expressly prohibited by this policy include, but are not limited to, the following:

- Unwelcome touching
- Sexually-suggestive touching
- Violating someone's "personal space"
- Lewd, off-color, sexually-oriented comments or jokes
- Foul or obscene language
- Suggestive or sexually-explicit posters, calendars, photographs, graffiti, and cartoons
- Sexually-oriented or explicit remarks, including written or oral references to sexual conduct or gossip regarding one's sex life or body
- Sexual favors in return for employment rewards, or threats if sexual favors are not provided
- Derogatory or offensive statements, e-mails, jokes or behavior directed at an individual's race, color, religion, gender, disability, protected veteran status, sexual orientation, national origin, age or any other lawfully protected class.

## **Investigations and Corrective Action**

When management is notified or has knowledge of conduct in the workplace that closely resembles any of the aforementioned characteristics or behaviors, St. Vincent Health will:

- Conduct a prompt, thorough and impartial investigation of all harassment complaints.
- Take immediate and appropriate corrective action, up to and including termination, when it determines that harassment has occurred.

## **PROCEDURE**

Each member of management is responsible for creating and maintaining an atmosphere free of discrimination and harassment, sexual or otherwise. Further, associates are responsible for respecting the rights of their coworkers.

### *Supervisor, Department Head and Vice President Responsibilities*

It is the responsibility of the Supervisor, Department Head and Vice President to:

- Monitor the workplace for inappropriate conduct.
- Conduct himself or herself in a manner consistent with St. Vincent Health policy.
- Give a clear message to associates that harassment of any type will not be tolerated.
- Report to Human Resources any observed or suspected conduct which may violate this policy.
- Report all harassment complaints immediately to your Human Resources designee.
- Assure associates that his or her harassment complaint will be held in confidence to the maximum extent possible (complaints will be discussed only with those associates who are a part of the investigation and those representatives of management with a need to know about the allegations).
- Take prompt and appropriate action as directed by Human Resources to resolve harassment complaints.
- Cooperate fully with any Human Resources investigation of a harassment complaint.
- Prevent retaliation against any individual for making a harassment complaint or participating in a complaint investigation.
- Partner with his or her Human Resources designee, take immediate and appropriate corrective action, up to and including termination, when it determines that harassment has occurred.

### Associate Responsibilities

It is the responsibility of the associate to:

- Conduct himself or herself in a manner consistent with St. Vincent Health policy.
- Report any behavior or incident which may violate this policy immediately to his or her Supervisor or Department Head or if this is inappropriate or uncomfortable, report the incident to your Human Resources representative.
- Cooperate fully with any Human Resources investigation of a complaint.
- Know that St. Vincent Health will protect confidentiality of complaints to the maximum extent possible (complaints will be discussed only with those associates who are a part of the investigation, and those representatives of management with a need to know about the allegations.)
- Report any retaliation for making a complaint or participating in a complaint investigation to Human Resources.

### Record-Keeping Requirements

Records of investigations will be maintained in personnel files as determined by Human Resources.

It is the responsibility of Human Resources to:

- Monitor the workplace for inappropriate conduct.
- Conduct him or herself in a manner consistent with St. Vincent Health policy.
- Give a clear message to associates that harassment of any type will not be tolerated.
- Conduct a prompt and thorough investigation upon learning of behavior or incidents, which may violate this policy.
- Document all complaints in writing, and all aspects of the investigation should be thoroughly documented in writing.
- Conduct the investigation in a timely manner, as soon as possible after becoming aware of the alleged improper conduct.
- Keep the investigation private and confidential to the maximum extent possible (complaints will be discussed only with those associates who are a part of the investigation and those representatives of management with a need to know about the allegations).
- Enable associates to report any retaliation for making a complaint or participating in a complaint investigation to Human Resources.
- Inform the accuser and the accused of the investigation findings.
- Support immediate and appropriate corrective action, up to and including termination, when it is determined that a violation of this policy has occurred.
- Obtain legal counsel in the investigation process when deemed necessary.
- Keep all investigative files located in one designated area in Human Resources. All disciplinary actions must be maintained in the associate's primary personnel file.