

AtlantiCare

Policy & Procedure		ID No.	409
Subject:	Harassment-Free Workplace	Category:	Human Resources
Facility Scope:	AtlantiCare Health System	Department:	General

PURPOSE:

AtlantiCare is firmly committed to maintaining a working environment that is free from all forms of sexual and other workplace harassment. AtlantiCare prohibits harassment and will not tolerate any form of harassment that interferes with an individual's work or performance or creates an intimidating, hostile, or offensive working environment. AtlantiCare's policy is a high standard that prohibits conduct that may not rise to the level of unlawful harassment.

It is the responsibility of all employees to assist AtlantiCare in providing a working environment that is free from harassment at all times by not engaging in harassing behavior and by promptly reporting incidents of such behavior. All AtlantiCare entities and Divisions are subject to this Policy.

DEFINITIONS:

Compliance Line A communication tool managed by a third party vendor for individuals who wish to call to report violations or suspected violations. All reports to the Compliance Line may be made anonymously and will be investigated promptly.

Legally Protected Classification The following include legally protected classifications: race, skin color, religion, gender, pregnancy, national origin, nationality, mental or physical disability, perceived disability, age, creed, ancestry, marital status, domestic partnership or civil union status, actual or perceived affectional or sexual orientation, gender identity or expression, atypical hereditary cellular or blood trait, genetic information, military service, or AIDS and HIV related illnesses.

Retaliation An adverse action or threat of an adverse action taken against an employee in response to a good faith complaint of a known or suspected violation of AtlantiCare policy.

RLDatix(Previously known as Quantros) AtlantiCare's incident reporting software, which contains a module to report Disruptive Events in patient care areas.

Sexual Harassment Any unwelcome sexual advance, request for sexual favors, or other verbal or physical conduct of a

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sexual nature when:

- a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
- b) submission to or rejection of such conduct is used as the basis for decisions affecting that individual with regard to employment (raises, job, work assignments, discipline, etc.); or
- c) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive work environment.

Workplace Harassment

Unlawful harassment is a form of discrimination that violates federal and state law.

Unwelcome verbal or physical conduct based on a legally protected classification constitutes unlawful harassment when:

- The conduct is sufficiently severe or pervasive to create a hostile work environment for any reasonable person; or
- A supervisor's harassing conduct results in a tangible change in an employee's employment status or benefits (for example, demotion, termination, failure to promote, etc.).

AtlantiCare's policy may prohibit conduct that violates the spirit of its policy even if it does not rise to the level of conduct prohibited by law.

POLICY:

Sexual Harassment

Sexual harassment by an employee may result in disciplinary action, up to and including termination of employment. It may also subject the employee to individual liability under the law.

The following conduct will constitute a violation of this policy:

- making sexual advances or requesting sexual favors if submission to or rejection of such conduct is the implicit or explicit basis for imposing or granting terms and conditions of employment at AtlantiCare (sometimes referred to as "quid pro quo" harassment);
- making sexual advances, requesting sexual favors, or otherwise discriminating on the basis of gender in a manner that unlawfully creates an intimidating, hostile, or offensive working environment or that otherwise unlawfully interferes with an individual's work performance;
- engaging in any sexual contact with a person who has not given consent or committing any act of sexual assault, public sexual indecency or sexual abuse against a person, if the act is committed on AtlantiCare

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property, is employment-related, or is in connection with any AtlantiCare-sponsored event or activity;

- in a supervisory role, acting, recommending action, or refusing to take action in return for sexual favors,
- as a reprisal against a person who has rejected, reported, filed a complaint regarding, or been the object of sexual harassment; or
- Disregarding, failing to investigate, or delaying investigation of allegations of sexual harassment to the extent that action, reporting, or investigation is appropriate or required by one's supervisory position.

Some specific examples of conduct that may constitute sexual harassment include:

- Leering, i.e., staring in a sexually suggestive manner;
- Making offensive remarks about looks, clothing, body parts;
- Touching in a way that may make an employee feel uncomfortable, such as patting, pinching or intentional brushing against another's body;
- Telling sexual or lewd jokes, hanging sexual posters, making sexual gestures, etc.;
- Sending, forwarding or soliciting sexually suggestive letters, notes, emails, texts, or images;
- Repeatedly asking someone for a date;
- "Accidentally" brushing sexual parts of the body;
- Uninvited neck/body massages;
- Kissing, hugging or any unwanted touching;
- Indecent exposure, "mooning" or flashing;
- Spreading lies about someone's personal or sex life.

Workplace Harassment

Workplace harassment that occurs because of a person's protected status is unlawful. Employees who engage in unwelcome conduct that can reasonably be considered to adversely affect the work environment may be found to have engaged in workplace harassment if their actions are due to the protected class of another employee.

In addition, if an employment decision affecting an employee is based on the employee's acceptance or rejection of unwelcome conduct based on one or more protected classes, the conduct would be considered workplace harassment.

Examples of workplace harassment prohibited by this policy may include:

- Demonstrations of a racial or ethnic nature such as a use of gestures, pictures, cartoons or drawings which would offend a particular racial or ethnic group;
- Comments about an individual's skin color or other racial/ethnic characteristics;
- Making disparaging remarks about an individual's gender that are not sexual in nature;

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- Negative comments about an employee's religious beliefs (or lack of religious beliefs);
- Expressing negative stereotypes regarding an employee's birthplace or ancestry;
- Negative comments regarding an employee's age;
- Derogatory or intimidating references to an employee's mental or physical impairment.

Incidents of sexual or workplace harassment against AtlantiCare employees by external parties will be investigated and addressed in a manner appropriate to the situation.

PROCEDURE:

Filing a Complaint of Harassment

An employee may report sexual or workplace harassment to his or her manager, to another member of management the employee is comfortable approaching, to the Director of Human Resources; or the employee may make a report through the Compliance Line. Reports to the Compliance Line may be made anonymously. . Incidents of Disruptive Behavior by a provider or employee in patient care areas can also be reported through the incident reporting system, Quantros. Employees are encouraged to report any allegations of harassment promptly. Any employee who in good faith reports allegations of harassment will be protected from any form of retaliation. Deliberately reporting false allegations of sexual or workplace harassment may result in disciplinary action, up to and including termination of employment.

Confidentiality

AtlantiCare will endeavor to protect the confidentiality of parties and witnesses involved in a sexual or workplace harassment report, when confidentiality is consistent with the need to investigate allegations of misconduct and take corrective action, and with applicable law.

Responsibilities

Department/Unit Manager	Inform employees of this policy. Require training of all management staff on what is prohibited harassment, and how to respond to related complaints. Promptly report suspected violations to Human Resources.
Director of Human Resources	Provide an avenue for employees to report harassment Ensure that both the complainant and the alleged violator are protected in the application of this policy Investigate accusations; determine whether harassment has occurred and whether action is required
Everyone	Attend required sexual and workplace harassment training.

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Report any activities that you believe may be sexual or workplace harassment.

Understand your rights and responsibilities under this policy.

DEFINITIONS:

AtlantiCare: AtlantiCare is defined as any and all affiliated companies of the AtlantiCare Health System, including its joint ventures operating under the AtlantiCare trademark, and captive professional services corporations such as AtlantiCare Physicians Group.

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Acknowledgement of Receipt of Policy Harassment-Free Workplace

I, _____, received the AtlantiCare Policy ID# 409, Harassment-Free Workplace. I have read and understand this policy and its prohibitions.

I further understand and acknowledge that AtlantiCare has the right and sole discretion to alter or modify any of the provisions contained in the policy at any time without my consent.

Date

Employee Signature

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