



Employee Assistance Program

SEXUAL HARASSMENT POLICY:

Sexual Harassment Policy Law

Workplace Violence is a very serious issue and also a legal violation that is addressed by clear legal guidelines. As an employer, you are required to become knowledgeable about workplace sexual harassment issues and to implement preventative measures, such as a Sexual Harassment Policy.

The Federal Equal Employment Opportunity Commission (EEOC) has listed guidelines on sexual harassment under Title VII of the 1965 Civil Rights Act. EEOC's Public Information System can be reached at (1-800-872-3362).

EEOC DEFINITION

“Sexual harassment on the job is any unwelcome sexually-oriented behavior, derogatory comment or physical contact initiated by an individual at the workplace, that is or (missing) condition of employment, a basis for employment decisions, or that interferes (missing) with employee's work or creates a hostile or offensive working environment.”

FEDERAL CRITERIA

1. Submission to the conduct is made either an explicit or implicit condition of employment.
2. Submission to or rejection of the conduct is the basis for either continued (missing) employment or for decisions affecting pay, benefits or advancement opportunities.
3. The conduct has the purpose or effect of substantially interfering with an individual's work performance. Or, the conduct creates an intimidating, hostile, or offensive work environment.

I. Suggestions for Creating a Sexual Harassment Policy

- A. Most Sexual Harassment Policies contain at least five parts:
- Statement of Need (why have a policy)
 - Goal or Purpose (what is the policy designed to do?)
 - Scope (who will be affected by the policy?)
 - Penalties or Corrective Actions (what happens when violations occur?)
- B. Some Policies also contain:
- Opportunities (where is assistance available?)
 - Procedures (how will suspicions or evaluations be handled?)
 - Communications (how will training/education be conducted?)
 - Definitions (what do topics and terms mean?)
 - Expectations (where does responsibility lie within the company?)
- C. The Policies are followed by:
1. Sending letters to Employees explaining that the new policy has been implemented
 2. Requiring signed acknowledgement from employee on Policy Summary
 3. Implementing Intervention Program with complete protocols (who, what, when and how?)
 4. Implementing an Investigation and Remediation program with complete protocols
 5. Implementing Supervisory Training Program (define intervention procedures and policy)
 6. Implementing Employee Education Program (define issues, expectations, resources and policy)
 7. Implementing and promoting Employee Assistance Program (include referral and follow-up process)
 8. Consistently enforcing the policy to ensure equality with appropriate documentation, justification, and deliberation (include appropriate resources)
 9. Developing a Threat Assessment Team (including Human Resources, Security, Risk Management, etc...).

II. Sample Corporate Policy on Sexual Harassment

Statement of Need

(**Company**) has a strong commitment to the health, safety, and welfare of its employees, their families, and its customers. It is essential that all of our employees feel that they are able to work in a safe, hostile-free, productive environment where sexual harassment is not only discouraged but also prohibited. It is to this end that (**Company**) has committed to maintain a clear policy and supportive program relating to the prevention, education, detection, rehabilitation and elimination of all forms of sexual harassment on or relating to the worksite.

This policy defines the conditions and parameters of sexual harassment in the workplace as described in Title VII of the 1964 Civil Rights Act, The Civil Rights Act of 1991 and all subsequent court decisions regarding this issue. This policy also includes investigative procedures and forms along with appropriate measures to be used by management in the prevention of and discipline related to such behavior.

Goal

It is the goal of (**Company**) to provide a safe workplace by eliminating any kind of discrimination and harassment created by inappropriate actions or situations in the workplace. We believe this goal to be in the best interest of our employees, our customers, and our stockholders.

Scope

This policy applies to all employees of the company while on the job and to situations where an employee's off-the-job or off-premises conduct impacts work performance, undermines the public confidence in, or threatens the well-being of that employee, co-workers or any other individual involved in the company's business. It is also intended to apply to employees of firms doing business with the company while on our premises.

Although the company has no intention of intruding into the private lives of its employees, we recognize that any forms of sexual harassment brought to the worksite or exhibited at the worksite can have an impact on legal compliance, morale, and performance. Our concern is to assure that employees can perform their work duties in a hostile-free environment.

Policy Guidelines

1. **(Company)** management will assume a proactive approach in the management and prevention in all incidents of sexual harassment.
2. **(Company)** and it's representatives will not tolerate (zero tolerance of) any forms (verbal, written, or physical) of intimidation, coercion, innuendo, or direct threat to it's employees by means of sexual harassment.
2. Sexual harassment cannot take place in the worksite on any level. Sexual harassment is inappropriate and can cause harm to the victim(s) (including those observing the behavior) either physically or emotionally. Harassment of any kind erodes the individual, the group, and ultimately the company in terms of productivity, morale, and trust.
3. Sexual harassment is therefore strictly prohibited and any employee or group of employees found guilty of violating other employee's rights under Title VII of the 1964 Civil Rights Act\Civil Rights Act of 1991 and or this policy will be disciplined to the extent deemed necessary by management.
4. It is the decision of **(Company)** to commit the resources necessary to achieve and maintain an environment free of sexual harassment.
5. **(Company)** therefore expects the full support of this policy by all employees, management, and any persons doing business with the company.

Procedure

To provide an environment free of sexual harassment, the company will:

1. Establish definitive rules and regulations.
2. Provide increased awareness through training, education, and communication on the subject of sexual harassment.
3. Recognize there may be employees who have psychological problems and stand willing to assist in the resolution of those problems by encouraging employees to seek help through the employee assistance program.

In addition, the company may take any or all of the following actions:

1. Inspect persons and their property in our employ or doing business with the company regarding materials of sexual harassment.

2. Cooperate with government and law-enforcement agencies when regulations and laws have been broken regarding sexual harassment.
3. Take any other actions deemed necessary and appropriate by the company to investigate, intervene and eliminate all forms of sexual harassment.

Expectations

Company Responsibilities

As a responsible employer and member of the community, the company will:

1. Increase employee's awareness of sexual harassment in the workplace.
2. Administer programs and procedures that consider employees rights, are positive in their intent, and are within legal boundaries.
3. Document behavior and/or performance changes in employees (who, what, when, where, why?).
4. Support the establishment of programs to assist employees with harassment issues that impact the workplace
5. Address rumors of harassment or behavior changes
6. Investigate all claims of sexual harassment and respond with appropriate actions to prevent, discipline, and rehabilitate perpetrators.
7. Restrict discussions regarding the issues to those affecting or affected by the workplace environment.

Management/Supervisor Responsibilities

As a representative of the company, all managers and supervisors will:

1. Report any incident, claim, or confessions of sexual harassment to the Human Resources Department immediately.
2. Inform any employee making such a claim that it is your responsibility to report all incidents of sexual harassment to the Human Resources Department.

3. Encourage employees to come forward with all claims of sexual harassment.
4. Document all instances of sexual harassment observed, claimed, or confessed by employees.
5. Encourage employees to use the employee assistance program when they are the target or the perpetrator of sexual harassment.
6. Support company efforts to eliminate workplace sexual harassment.

Employee Responsibilities

(Company) believes that each employee has the responsibility to:

1. Not engage in any actions, behaviors, or discussions that in any way creates sexual harassment
2. Participate in and support Company sponsored sexual harassment prevention education programs.
3. Seek and accept assistance for sexual harassment related issues before job performance or the worksite is affected by them.
4. Support company efforts to eliminate sexual harassment in the workplace among employees where it exists.

Prohibitions

(Company) prohibits the following behaviors and acts of sexual harassment:

- A. Making sexual advances either overt or implied while on the job, traveling or while performing any duties as a representative of **(Company)**. This includes actions taken both on and off the company premises.
- B. Communicating sexually explicit language (both written and verbal) or making sexual gestures. This includes jokes stated verbally or in writing or transmitted through e-mail or Internet services.
- C. Communicating negative or offensive comments, jokes, or suggestion's regarding a person's gender or sexuality.
- D. Calling attention to one's own or another's body features.

- E. Displaying photos, mannequins, posters, cartoons, magazines, calendars, or other publications or pictures of a sexually offensive or explicit nature on company premises or during any company meeting or function.
- F. Making requests for sexual acts as a condition of employment or as a condition of job retention. This includes promises of promotion or the threat of withholding a promotion based on sexual favors.
- G. Creating a hostile work environment for any employee who refuses or chooses to ignore the offensive behavior.
- H. Failing to take serious the complaints of an employee who is experiencing sexual harassment.

Consequences for Violation of the Workplace Violence Policy

1. Violation of this policy may result in severe disciplinary action, including termination, at the sole discretion of the company.
2. In addition to any disciplinary action, the company may, in its sole discretion, refer the employee to treatment or counseling for inappropriate behavior. Employees referred to such a program by the company must immediately cease any inappropriate behavior, must consent to periodic reviews and must comply with all conditions of the treatment or counseling program and disciplinary action. After successful completion of all requirements of this section, the employee will again be subject to periodic reviews. Appropriate company representatives shall determine whether an employee referred to treatment or counseling because of harassment issues or should be reassigned to another position.
3. (**Company**) will promptly terminate any employee who is a repeat offender either while undergoing or after completing treatment or counseling, if such treatment or counseling is required by the company.
4. (**Company**) will promptly terminate any employee who possesses any weapon in the workplace.

Definitions

The term “sexual harassment” means any sexually related behavior that is perceived by the individual to be causing harm or discomfort which is perpetrated in the work environment (or effect the work environment) committed by any individual involved with company business.

Communications

To assist employees in understanding and avoiding the risk of sexual harassment in the workplace, (**Company**) will provide a “Sexual Harassment in the Workplace” program for employees and (missing). The company will use this program in all ongoing educational efforts to prevent, (missing), and eliminate sexual harassment in the workplace.

It is a requirement of (**Company**) that all supervisors, managers, directors, and executives (missing) annual training on the procedures to be taken from any employee playing a complaint as (missing) laws and court decisions of sexual harassment in the workplace.

It is also a requirement of (**Company**) that all employees will be given an annual education on (missing) identification, and employee rights under Title VII of the Civil Rights Act of 1964 and the Civil Rights act of 1991 as well information regarding:

1. The prevalence of violence in the workplace
2. (**Company’s**) violence in the workplace policy
3. The availability of treatment and counseling for employees who voluntarily seek such assistance.
4. The sanctions (**Company**) will impose for violations of its violence in the workplace policy.
5. In addition, the company will provide a Policy Statement (see attached statement) regarding:
 - a. The company’s stand on sexual harassment
 - b. The company’s definition of sexual harassment
 - c. The process for reporting incident of sexual harassment
 - d. The possible sanctions of (**Company**) will impose for violations of this policy
 - e. The availability of treatment and counseling for employees who are the target or perpetrators of sexual harassment.

Implementation

Each division, subsidiary or affiliate of (**Company**) will be responsible for establishing and implementing detailed policy and procedures, specific to its needs, in support of this policy. Each of these policies is subject to central review for consistency with the corporation’s policy. It is the responsibility of the Corporate Human Resources Department to interpret the Corporate Sexual Harassment in the Workplace Policy.

EMPLOYEE ASSISTANCE

Employees can request or be given assistance when emotion or psychological problems arise. The Human Resources Department can provide access to an Employee Assistance Program, which provides confidential assessment and counseling to the affected employee. This information is shared between the employee and the employee assistance program is confidential and proprietary and is not released to anyone, including (**Company**), without prior written permission from the employee.

REMEDY

If an employee believes that he/she is being subjected to any type of sexual harassment on the job, the employee should report the behavior or condition to a member of management at the employee's location or, if necessary directly to the Corporate Director, Human Resources, or Vice President, Administration. Likewise, it is the responsibility and duty of any uninvolved person witnessing this type of conduct to similarly report the incident.

Management must make every effort to handle these situations in a confidential manner in order to protect the parties involved to ascertain the magnitude of the problem.

The Corporate Director, Human Resources will conduct an investigation of the complaint with the full cooperation and assistance of any employee requested. Valid complaints will result in appropriate disciplinary action.

Types of disciplinary measures to be used will include:

1. Written warning
2. Suspension without pay for a period to be determined
3. Termination

The above mentioned disciplinary measures are not listed in a hierarchy of order and any one may be used depending upon the severity of the offense under management review and recommended by the Corporate Director, Human Resources.

III. Sample Letter to All Employees

Workplace violence has become a national problem. Over the past several years, there has been a significant increase in the number of incidents involving workplace violence.

As you are aware, (**Company**) has always been committed to providing a safe work environment that fosters the health and well-being of our employees. Workplace violence jeopardized this commitment and undermines the capability of (**Company**) to produce (or provide) quality products and services.

To address this problem, (**Company**) has developed a policy regarding workplace violence. We believe this policy best serves the interests of all employees. Our policy formally and clearly states a zero tolerance for violence in the workplace. This policy was designed with two basic objectives in mind: 1] employees deserve a work environment that is free of violence and 2] this company has a responsibility to maintain a safe and healthy workplace.

Please read our workplace violence policy and be familiar with its procedures. We believe it is important that we all work together to assure that we maintain a safe and rewarding place to work.

Sincerely,

President
(**Company**)

IV. Sample Workplace Violence Policy Statement

(**Company**) is committed to providing a safe work environment and to fostering the health and well-being of its employees. This commitment is jeopardized when any (**Company**) employee commits any act of violence in the workplace. Violence can include any behavior that threatens the safety of employees, co-workers, or any other individuals involved with company business. Workplace violence can be, but is not limited to homicide, physical attacks, emotional abuse, verbal abuse, harassment, sexual assaults, property damage, sabotage or theft.

Therefore, (**Company**) has established the following policy:

1. Violation of this policy may result in severe disciplinary action, including termination, at the sole discretion of the company.
2. In addition to any disciplinary action, the company may, at its sole discretion, refer the employee to treatment or counseling for violent behavior. Employees referred to such a program by the company must immediately cease any violent behavior, must consent to periodic reviews, and must comply with all conditions of the treatment or counseling program and disciplinary action. After successful completion of all requirements of this section, the employee will again be subject to periodic reviews. Appropriate company representatives will determine whether an employee referred to treatment or counseling because of workplace violence should be reassigned to another position.
3. (**Company**) will promptly terminate any employee who has a repeated offense of workplace violence while undergoing or after completing treatment or counseling when such treatment or counseling is required by the company.
4. (**Company**) will promptly terminate any employee who possesses any weapon in the workplace.

It is the responsibility of the company's supervisors to counsel employees whenever they see changes in performance or behavior. Although it is not the supervisor's job to diagnose personal problems, the supervisor should encourage such employees to seek help and advise them about resources available to them for obtaining help. Everyone shares responsibility for maintaining a safe work environment.

The goal of this policy is to provide a safe and productive work environment. The intent of this policy is to offer a helping hand to those in need while sending a clear message that there is zero tolerance of violence in the workplace.

I have read, understand and will comply with (**Company's**) policy on workplace violence.