St. Mary’s Medical Center
Healthcare Equality – Policy and Procedure

POLICY
All forms of harassment are prohibited in the workplace. Harassment or retaliation of an applicant or employee on any basis, including but not limited to race, religion, sex, gender identity, sexual orientation, national origin, ancestry, disability, medical condition, marital status or age will not be tolerated. This policy applies to all employees, supervisors, managers, volunteers, agents and nonemployees who have contact with employees during work hours. It applies not only to the workplace, but also to other work-related settings and social events.

DEFINITIONS
1) Verbal Harassment: This includes, epithets, derogatory comments or slurs on the basis of race, religion, gender identity, national origin, ancestry, disability, medical condition, marital status, age, sex or sexual orientation. It also includes inappropriate sexually oriented comments concerning appearance, dress or physical features, as well as propositioning or making explicit or implied threats or promises in return for sexual favors.

2) Physical Harassment: This includes, assault, impeding or blocking movement, physical interference with normal work or movement when directed at an individual because of race, religion, gender identity national origin, ancestry, disability, medical condition, marital status, age, sex or sexual orientation. Unwelcome touching of any kind is prohibited.

3) Visual Harassment: For example, derogatory posters, notices, bulletins, cartoons, or drawings on the basis of race, religion, gender identity, national origin, ancestry, disability, medical condition, marital status, age, sex or sexual orientation.

4) Sexual Harassment: Sexual harassment is illegal. Sexual harassment does not refer to occasional compliments of a socially acceptable nature. It refers to behavior that is not welcome, which is personally intimidating, hostile or offensive, which debilitates morale and which therefore interferes with work effectiveness. Sexual harassment includes, but is not limited to, unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature, where:
   a) Submission to such conduct is an explicit or implicit term or condition of employment;
   b) Submission to or rejection of such conduct is used as a basis of employment decisions affecting the victim;
   c) Such conduct has the purpose or effect of substantially interfering with an individual’s work performance or creating an intimidating, hostile or offensive working environment;
   d) Sexual harassment includes:
      i) Sexual-oriented verbal kidding, teasing or jokes;
      ii) Offensive and/or, unwanted sexual advances, leering, whistling or propositions;
iii) Verbal abuse of a sexual nature;
iv) Graphic or degrading comments about an individual or his or her appearance;
v) The display of sexually suggestive objects, cartoons, drawings or pictures;
vi) Subtle or overt pressure for sexual activity;
vii) Physical conduct such as petting, pinching, blocking normal movement, purposely brushing against another’s body in a sexual manner or coerced sexual acts.

PROCEDURE
St. Mary’s Medical Center policy prohibits sexual harassment the policy is communicated to employees at the time of hire. All employees will sign an acknowledgment demonstrating they have received information on sexual harassment. The acknowledgement is part of new hire paperwork and filed in the employee’s personnel file.

This policy applies to all Company agents and employees, including supervisors, managers, and officers. All employees receive a copy of the policy and it is reviewed during New Employee Orientation. Any person who commits such a violation may be subject to personal liability as well as discipline up to and including termination.

1. Notification
   a. Any employee or job applicant who believes he or she has been subject to harassment or retaliation should immediately make a complaint either verbally or in writing to his or her supervisor, manager or to Human Resources.
   b. Any form of retaliation against a person for making a harassment complaint or for participating in an investigation of harassment is prohibited. Employees found to be retaliating in any way against another employee shall be subject to disciplinary action up to and including termination.
   c. Any employee of St. Mary’s who witnesses harassment or retaliation directed at or perpetrated by an employee, client, physician, volunteer, vendor or visitor has a duty to immediately report it to his or her supervisor, manager or to Human Resources.

2. Investigation Process
   a. Upon notification of a harassment or retaliation complaint, the supervisor or manager shall immediately report the complaint to Human Resources who shall immediately conduct an investigation. The investigation normally will include interviews with:
      1. The complainant
      2. The accused harasser or retaliator
      3. Other persons believed to have relevant knowledge concerning the complaint.
   b. There will be prompt review of factual information gathered through the investigation to determine whether the alleged conduct constitutes harassment or retaliation, and if so, what remedial or disciplinary action is appropriate. It is the obligation of all employees to cooperate fully in the investigation process. In addition, disciplinary action will be taken against any employee(s) who attempts to discourage or prevent any harassment victim from using St. Mary’s complaint procedure to report harassing conduct.
3. Reporting
   a. The Manager of Human Resources will report the results of the investigation to the complainant, the alleged harasser or retaliator, and the supervisor, manager or Director to whom the complaint was made.
   b. If harassment or retaliation is found to have occurred, prompt and effective remedial action will be taken commensurate with the severity of the offense.
   c. Any disciplinary actions will not be communicated to the complainant.

4. Further Resources
   a. If any party to a harassment or retaliation investigation is not satisfied with the outcome, she or he may take the complaint to the Regional Director of Human Resources.
   b. If you feel you have been subject to harassment or retaliation, you may also file a complaint with the California Department of Fair Employment and Housing (DFEH), the Fair Employment and Housing Commission (FEHC), or the Equal Employment Opportunity Commission (EEOC).