

Sexual Harassment

The first step to an effective strategy to protect your company is to have in place an effective sexual harassment policy. We have provided a sample policy for you to review. Please understand that the laws of each state and locality can and often do differ on employment law matters. It is important before implementing any new policy or procedure that it be reviewed by an attorney familiar with your company and the employment laws in your area. If you do not know an attorney in your area familiar with labor and employment law matters, we would be happy to recommend one to you. This site does not give out legal advice.

In addition, as highlighted by recent Supreme Court decisions, simply having a policy is not enough. You must also have an effective complaint handling and investigation procedure in place to deal with any situations which do occur. Finally, it is recommended that you train your supervisory and hourly employees on the conduct which is prohibited and how to make complaints.

Sexual Harassment Policy

I. PURPOSE

To establish the company's position on the subject of harassment, including sexual harassment, and to set forth guidelines for handling violations of the policy and to specify the related complaint-handling procedure.

II. SCOPE

This policy applies to all employees.

III. POLICY

It is the policy of the Company to provide a workplace free from harassment where all employees are treated with dignity and respect regardless of race, sex, ethnic origin, religion, age or any other prohibited grounds. Harassment, including sexual harassment, is contrary to basic standards of conduct between individuals and is prohibited by federal, state and local laws. It is a violation of company policy for any employee to engage in any of the acts or behavior defined below, and such misconduct will subject an employee to corrective

action up to and including immediate discharge.

Employees who feel they have been discriminated against on the basis of race, sex, ethnic origin, religion, age or any other prohibited grounds, or sexually or in any other manner harassed, should immediately report such incidents following the procedure described below without fear of reprisal. Confidentiality will be maintained to the extent consistent with a full and fair investigation of all complaints.

IV. DEFINITIONS

A. Harassment. Verbal, physical or visual conduct based on race, national origin, age, religion or other basis which, in the employee's opinion, impairs his or her ability to perform the job.

Harassment applies to the conduct of a supervisor toward an employee, an employee toward another employee, a non-employee toward an employee, or an employee toward an applicant for employment.

Harassment can apply to conduct outside the workplace as well as on the work site. Employees who wish to register a complaint may do so through the Human Resources Department, their supervisor or any appropriate member of management.

B. Sexual Harassment. Sexual harassment encompasses a wide range of unwanted, sexually directed behavior and has been defined in the following manner:

Unwelcome advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or,
3. Such conduct has the purpose or effect of unreasonable interference with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Sexual harassment applies to the conduct of a supervisor toward an employee, an employee toward another employee, a non-employee toward an employee, or an employee toward an applicant for employment. Sexual harassment can apply to conduct outside the workplace as well as on the work site. Employees who wish to register a complaint may do so through the Human Resources Department, their supervisor or any appropriate member of management.

V. PROCEDURE

All complaints of discrimination shall be submitted in writing to the Human Resources department on an EEO Complaint Form. Any complaint of discrimination by an employee or job applicant shall be handled through the Complaint Procedure Policy, and fully investigated by the Company. Based on that investigation, the complaining party will be informed of the Company's decision and will be informed of their appeal rights, if any, or referred to the appropriate governmental agency. Complaints of harassment of any type will be handled through the Complaint Procedure Policy, which provides several options by which an employee may initiate action on a job-related complaint. They include:

- A. The employee's immediate supervisor.
- B. The next higher level of management above the immediate supervisor.
- C. The Director of Human Resources.
- D. The General Manager.