

Sexual Harassment

Employer ABC Sexual Harassment Policy:

- What is Sexual Harassment?
- What is Not Sexual Harassment?
- What Can Employees Do If They Think They Are Being Sexually Harassed?
- What Rights Does an Alleged Offender Have?
- What Are The Responsibilities Of A Manager or Supervisor?

Employer ABC recognizes the right of employees to work in an environment free of sexual harassment. ABC is committed to achieving this environment

The policy states that:

Sexual harassment will not be tolerated. Individuals who engage in such behavior will be subject to disciplinary action up to and including termination.

Sexual harassment is prohibited whether it occurs at the workplace or elsewhere in the course of employment responsibilities or working relationships.

Management is responsible for ensuring that the work environment is free from sexual harassment.

All sexual harassment complaints and responses are confidential subject to the requirements of this policy.

What is Sexual Harassment?

Sexual harassment is defined as:

1. Objectionable, coercive or lewd comment of a sexual nature to a person or persons, that is known or ought reasonably to be known as unwelcome.
2. Actions or communications with a sexual connotation that create an intimidating, demeaning, or offensive work environment.
3. Unwanted sexual request or advance, inappropriate touching, or sexual assault.
4. An implied or expressed reprisal or threat of reprisal, or denial of opportunity for refusing to comply with a sexual request.
5. Any implied or expressed reward for complying with a sexually oriented advance or request
6. Displaying pornographic, offensive or derogatory pictures or text.
7. Reprisal or threat of reprisal against an individual for any action they take following this policy and its procedures.

What is NOT Sexual Harassment?

Sexual harassment does not refer to normal conversation that all parties affected find acceptable. It does not refer to office relationships that are freely entered into without intimidation or coercion.

What Can Employees Do If They Think They Are Being Sexually Harassed?

- A. Talk to an Advisor

A number of advisors are available to employees for information and assistance:

1. The Women's Directorate
2. Human Resources
3. Immediate Manager/Supervisor

Employees need not give their name when contacting an advisor.

B. Maintain Records

Employees who feel they have been harassed must maintain records of incidents, including dates, times, places, witnesses, responses of the alleged harassed and harasser, and any other relevant information.

C. Informal Resolution

1. Talk to the harasser
Employees should indicate clearly and directly that the behavior is not acceptable and must stop. Employees should have a witness present and keep a record of the date, time and place. If employees communicate by letter or memo, they must keep a copy.
2. Talk to the immediate supervisor or another manager
All managers and supervisors have an obligation to provide a work environment free from sexual harassment and to take corrective action. Employees may discuss the situation with their immediate supervisor or with another person in a position of authority.

D. Formal Complaint

If the informal measures do not resolve the situation, the following formal complaint option is also available:

1. Complaint Procedure

The complaint procedure applies to all employees:

- Formal complaints must be filed in writing and signed by the complainant. Forms are available from Advisors, the Women's Directorate or Human Resources.
- The complainant must send the completed form to the Director of Human Resources, marked "Confidential."
- The alleged offender will be advised and provided with a copy of the complaint. The manager(s) of both parties will also be advised that a complaint has been filed.
- The investigation will be delegated to two members of the Investigative Committee, one male, one female, neither of whom works in the same department as either party, and the Director of Human Resources.
- The investigators will interview both parties, and any witnesses. During investigative interviews, both parties have the right to be accompanied by a co-worker, or another support person.
- The investigators must complete the investigation and file a report to the CEO within five (5) working days of receiving the complaint.
- The CEO will determine what action, including appropriate disciplinary action if any, is to be taken. This decision and the rationale for the decision shall be communicated in writing to both parties and the Investigative Committee.

E. External Complaint Options

Employees have the right to make a complaint to the State ABC Human Rights Commission. In a case of alleged sexual assault, employees have the right to make a complaint to the police.

What Rights Does an Alleged Offender Have?

Alleged offenders have the right:

1. To be informed that a complaint has been filed.
2. To have a copy of the complaint, stating the allegation(s) and the name of the complainant.
3. To respond to the allegation(s).
4. To be accompanied during investigative interviews by a co-worker, or another support person.
5. To be informed in writing of the CEO's decision on what action, if any, will be taken and the reasons for that decision.
6. To discuss the matter with an Advisor.

What Are The Responsibilities Of A Manager or Supervisor?

Managers and supervisors are responsible for ensuring that the workplace is free from sexual harassment.

A. Take preventive action

Managers are required to discuss the policy at staff meetings and make sure that all employees and supervisory staff are aware of what action to take if harassment occurs. Managers must also set the appropriate standard of conduct through their own behavior.

B. When approached by an employee with a complaint

Managers must be supportive and explain what options are available and how to contact an Advisor if the complainant wishes to do so. Managers should also find out how the employee prefers to deal with the situation and address any concerns the employee may have about filing a formal complaint. Finally, managers must keep a confidential record of all pertinent information.

C. If the employee files a formal complaint

Managers must provide assistance as required and be available to discuss any concerns that the employee may have. Cooperation with the members of the Investigative Committee is also required.

D. If the employee chooses not to file a formal complaint

Managers must explain to the employee that they are required under the policy to take action even in the absence of a formal complaint.

If the allegation is a very minor form of sexual harassment, it may be appropriate to resolve the situation informally. Before proceeding, managers must confirm their assessment by consulting with Human Resources.

If the allegation is sexual harassment, a formal investigation must be undertaken. Before proceeding, managers must contact Human Resources for advice and assistance.

Once a course of action is decided upon, managers are required to inform the employee about what action will be taken and address any concerns that she or he may have.