

10.0 POLICY AGAINST HARASSMENT IN THE WORKPLACE

EOC is committed to providing a work place that is pleasant, productive and free from discrimination. Harassment of any nature should not be tolerated by you as individuals and will not be tolerated by EOC. This is true regardless of who is engaging in the offensive conduct, even if it is a manager, a Board Member, a vendor, a visitor, a parent, a client or an independent contractor of the Agency. Similarly, harassment of a client or an independent contractor (any non-employee working at EOC's premises) by anyone at EOC will not be tolerated. It is our policy that all employees work actively to maintain a work place that is free of harassment at all levels. This policy is to help employees understand this issue so we may all achieve this goal.

10.1 Definition

On the job, harassment can be defined as persistent, annoying behavior by one individual which creates an intimidating, hostile or offensive work environment for another person for any reason. Harassment of an employee, client or independent contractor on the basis of being in any protected class, such as sex, race, religion, color, national origin, ancestry, disability, pregnancy, sexual orientation or age, is unlawful. Such conduct is inappropriate and unlawful, regardless of the intent behind it.

Harassment could take several forms, such as:

- ◆ Intentionally incomplete or misleading training of a fellow employee.
- ◆ Malicious mischief, such as destruction or defacing of a fellow employee's tools or personal property.
- ◆ Offensive language or a belittling manner when giving work direction.
- ◆ Jokes, slurs or derogatory remarks directed at a particular sex, minority, race, ethnic or other protected group.

Sexual harassment is an issue of particular importance. It is against EOC policy and against the law. Sexual harassment is defined as unwanted sexual advances, or visual, verbal or physical conduct of a sexual nature. This definition includes many forms of offensive behavior and includes gender-based harassment of a person of the same sex as the harasser; the following is a partial list:

- ◆ Unwanted verbal or physical sexual advances or propositions.
- ◆ Offering employment benefits in exchange for sexual favors.
- ◆ Making or threatening reprisals after a negative response to sexual advances.
- ◆ Visual conduct: leering, making sexual gestures, displaying of sexually suggestive objects or pictures, cartoons or posters.

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- ◆ Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, suggestive or obscene letters, notes, or invitations.
- ◆ Physical conduct: touching, assault, impeding or blocking movements.

10.2 Employee Conduct

No form of harassment is appropriate behavior on the job. It creates a hostile work environment for the victim, and distracts both the victim and the offender from important job duties. Also prohibited is any sort of conduct toward clients or children that might be perceived as harassment. This would include, but not be limited to, any ethnic slurs, or unwelcome sexual advances or solicitations. Even where conduct might not meet the above definitions of "harassment," if the conduct is annoying or distracting to employees, independent contractors, clients, children or parents, and the conduct serves no legitimate purpose, good judgment requires that such conduct be stopped.

10.3 Client Conduct

Some of EOC's programs involve working with clients who may have behavioral problems that may affect their interactions with our employees. Frequently, these clients would not need our programs if they already knew how to cope with these behaviors. Since our programs exist to help them, employees must be willing to work with such clients and welcome this challenge. Our job is to help all of the clients served by our programs.

This does not mean EOC condones inappropriate behavior by clients; any employee who is aware of inappropriate behavior by a client must report it immediately. EOC will take immediate and appropriate corrective action. Employees should be aware, however, that EOC's funding requirements may require that EOC follow a different corrective process than might occur with employee misconduct. This difference makes it even more important that you report any problems immediately.

10.4 Responsibility

EOC considers its policy against harassment to be an important one, and one which applies to every employee. Accordingly, every employee shares responsibility for maintaining a work environment that is free of harassment. Any person who believes he or she has been subjected to offensive conduct or harassment by anyone, or is aware of such a situation involving any EOC employee, independent contractor or client, is strongly encouraged to report it to their supervisor, the Human Resources Department, or the Agency's EEO Officer. If you are not comfortable discussing such matters with any of those individuals, contact any other manager or officer of EOC. The situation will be taken seriously, will immediately be investigated and any appropriate corrective actions will be taken. Offenders are subject to personal liability as well as disciplinary action, up to and including termination for engaging in harassment.

Employees are encouraged and expected to actively work toward eliminating any work place harassment. Employees who are subjected to or oppose harassment in the

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work place are protected by law and EOC policy against retaliation in this regard. Any employee to whom harassment is reported, even informally, is expected to report the matter to a manager of EOC or the Human Resources Department for appropriate corrective action. Employees who pressure or attempt to discourage others from complaining or reporting harassment to EOC will be subject to disciplinary action. All supervisory employees will receive periodic training regarding harassment issues, including how to assist employees who may report any concerns.

10.5 Government Involvement

Employees who believe that they have been harassed may file a complaint with the California Department of Fair Employment and Housing. If the Department finds evidence of harassment, the Department may pursue a formal complaint and a hearing before the Fair Employment and Housing Commission. If the Commission concludes there was unlawful harassment, it may order appropriate corrective action, that is, hiring or reinstatement, back pay, damages, promotion, and/or changes in employer policies or practices. For more information, you may contact the Department, listed in the Government pages of the phone book.

10.6 EOC's Position

EOC policy requires working harmoniously with others, and forbids discrimination against or harassment of an employee, independent contractor or client for any reason, and particularly, on the basis of being in any protected class, such as discussed above. Various laws also forbid discrimination or harassment for any of these reasons. EOC will work actively to eliminate acts of harassment through dissemination of information, and by following up on complaints with investigation and disciplinary action, as appropriate. All employees are expected to share the responsibility for eliminating harassment and should help EOC attain this goal by using EOC's internal complaint process.

It should also be clear that harassment offenders are subject to disciplinary action, up to and including termination for violating this policy.

EOC's position is clear: Harassment will not be tolerated. Victims and others aware of possible harassment are strongly encouraged to notify their supervisor, the Human Resources Department, the Agency's EEO Officer, or any officer or member of management, so that appropriate corrective action can be taken. But most of all, we are all encouraged to work together in harmony.