



## Workplace Harassment

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### 1.0 POLICY

Lee County strictly forbids harassment of employees because of a person's gender, age, race, sex, color, religion, disability, or national origin. Even in mild form, such harassment constitutes unacceptable personal conduct and is subject to disciplinary action. More serious instances of harassment will carry more serious penalties, up to and including dismissal. Sexual harassment of employees by Supervisors or co-workers is forbidden in any form. Employees who witness or believe themselves to be the victim of harassment are required to report it immediately to their supervisor or other management personnel.

### 2.0 DEFINITIONS

**2.1 Harassment:** Unlawful workplace harassment is unwelcome or unsolicited comments or conduct based upon age, race, a person's gender, color, religion, disability, or national origin, that offends another employee and creates a hostile work environment.

**2.2 Sexual Harassment:** Sexual harassment is defined by federal guidelines as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- A.** Submission to such conduct is made, either explicitly or implicitly, a term or a condition of an individual's employment,
- B.** Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
- C.** Such conduct has the purpose or the effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Prohibited acts of sexual harassment can take a variety of forms ranging from subtle pressure for sexual activity to physical assault. Examples of the kind of conduct included in the definition of sexual harassment are:

- A. Threats or intimation of sexual relations or sexual contact that is not freely or mutually agreeable to both parties.
- B. Continual or repeated verbal abuses of a sexual nature including graphic commentaries on the person's body; sexually suggestive objects or pictures placed in the work area that may embarrass or offend the person; sexually degrading words to describe the person, or propositions of a sexual nature.
- C. Threats or insinuations that the person's employment, wages, promotional opportunities, job or shift assignments, or other conditions of employment may be adversely affected by not submitting to sexual advances.
- D. Any unwelcome verbal comments, or non-verbal physical advances of a sexual nature, or non-sexual hostile or physically aggressive behavior, directed to an employee because of such employee's sex, which either (1) affects such employee's conditions of employment, (2) interferes with such employee's ability to perform his or her job, or (3) creates an intimidating or hostile work environment.

**2.3 Hostile Work Environment:** Hostile work environment is one that both a reasonable person would find hostile or abusive and one that the particular person who is the object of the harassment perceives to be hostile or abusive. Hostile work environment is determined by looking at several circumstances, including the frequency of the allegedly harassing conduct, its severity, whether it is physically threatening or humiliating, and how it interferes with an employee's work performance.

### **3.0 PROCEDURE / RULE**

**3.1 Responsibilities:** The County Manager is responsible for executing policy. The Manager will provide direction and support to staff and personnel in monitoring and enforcing the policy.

The Human Resources Director is responsible for communicating the harassment policy, coordinating training, investigations of complaints, advising all parties in cases of alleged harassment, monitoring procedures and serving as a resource to employees and managers.

Department Directors and Supervisors must report all suspicions of harassment to the Human Resources Director.

Department Directors and Supervisors are responsible for maintaining a work environment free of all types of harassment. They must directly communicate the County's refusal to tolerate offensive behavior, by their statements, by their personal examples and by their sensitivity to interactions between subordinates such as off-color

or offensive jokes or comments, sexually oriented or other offensive horseplay, or any actions or statements, which are not in keeping with policy.

The cost of harassment can be high: psychological, emotional and physical stress for the victim, loss of morale for others not directly involved, loss of productivity, and possible disruptive administrative action, e.g. suspension or dismissal. and/or legal penalties. Department Directors and Supervisors are in the best position to prevent harassment by being aware of daily activities in their department and by investigating situations as soon as there is reason to suspect a problem.

Employees are expected to treat other employees with respect and consideration, realizing that standards of acceptable language and conduct are different for different people, and that behavior which may be all right in a congenial social setting may be inappropriate for work. They are expected to show good judgment in the area of relations between employees to avoid actions, which violate another person's right to a workplace free of any kind of prohibited harassment.

### **3.2 Making Complaints and Reporting Violations:**

The employee should tell the person who is offending him/her that the behavior is offensive and should stop. (Because offensive behavior often is not intended as harassment, letting the individual know that the behavior is offensive and instructing him/her to stop will often resolve the problem.)

If the offensive behavior persists, the employee should notify his or her immediate supervisor of the situation. If the complaint of harassment is against the immediate supervisor, the employee should report the situation to the Department Director.

If at any point in the process the employee prefers to do so, he/she may report the situation to the Human Resources Director.

If the allegation of harassment is against the County Manager, the complaint should be filed with the Chairman of the Board of County Commissioners.

**If you are a victim of harassment, you are encouraged to make a complaint to the County of Lee. You have the right to complain directly to the Human Resources Director.**

Any employee, supervisor or Department Director who observes harassment shall make a written report to the Human Resources Director immediately.

**3.3 Investigation of Complaints and Reports of Harassment:** Complaints of harassment will be thoroughly and confidentially investigated and a fair hearing will be given to all parties.

No reprisal, retaliation or other adverse action will be taken against any employee for making in good faith a complaint or report of harassment or for assisting in good faith in the investigation of any such complaint or report. Any suspected retaliation or intimidation should be reported immediately to the Human Resources Director.

The confidentiality and the dignity of those involved in a complaint is important. Every effort will be made to keep the complaint as confidential as possible. However, due to the nature of conducting an investigation, confidentiality cannot be guaranteed. Reports will be distributed only to persons having a need or right to know.

Employees involved in any investigations, whether as claimant or alleged harasser, witness or investigator, should keep all discussions or communications confidential.

Harassment investigation files will remain separate and apart from personnel files. Neither the claimant nor the alleged harasser has a right to the contents of these files.

Any personnel action, such as discipline resulting from an investigation shall be filed in the employee's personnel files.

**3.4 Penalties and Violations:** Valid complaints which meet the definition of harassment will be considered conduct unbecoming to a public officer or employee and will result in immediate discipline of the offender up to and including suspension, demotion or dismissal.

Disciplinary action for retaliation against an employee for reporting harassment will be severe and swift, and may include termination of employment.

Lee County will take appropriate disciplinary action when a bad faith accusation, dishonest complaint or report of harassment has been found.

#### **4.0 APPENDIX / APPENDICES**

None.