



## **Workplace Harassment Policy & Compliance Procedure**

Board Approval:

*R M Kelly*

Date: 4/26/16

### **1) Purpose**

- a) The purpose of this Policy is to clearly establish the agency's commitment to provide a work environment free from harassment, to define discriminatory harassment, and to set forth the procedure for investigating and resolving internal complaints of harassment. Because of the tremendous importance of a workplace free from any form of harassment, this policy shall be reviewed by each employee and board member annually.
- b) All jobs with the Emergency Medical Service (EMS) are extremely important to the public safety of our community. It is critical that all employees treat all other employees with dignity and respect. Because of the unique circumstances present in many EMS jobs, it is the responsibility of each and every employee and management to make sure that there is no inappropriate behavior occurring in the workplace. Inappropriate behavior, which impacts the workplace, or has the potential to impact the workplace, will not be tolerated.
- c) This Policy applies to all terms and conditions of employment, including but not limited to hiring, placement, promotion, disciplinary action, layoff, reinstatement, transfer, leave of absence, compensation and training.

### **2) Policy**

- a) Harassment of an applicant, client, contractor, business invitee, customer or employee by a supervisor, management employee, or co-worker on the basis of race, religion, color, national origin, ancestry, disability, medical condition, marital status, pregnancy, sexual orientation, gender or age is explicitly in violation of State and/or Federal law and will not be tolerated by the agency.
- b) Employees found to be participating in any form of job based harassment or retaliating against another employee shall be subject to disciplinary action up to and including termination from employment.

### **3) Responsibilities**

- a) Management
  - i) It is the responsibility of management to develop this policy, keep it up to date, and to ensure that any violation of this policy brought to their attention is dealt with fairly, quickly, and impartially.



- ii) It is the responsibility of Management to enforce the policy, to make a yearly review with each employee to ensure they know the policy and to regularly check the workplace and environs to ensure the policy is being followed. When a deviation from this policy is noted or reported, the Director shall bring this information to the JCESA Board immediately.

**b) Workers**

- i) It is the responsibility of each and every employee to know the policy and procedures and to follow the policy. It is imperative that every employee treats every other employee with dignity and respect so as to facilitate a sound professional work environment.

**4) Definitions**

- a) For purposes of clarification, harassment includes but is not limited to the following behaviors:

- i) **Verbal Harassment:** Epithets, derogatory comments, slurs, propositioning, or otherwise offensive words or comments on the basis of race, religious creed, color, national origin, ancestry, disability, medical condition, marital status, pregnancy, sexual orientation, gender or age, whether made in general, directed to an individual, or to a group of people regardless of whether the behavior was intended to harass. This includes but is not limited to inappropriate sexually oriented comments on appearance, including dress or physical features, sexual rumors, code words, and race oriented stories. Because of the nature of the EMS service with some free time within the shift, comments about television shows, movies, radio shows or magazine articles may fall within this category.

- ii) **Physical Harassment:** Assault, impeding or blocking movement, leering, or the physical interference with normal work, privacy or movement when directed at an individual on the basis of race, religious creed, color, national origin, ancestry, disability, medical condition, marital status, pregnancy, sexual orientation, gender or age. This includes pinching, patting, grabbing, inappropriate behavior in or near bathrooms, sleeping facilities and eating areas, or making explicit or implied threats or promises in return for submission to physical acts.

- iii) **Visual Forms of Harassment:** Derogatory, prejudicial, stereotypical or otherwise offensive posters, photographs, cartoons, notes, bulletins, drawings or pictures on the basis of race, religious creed, color, national origin, ancestry, disability, medical condition, marital status, pregnancy, sexual orientation, gender or age. This applies to either posted material or material maintained in or on JCESA equipment or personal property in the workplace. EMS personnel while on duty



shall not view Cable TV shows and/or personal videotapes that may contain offensive material.

- iv) Sexual Harassment: Any act which is sexual in nature and is made explicitly or implicitly a term or condition of employment, is used as the basis of an employment decision, unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment.

## **5) Workplace Relationships**

- a) The First Amendment allows anyone to associate with anyone else they desire. It is natural for people who meet in the workplace to sometimes become romantically involved, and it is not the agency's intent to interfere with any dating relationship. Any involvement between employees must be voluntary and desired by both parties. However, many problems have developed in EMS because of dating relationships, and they can interfere with our goal of having a sound professional work environment. It is not inappropriate for a person to ask out a co-worker. However, if you do not want to go out with another employee, it is imperative that your response to the request is firm and definite. After this firm, definite response has been made; it is inappropriate for the requesting party to make any further attempt to initiate a dating relationship. Repeated requests for a dating relationship constitute Sexual Harassment. It is also inappropriate for any relationship to interfere with normal work operations in any manner. Personnel who desire to become involved with someone in the workplace must be aware of the following guidelines.
  - i) There shall be no dating activities on JCESA time or JCESA property.
  - ii) There shall be no use of JCESA property to arrange dating activities.
  - iii) All behavior between employees shall be behavior conducive to a sound professional work environment at all times when on JCESA property or on JCESA time. Hand holding, kissing, hugging, sexual comments and other behavior generally associated with a dating relationship are inappropriate while on JCESA time or JCESA property.
  - iv) Any relationship involving personnel at different levels on the chain of command (or where one party has functional supervision over another) shall be reported by the person of higher rank to the Director immediately. Failure to report this relationship is a violation of this policy. The Director receiving this information



shall immediately make recommendations to ensure that this relationship will not detract from a sound professional work environment.

**6) Complaint Procedure**

**a) Confrontation**

If any person feels they are the victims of any form of harassment, they should inform the person(s) participating in this behavior that he/she finds it offensive. This one on one confrontation has been demonstrated to be an effective way to end harassing behaviors. In addition, the offended employee can initiate either an informal or formal complaint as described below. Because confrontation is difficult for some people and because of the complex nature of harassment, employees are not required to confront an offending party prior to initiating this complaint procedure.

**b) Informal Complaint**

- i) Any employee, client, contractor, customer or job applicant who believes he or she is a victim of discriminatory workplace harassment should make a complaint orally or in writing to the supervisor, officer on duty, Director, Deputy Director or any member of the JCESA Board.
- ii) Any employee, officer, Director, Deputy Director or Board Member who observes inappropriate behavior or receives a harassment complaint shall immediately initiate the Complaint Process
- iii) An informal resolution will be attempted whenever appropriate. If the informal resolution process is unsuccessful; the complainant may direct a formal complaint to the board.



c) Formal Complaints

i) Preliminary Complaint

(1) Filing of a Preliminary Complaint: Any employee, client, customer, contractor or applicant who alleges to be a victim of discriminatory workplace harassment should, within thirty (30) calendar days of the alleged incident, report the incident to the Director, Deputy Director or any member of the board.

(2) This preliminary complaint can be a verbal or written.

(3) Time Extension: The board may extend the time requirements set forth in this procedure when he/she determines it is in the best interests of fairness and justice to the parties involved.

(4) Review of Preliminary Complaint: Upon notification of a harassment complaint, the Director and/or the board designee shall conduct an initial investigation to make a preliminary determination as to whether there is any merit to the complaint. If no merit is found, the Director and/or the board designee may still meet with the parties involved to attempt to conciliate the complaint or conflict between the parties.

ii) Formal Complaint

(1) If after an initial investigation is conducted, there is no resolution and/or no conciliation of the preliminary complaint, a formal written complaint can be filed by the complainant. The Director and/or the board will issue a Discriminatory Workplace Harassment Form to the complainant. This form shall be completed, signed and returned to the Director and/or the board within five (5) days after issuance.

(2) Upon receipt of the formal written complaint, the Director and/or the board will contact the alleged harasser(s) who will be informed of the basis of the complaint, will be given a copy of the Form, and will be provided an opportunity to respond. The response shall be in writing, addressed to the Director and/or the board designee and be received within ten (10) calendar days after being notified of the complaint.

(3) Concurrently, a formal investigation of the complaint may be commenced.

d) Review of Response and Findings



- i) Upon receipt of the response, the Director and/or the board designee may further investigate the formal complaint. Such investigation may include interviews with the complainant, the accused harasser(s), and any other persons determined by the Director and/or the board designee to possibly have relevant knowledge concerning the complaint. This may include victims of similar conduct.
  - ii) Factual information gathered through the investigation will be reviewed to determine whether the alleged conduct constitutes harassment, giving consideration to all factual information, the totality of the circumstances including the nature of the verbal, physical, visual or sexual conduct and the context in which the alleged incident(s) occurred.
  - iii) The results of the investigation and the determination as to whether harassment occurred shall be final and binding and will be reported to appropriate persons including the complainant, the alleged harasser(s), and the Director if applicable, within twenty (20) calendar days from the receipt of the response.
- e) **Disciplinary Action**  
If harassment is determined to have occurred, the Director and/or the board designee shall take and/or recommend to the appointing authority prompt and effective remedial action against the harasser(s). The action will be commensurate with the severity of the offense, up to and including termination from employment. If discipline is imposed, the nature and extent of the discipline will not be divulged to the complainant.
- f) **Retaliation**  
Retaliation in any manner against a person for filing a harassment charge or initiating a harassment complaint, testifying in an investigation, providing information or assisting in an investigation, is expressly prohibited and subject to disciplinary action up to and including removal. The agency will take reasonable steps to protect the victim and other potential victims from further harassment, and to protect the victim from any retaliation as a result of communicating the complaint.
- g) **Confidentiality**  
Confidentiality will be maintained to the fullest extent possible in accordance with applicable Federal, State and local law.



**h) False Complaints**

Any complaint made by an employee regarding job based harassment which is knowingly false, shall result in discipline. This discipline may include dismissal from employment. This section is not intended to discourage employees from making complaints regarding job based harassment. However, false complaints adversely impact the workplace and the career of the accused, even when disproved, and will not be tolerated.

**i) Limitations**

The use of this procedure is limited to complaints related to discriminatory workplace harassment on the basis of race, religion, color, national origin, ancestry, disability, medical condition, marital status, pregnancy, sexual orientation, gender or age. All other complaints shall be handled through the employee grievance procedure as established by the Employee Handbook.

**j) Distribution**

This Employee Handbook shall be disseminated to all employees and board members of the agency. Any questions, concerns or comments related to this policy should be directed to the Director or the board in writing at any time for consideration.