

TITLE: Harassment-Free Workplace

IDENTIFIER: S-FW-HR-0510

EFFECTIVE:

APPROVED: Executive Cabinet 01/04/11

 Acute Care: ENC: 01/11 GH: 01/11

ORIGINAL FORMULATION: 06/96

LJ: 01/11 MER: 01/11

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 Home Health: 01/11

REVIEWED: 10/02

 SHAS: 01/11 SMF: SC: 01/11 SCMC: 01/11CSC: 01/11**KEYWORDS: Complaint, Physical Conduct, Verbal Conduct, Visual Conduct, Sexual Harassment****I. PURPOSE**

Provides definition for and establishes Scripps commitment to a Harassment Free workplace to include complaint procedure and staff training requirements.

II. POLICY

- A. Scripps Health is committed to providing a workplace free of sexual harassment, as well as harassment, or other inappropriate conduct, based on gender, pregnancy, race, color, religion, national origin, ancestry, age, physical or mental disability, medical condition, marital status, sexual orientation, gender identity, family care leave status, military or veteran status, genetic information or any other characteristic protected by applicable law. Scripps Health also prohibits harassment based on the perception that a person has any of those characteristics, or is associated with a person who has or is perceived as having any of those characteristics. This commitment applies to all applicants for employment, employees, and independent contractors.

Scripps Health strongly disapproves of, and will not tolerate, harassment of employees by managers or co-workers. Similarly, Scripps Health will not tolerate harassment of its employees by non-employees or any person with whom Scripps Health employees have a business, service or professional relationship (such as customers, patients, physicians and/or vendors).

B. Definition

Harassment prohibited by this policy includes, but is not limited to, verbal, physical, and/or visual conduct that creates an intimidating, offensive, or hostile working environment or that interferes with work performance. In addition to violating this policy, conduct may constitute unlawful harassment when:

1. Submission to the conduct is made either an explicit or an implicit condition of employment;
2. Submission to or rejection of the conduct is used as the basis for an employment decision; and/or,
3. The harassment is severe or pervasive and unreasonably interferes with an employee's work performance or creates an intimidating hostile or offensive work environment.

Examples of prohibited harassment include, but are not limited to, any of the following when based on a protected characteristic: making comments, slurs, innuendos or jokes; the display of cartoons, posters, or other materials; distributing pictures or words in written, pictorial or electronic form; touching, or other unwanted attention; threats, intimidation, or other abusive behavior.

Sexual harassment deserves particular mention. Unwelcome sexual advances, requests for sexual favors, and other physical, verbal, or visual conduct based on sex are not allowed. This includes such things as sexual innuendoes, suggestive comments, sexually oriented teasing or practical jokes, display of sexually suggestive pictures or other materials, suggestive or insulting sounds, looks, or gestures, and any unwanted physical contact. Obviously, more severe forms of harassment, such as sexual assault, are also prohibited.

- C. This policy applies at all Scripps Health locations, Scripps Health-sponsored social or other events, as well as activities at which an individual represents Scripps.

III. PROCEDURES

A. Complaint

All Scripps Health employees are responsible for helping to ensure that the work environment is free from prohibited harassment or other inappropriate conduct. If you believe you have been subjected to sexual or other harassment in violation of this policy by either an employee or a non-employee, in most cases you should immediately inform the offending party that their conduct is unwelcome and tell them to stop the behavior. However, if you are uncomfortable doing so, or if after doing so the situation has not been satisfactorily resolved, you must immediately inform **your supervisor or manager, or any member of the Employee Relations Department**. You are not required to complain first to your immediate supervisor. Any management employee of Scripps Health who receives a complaint or who observes harassing conduct shall promptly inform the Site Admin Director of Human Resources, or the Senior Corporate Vice President for Innovation, Human Resources and Performance Management and allow them to investigate the complaint.

- B. Every complaint of harassment will be promptly and thoroughly investigated. The investigation will be kept as confidential as reasonably possible, but complete confidentiality cannot be guaranteed. Scripps Health will take appropriate remedial action to stop any prohibited harassment and prevent future harassment. The parties involved will be notified of the outcome of the investigation, however, because of privacy concerns specific personnel actions taken in response to an investigation may not be shared with the complaining employee.
- C. Scripps Health does not tolerate retaliation against an employee for cooperating in an investigation or for making a good faith report of harassment. Any employee who believes that they are experiencing retaliation as a result of making a complaint or participating in an investigation should immediately inform any member of the Scripps Health Employee Relations Department.

If, after conducting an investigation, a violation of this policy or other inappropriate conduct is established, the manager, in consultation with the Employee Relations

representative, will take appropriate corrective action, up to and including termination.

D. External Complaint Procedure

In addition to notifying Scripps Health about unlawful harassment or retaliation complaints, affected employees may also direct their complaints to the California Department of Fair Employment and Housing (“DFEH”), which has the authority to conduct investigations of the facts. The deadline for filing complaints with the DFEH is one year from the last date of harassment or discrimination. If the DFEH believes that a complaint is valid and settlement efforts fail, the DFEH may seek an administrative hearing before the California Fair Employment and Housing commission (“FEHC”) or file a lawsuit in court. Both the FEHC and the courts have the authority to award monetary and non-monetary relief in meritorious cases. Employees may contact the nearest DFEH office or the FEHC at the locations listed on the Scripps Health poster found in the Human Resources Department or by checking the state government listings in the local telephone directory.

E. Training

In accordance with California law, all supervisors and managers will receive mandatory sexual harassment training within six months of becoming a supervisor or manager, and every two years thereafter.

IV. RELATED POLICIES

- A. Standards of Professional Conduct and Competence; S-FW-HR-0503
- B. [Scripps Professional Behavior](#); S-FW-LD-1010

V. SUPERCEDED

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