

TITLE	General Harassment/Non-Discrimination Policy	Policy #130-0085
Document Type	Policy <input checked="" type="checkbox"/> Procedure <input checked="" type="checkbox"/> Guideline <input type="checkbox"/> Protocol <input type="checkbox"/> Plan <input type="checkbox"/>	
Approved By	People Operations Department	

Table of Contents

Purpose 1
 Policy 1
 Related Documents 1
 Definitions 1
 Procedure..... 1-3
 References 3

Purpose: To promote a culture that aims to keeps employees safe in every sense of the word by practicing inclusivity and maintaining a harassment and discrimination free workplace.

Policy St. Peter's Health (SPH) is committed to a work environment in which every person is treated with dignity, respect and loving-kindness. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits unlawful discriminatory practices, including harassment. SPH will not tolerate harassment of applicants or employees by anyone, including supervisors, managers, co-workers, vendors, contractors, patients, physicians, etc. Conduct prohibited is unacceptable in the workplace, as well as in any work-related setting outside the workplace, such as during business trips, business meetings and business-related social events.

Related Documents:

[Fair Treatment Policy #130-0026](#)

Definitions:

1. **Harassment:** Verbal, written or physical conduct that denigrates or shows hostility or aversion toward an individual because of his or her race, color, religion, sex, sexual orientation, gender identity or expression/presentation, national origin, age, disability, marital status, citizenship, genetic information, or any other characteristic protected by law, or that of his or her relatives, friends or associates, and that: a) has the purpose or effect of creating an intimidating, hostile or offensive work environment, b) has the purpose or effect of unreasonably interfering with an individual's work performance, or c) otherwise adversely affects an individual's employment opportunities.
2. **Sexual Harassment:** Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when, for example: a) submission to such conduct is made either explicitly or implicitly a term or 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 ("quid pro quo") or c) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Procedure:

1. **Equal employment opportunity:** SPH provides equal employment opportunity without discrimination or harassment on the basis of race, color, religion, sex, sexual orientation, gender identity or expression, age, disability, marital status, citizenship, national origin, genetic information, or any other characteristic protected by law. SPH prohibits any such discrimination or harassment.

2. **Retaliation Prohibited:** SPH encourages reporting of all perceived incidents of discrimination or harassment. It is the policy of SPH to promptly and thoroughly investigate such reports. SPH prohibits retaliation against any individual who reports discrimination or harassment or participates in an investigation of such reports. Acts of retaliation should be reported immediately and will be promptly investigated and addressed.
3. **Sexual Harassment Prohibited:** Sexual harassment may include a range of subtle and not-so-subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess or sexual deficiencies; leering, whistling or touching; insulting or obscene comments or gestures; display in the workplace of sexually suggestive objects or pictures; and other physical, verbal or visual conduct of a sexual nature.
4. **Harassment Prohibited:** Harassing conduct includes epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes; and written or graphic material that denigrates or shows hostility or aversion toward an individual or group that is placed on walls or elsewhere on the employer's premises or circulated in the workplace, on company time or using company equipment by e-mail, phone (including voice messages), text messages, social networking sites or other means.
5. **Disparate Treatment Prohibited:** These policies should not, and may not, be used as a basis for excluding or separating individuals from participating in business or work-related social activities or discussions. In other words, no one should make the mistake of engaging in discrimination or exclusion to avoid allegations of harassment. The law and the policies of SPH prohibit disparate treatment on the basis of sex or any other protected characteristic, with regard to terms, conditions, privileges and perquisites of employment. The prohibitions against harassment, discrimination and retaliation are intended to complement and further those policies, not to form the basis of an exception to them.
6. **Reporting an Incident of Harassment, Discrimination or Retaliation:**
 - a. SPH encourages reporting of all perceived incidents of discrimination, harassment or retaliation, regardless of the offender's identity or position. Individuals who believe that they have been the victim of such conduct should discuss their concerns with their immediate supervisor, up the chain of command, and/or Legal and Compliance Department.
 - b. SPH encourages prompt reporting to ensure rapid and constructive action can be taken before relationships become irreparably strained. Early reporting and intervention have proven to be the most effective method of investigating and resolving actual or perceived incidents of harassment. However, there is no fixed reporting period established and individuals are may report concerns at any point in time.
 - c. Any reported allegations of harassment, discrimination or retaliation will be investigated promptly. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge.
 - d. SPH will maintain confidentiality throughout the investigatory process to the extent consistent with adequate investigation and appropriate corrective action. Misconduct constituting harassment, discrimination or retaliation will be dealt with appropriately. Responsive action may include, for example, training, referral to counseling or disciplinary action such as a warning, reprimand, withholding of a promotion or pay increase, reassignment, temporary suspension without pay, or termination, as SPH believes appropriate under the circumstances.
 - e. SPH encourages individuals who believe they are being subjected to such conduct to promptly advise the offender that his or her behavior is unwelcome and to request that it be discontinued. Often this action alone will resolve the problem. SPH recognizes, however, that an individual may prefer to pursue the matter through complaint procedures.

7. **Fair Treatment Dispute:** If a party to a complaint does not agree with its resolution, that party may appeal it using the Fair Treatment Process. See [Fair Treatment Policy #13-0026](#).

References:

Title VII of the Civil Rights Act of 1964. (n.d.). Retrieved December 31, 2020, from <https://www.eeoc.gov/statutes/title-vii-civil-rights-act-1964>

U.S. Equal Employment Opportunity Commission: Sex-Based Discrimination. (n.d.). Retrieved December 30, 2020, from <https://www.eeoc.gov/sex-based-discrimination>.

Montana Code Annotated 49-2-303. Discrimination in Employment. 2019.

Enforcement Guidance on Reasonable Accommodation and Undue Hardship under the ADA. Retrieved December 31, 2020, from <https://www.eeoc.gov/laws/guidance/enforcement-guidance-reasonable-accommodation-and-undue-hardship-under-ada>

Document Metadata

Document Name: General Harassment Non-Discrimination Policy.docx

Policy Number: 130-0085

Original Location: /St. Peter's Health/Employee Resources/People Operations/Policy_Procedure_Guideline

Created on: 08/07/2018

Published on: 05/20/2021

Last Review on: 02/10/2021

Next Review on: 02/10/2023

Effective on: 08/07/2018

Creator: Hahn, Juliet
System Administrator

Committee / Policy Team: Leadership / Committee Chairs

Owner/SME: Rush, Michelle
Director, Risk Management/Patient Safety Officer

Manager: Rush, Michelle
Director, Risk Management/Patient Safety Officer

Author(s): Rush, Michelle
Director, Risk Management/Patient Safety Officer

Approver(s): Rush, Michelle
Director, Risk Management/Patient Safety Officer
Hahn, Juliet
System Administrator

Publisher: Hahn, Juliet
System Administrator

Summary of Changes/Updates:

Revised to be more clear, thorough and in accordance with current law. Reviewed and approved by Shona Ellison and the SPH Gender Equity work group. Ready for publishing.