

DEPARTMENT: Human Resources

NAME: **Prevention and Intolerance of Discrimination, Harassment, Hate and Violence in the Workplace**

POLICY NUMBER:

ORIGINATOR: Director, HR Operations

EFFECTIVE DATE: 2/22/2021

SCOPE

This policy applies to all employees, contracted staff, students, visitors and volunteers of Meritus Medical Center, Inc. (Meritus) whether related to conduct engaged in by fellow employees or by someone not directly connected to Meritus (e.g., an outside vendor, consultant or customer).

Conduct prohibited by this policy is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings and business-related social events.

PURPOSE

This policy incorporates the values and procedures related to the organization's commitment to provide equal opportunity in the employment process, outlines the prohibition of harassing, intimidating behaviors and language as well as outlines the complaint procedures and non-retaliatory expectations.

POLICY

Meritus is committed to a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits unlawful discriminatory practices, including harassment. Therefore, Meritus expects that all relationships among any and all persons in the workplace will be business-like and free of explicit bias, prejudice and harassment.

Meritus has developed this policy to ensure that all employees can work in an environment free from unlawful harassment, discrimination, violence, and retaliation and aligns with the published Meritus Code of Conduct. Meritus will make every reasonable effort to ensure that all concerned are familiar with these policies and are aware that any complaint in violation of such policies will be investigated and resolved appropriately. Meritus has zero-tolerance of such harassing, discriminatory or retaliatory behaviors and after a thorough review and investigation of the

complaint and events, Meritus reserves the right to bypass the progressive disciplinary process and terminate employment based on the severity of the violation.

After review and investigation of a reported violation and through the application of Just Culture, an employee found to have violated this policy may be subject to disciplinary action ranging from verbal coaching, remedial training or corrective counseling up to and including termination of employment, as Meritus believes appropriate under the circumstances. Additionally, the failure to act on reported or known violations of this policy by a member of Meritus leadership may result in a similar disciplinary path.

Any employee who has questions or concerns about these policies should talk with the Director of Human Resources or a member of management.

These policies should not, and may not, be used as a basis for excluding or separating individuals of a particular race, color, religion, gender, or any other protected characteristic, from participating in business or work-related social activities or discussions. In other words, no one should engage in discrimination by exclusion to avoid allegations of harassment. The law and the policies of Meritus further prohibits disparate treatment on the basis of race, color, religion, gender or any other protected characteristic, with regard to terms, conditions, privileges and perquisites of employment. The prohibitions against harassment, discrimination, violence, and retaliation are intended to complement and further those policies, not to form the basis of an exception to them.

Equal Employment Opportunity

Meritus is committed to fostering a culture of diversity, inclusion and health equity within our health system and community. At Meritus all persons will be treated equally and respectfully. Discrimination of any form is unacceptable and will not be tolerated.

It is the policy of Meritus to ensure equal employment opportunity without discrimination or harassment on the basis of race, color, religion, gender, sexual orientation, gender identity or expression, age, disability, marital status, citizenship, national origin, genetic information, or any other characteristic protected by law. Meritus prohibits any such discrimination or harassment.

Retaliation

Meritus encourages reporting of all perceived incidents of discrimination or harassment. It is the policy of Meritus to promptly and thoroughly investigate such reports. Meritus prohibits retaliation against any individual who reports discrimination, harassment, or violence or participates in an investigation of such reports.

Retaliation can come from different sources such as the accused, a witness or peer of the accused or even from the supervisor of the employee who made the initial complaint.

Retaliation can also come in many forms such as:

Human Resources

Prevention and Intolerance of Discrimination,

Harassment, Hate

- Threats
- Altered work conditions which could prevent an employee from doing his/her job
- Unjustified poor performance reviews, reassignment or pay cuts
- Exclusion of the accuser in staff functions or social activities
- Refusal to work with or to speak with the accuser

Sexual Harassment

Sexual harassment constitutes discrimination and is illegal under federal, state and local laws. For the purposes of this policy, "sexual harassment" is defined, as in the Equal Employment Opportunity Commission Guidelines, as 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, 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.

Title VII of the Civil Rights Act of 1964 recognizes two types of sexual harassment: a) quid pro quo and b) hostile work environment. 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

Harassment

Harassment on the basis of any protected characteristic is also strictly prohibited. Under this policy, harassment is verbal, written or physical conduct that denigrates or shows hostility or aversion toward an individual because of his or her race, color, religion, gender, sexual orientation, gender identity or expression, 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. Harassing conduct includes but is not limited to:

- 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

Workplace Violence

In addition to the behaviors listed above as Harassing or Sexual Harassment, other prohibited behaviors can be defined by any behavior that threatens the life or well-being of others. While this list does not list all possible scenarios, examples of prohibited conducted may include:

- Intimidating, threatening or hostile statements or actions, ranting speech
- Name-calling, ethnic or racial slurs, sexual comments, etc.
- Profanity or obscene language or gestures
- Comments regarding, or references to, violent events and/or behaviors
- Physical abuse or attack, waving fists, pushing, stalking, bullying, hazing, unjust exercise of power or authority
- Vandalism, arson, or sabotage
- Throwing things, damaging or destruction of another's property for the purpose of demeaning the owner or owners
- Carrying weapons of any kind, other than a law enforcement officer in the course of his/her duty, onto Meritus property
- Any other act or behavior (slamming doors, for example) that is judged inappropriate in the workplace through review and proper investigation

Workplace Violence can also be in the form of incivility or bullying behaviors and covert or overt in nature, any of which is a violation of this policy, our Code of Conduct and will not be tolerated.

Some examples of incivility or bullying may include:

- Rude or discourteous actions
- Gossiping or spreading rumors
- Refusal to assist or support a co-worker
- Using a condescending tone or expressing criticism publicly
- Withholding vital information

PROCEDURE

Reporting an Incident of Harassment, Discrimination, Workplace Violence or Retaliation

Meritus encourages reporting of all perceived incidents of discrimination, harassment, violence 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, human resources, or another member of management. See the complaint procedure described below.

In addition, Meritus 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. Meritus recognizes, however, that an individual may prefer to pursue the matter through complaint procedures.

Complaint Procedure

Individuals who believe they have been the victims of conduct prohibited by this policy or believe they have witnessed such conduct should discuss their concerns with their immediate supervisor, human resources x8500, any member of management or through the confidential Guideline 1-888-847-9247 or x7950

Meritus encourages the prompt reporting of complaints or concerns so that rapid and constructive action can be taken before relationships become irreparably strained. Therefore, while no fixed reporting period has been established, early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment.

Any reported allegations of harassment, discrimination, violence 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.

Meritus will maintain confidentiality throughout the investigatory process to the extent consistent with adequate investigation and appropriate corrective action.

Retaliation against an individual for reporting harassment, discrimination, or violence or for participating in an investigation of a claim of such is a serious violation of this policy and, like harassment or discrimination itself, will be subject to disciplinary action. Acts of retaliation should be reported immediately and will be promptly investigated and addressed.

Misconduct constituting harassment, discrimination, violence, or retaliation will be dealt with appropriately. After review and investigation of a reported violation and through the application of Just Culture, an employee found to have violated this policy may be subject to disciplinary action ranging from verbal coaching, remedial training or corrective counseling up to and including termination of employment, as Meritus believes appropriate under the circumstances. Additionally, the failure to act on reported or known violations of this policy by a member of Meritus leadership may result in a similar disciplinary path.

If a party to a complaint does not agree with its resolution, that party may appeal to Meritus' Chief Compliance Officer.

False and malicious complaints of harassment, discrimination, violence or retaliation (as opposed to complaints that, even if erroneous, are made in good faith) may be the subject of appropriate disciplinary action.

RELATED POLICIES

- A. HR – V-01 Corrective Counseling
- B. HR – V -05 Just Culture Response

REFERENCES