HAWAII HEALTH SYSTEMS CORPORATION "Quality Healthcare for All"	Department: Human Resources	Policy No.: **HR 0003A**
		Revision No.: 2
POLICY	Issued by: Paul Tsukiyama Director of Human Resources	Effective Date: November 21, 2013
Subject: ***Non-Harassment Policy***	Approved by: HHSC Board of Directors By: Carol A. VanCamp Its: Secretary/Treasurer	Supersedes Policy: January 12, 2000
		Page: 1 of 3

Last reviewed: July 11, 2013; Next review: July 11, 2016

I. **PURPOSE:** The purpose of this policy is to prohibit harassment, including sexual harassment.

II. **DEFINITIONS:**

Harassment: Harassment is a behavior which undermines the integrity of the employment relationship.

Sexual Harassment: Sexual harassment consists of unwelcome sexual advances or other verbal, non-verbal, or physical conduct of a sexual nature when (1) submission to the conduct is an explicit or implicit term or condition of employment, (2) submission to or rejection of the conduct is used as the basis for an employment decision, or (3) the conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Unlawful Harassment: Harassment against any employee, applicant, or customer on the basis of any group protected by law. These types of harassment are unlawful when the harassment affects tangible job benefits, interferes unreasonably with an individual's work performance, or creates an intimidating, hostile, or offensive working environment.

III. **POLICY:** The Hawaii Health Systems Corporation (HHSC) is committed to providing a working environment that is free of harassment and discrimination. In keeping with this commitment, we maintain a strict policy prohibiting harassment, including sexual harassment. HHSC will not tolerate harassment in any form, including verbal, written, or physical harassment.

HHSC officers, managers, and supervisors are responsible to implement appropriate measures to prevent harassment, unlawful or otherwise.

All employees must be allowed to work in an environment in which they are treated with respect and dignity. Accordingly, HHSC strictly prohibits both unlawful harassment and any other unwelcome, inappropriate conduct in the workplace or

relating to work or the work environment, even if such conduct does not rise to the level of unlawful harassment.

1. Sexual Harassment

   a. Hawaii Health Systems Corporation will not tolerate sexual harassment of employees by anyone – managers, supervisors, employees, physicians, patients, residents, clients, and/or customers.

   b. Unlawful Sexual Harassment consists of unwelcome sexual advances or other verbal, non-verbal, or physical conduct of a sexual nature when (1) submission to the conduct is an explicit or implicit term or condition of employment, (2) submission to or rejection of the conduct is used as the basis for an employment decision, or (3) the conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. Due to the importance of maintaining a workplace where each employee is treated with dignity and respect, however, HHSC not only prohibits unlawful Sexual Harassment, but also any other unwelcome, inappropriate conduct in the workplace or relating to work or the work environment, even if such conduct does not rise to the level of unlawful Sexual Harassment.

   c. Sexual Harassment, unlawful or otherwise, may include many forms of offensive or otherwise unacceptable behavior. Examples of behavior that constitute inappropriate or unwelcome sexual conduct may include, but are not limited to:

      (1) Verbal harassment, such as epithets, negative stereotyping, derogatory comments, unwelcome invitations and personal notes, jokes or slurs;

      (2) Verbal abuse of a sexual nature, sexual gestures, graphic verbal commentaries about an individual, suggestive or obscene letters, notes or invitations;

      (3) Sending offensive voice-mail, text, or e-mail messages;

      (4) Physical harassment such as inappropriate touching, crowding, assault, impeding, or blocking movement;

      (5) Visual forms of harassment, such as staring, leering, written or graphic materials displaying derogatory posters, cartoons, or drawings that are offensive;

      (6) Requests for sexual favors or unwanted sexual advances, and making a threatening reprisal after a negative response to sexual advance.

2. Other Forms of Harassment

   a. Hawaii Health Systems Corporation's prohibition of employee harassment extends beyond Sexual Harassment and includes harassment against any employee, applicant or customer on the basis

of sex (including gender identity or expression), race, color, religion, age, sexual orientation, marital status, citizenship status, national origin, ancestry, disability, arrest and court record, veteran/military status, domestic or sexual violence victim status, genetic information, or any other status protected by law.

b. These types of harassment are unlawful when the harassment affects tangible job benefits, interferes unreasonably with an individual's work performance, or creates an intimidating, hostile, or offensive working environment. Due to the importance of maintaining a workplace where each employee is treated with dignity and respect, however, HHSC not only prohibits unlawful harassment, but also any other unwelcome, inappropriate conduct in the workplace or relating to work or the work environment, even if such conduct does not rise to the level of unlawful harassment.

3. Retaliation is Prohibited

Hawaii Health Systems Corporation will not tolerate any form of retaliation against any employee who reports, was subjected to (or was the alleged victim of), or participates in an investigation of harassment prohibited by this Non-Harassment policy.

4. Reporting and Investigation

Procedures for reporting and investigation of alleged harassment are set forth in the accompanying Procedure, ADM 0003B.

IV. **APPLICABILITY:** All HHSC employees, including officers, managers, supervisors, and non-supervisory employees.

V. **REFERENCES:**

A. Title VII, Civil Rights Act of 1964, as amended
B. Age Discrimination in Employment Act
C. Americans with Disabilities Act, as amended
D. Genetic Information Non-Discrimination Act
E. Hawaii Revised Statutes, Chapter 378

VI. **ATTACHMENT: Non-Harassment Procedure – HR 0003B**