

 <p>HAWAII HEALTH SYSTEMS CORPORATION <i>Quality Healthcare for All</i></p> <p>POLICY</p>	<p>Department:</p> <p>Human Resources</p>	<p>Policy No.</p> <p>HR 0003A</p>
		<p>Supersedes Policy No.</p>
<p>Subject:</p> <p><i>Non-Harassment</i></p>	<p>Approved By:</p> <p><i>donna mccleary</i></p> <p>HHSC Board of Directors By: Donna McCleary, M.D. Its: Secretary/Treasurer</p>	<p>Approved Date:</p> <p>January 27, 2022</p>
		<p>Last Reviewed:</p> <p>October 22, 2021</p>

I. PURPOSE:

To establish a policy that prohibits harassment based on legally protected categories, including sexual harassment.

This policy applies to workplace conduct by all HHSC employees, non-employees working or present on company property (e.g., vendors, contractors, independent practitioners, Corporate or Regional Board members, volunteers), customers (e.g., patients, long-term care residents, visitors), and the general public.

If you have any questions or would like more information regarding this policy, contact the Corporate Human Resources Office.

II. DEFINITIONS:

“Harassment” means behavior that undermines the integrity of the employment relationship, including, but not limited to, any abusive, intimidating, hostile, offensive, or other unwelcome verbal, non-verbal, or physical conduct based on a Legally Protected Category.

“Legally Protected Category” means a category protected by federal or state law, including, but not limited to, race, color, religion, sex (including pregnancy and gender identity or expression), age, ancestry, national origin, citizenship, marital status, veteran/military status, disability (including individuals with a record of a disability or regarded as having a disability), sexual orientation, arrest and court record (except as provided by Haw. Rev. Stat. §378-2.5), domestic or sexual violence victim status (if the domestic or sexual violence victim provides notice to the victim’s employer of such status or the employer has actual knowledge of such status), genetic information, credit history or credit report (subject to applicable exceptions), and reproductive health decision.

“Sexual Harassment” means a form of Harassment in which unwelcome sexual advances, demands for sexual favors, 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” means Harassment by or against any employee, applicant, or other individual on the basis of a Legally Protected Category, when such conduct is so severe or

pervasive that it affects tangible job benefits, interferes unreasonably with an individual's work performance, or creates an intimidating, hostile or offensive working environment.

III. POLICY:

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 all Harassment, including Sexual Harassment.

- A. HHSC prohibits Harassment in any form, including verbal, non-verbal, written, and physical Harassment, even where such Harassment is not sufficiently severe or pervasive to rise to the level of Unlawful Harassment.
- B. Retaliation in any form against an individual who has made a complaint of Harassment, has provided information related to such complaints, is a witness to instances of Harassment, or who has participated in an investigation into Harassment, is absolutely prohibited, will not be tolerated, and will be dealt with severely, up to and including the termination of any person(s) engaged in retaliatory acts and/or any person who knows of an occurrence of retaliation and either fails to stop such acts or fails to report such acts in accordance with reporting procedures set forth in Procedure HR 0003B.
- C. All employees are required to take appropriate measures to ensure that Harassment, unlawful or otherwise, does not occur.
- D. Employees violating the policy may be subject to appropriate disciplinary action.

IV. AUTHORITY:

- Title VII, Civil Rights Act of 1964
- Age Discrimination in Employment Act
- Americans with Disabilities Act of 1990
- Genetic Information Non-Discrimination Act
- Hawaii Revised Statutes Chapter 378, Part I (Discriminatory Practices)
- Hawaii Revised Statutes Chapter 378, Part VI (Victims Protections)

V. RELATED PROCEDURE(S):

HR 0003B

VI. RELATED POLICIES:

- HR 0001A Equal Employment Opportunity
- HR 0004A Workplace Violence/Abuse No-Tolerance
- HR 0029A Workplace Disruptive Behavior No-Tolerance

VII. REFERENCE(S):

None.