
 <b>HAWAII HEALTH SYSTEMS CORPORATION</b> <i>Quality Healthcare for All</i>  <b>PROCEDURE</b>	<b>Department:</b>  Human Resources	<b>Procedure No.</b>  <b>HR 0003B</b>
		<b>Supersedes Procedure No.</b>
<b>Subject:</b>  <b>Non-Harassment</b>	<b>Approved By:</b>  	<b>Approved Date:</b>  January 27, 2022
	By: Linda Rosen, M.D., M.P.H. Its: President & CEO	<b>Last Reviewed:</b>  October 22, 2021

**I. PURPOSE:**

To establish procedures for the administration of Policy No. HR 0003A, "Non-Harassment."

**II. PROCEDURES:**

A. The Hawaii Health Systems Corporation (HHSC) Vice President & Chief Human Resources Officer (VP&CHRO) and Regional Chief Human Resources Officers (RCHRO) are responsible for administering HHSC's Non-Harassment policy in compliance with federal and state labor and employment laws and organizational objectives. Additionally, each officer, manager, and supervisor shall be knowledgeable of HHSC's Non-Harassment policy to ensure that it is followed.

B. Reporting Process

1. Any employee or supervisor who believes he or she has witnessed or been subjected to Harassment by a co-worker, supervisor, or any other person in violation of this policy should promptly report the facts of the incident or incidents and the names of the individuals involved to any management representative.
2. Employees and supervisors may also contact the VP&CHRO, their Facility or RCHRO, Facility Administrator, or Regional Chief Executive Officer if they feel uncomfortable discussing the matter with the management representative.
3. Employees and supervisors may also contact the HHSC Corporate VP&CHRO or President & Chief Executive Officer if they feel uncomfortable discussing the matter within their facility or region.

C. Investigation Process

1. When a Harassment complaint has been made, a prompt, impartial and thorough investigation shall be conducted. During the investigative process, alleged wrongdoers will not have supervisory authority over the person(s) conducting the investigation and will not have any direct or indirect control over the investigation. During the course of the investigation, measures will be taken to ensure that further inappropriate conduct does not occur. In no

instance will the complainant be involuntarily transferred or otherwise burdened.

2. To the extent possible, any and all complaints of violations of this policy will be investigated in a confidential manner. Any complaint of Harassment and any information obtained in the investigation will be disseminated only to those individuals who need to know the information to resolve the complaint. Records relating to complaints made under this policy will be kept confidential on the same basis.

#### D. Corrective and Remedial Action

1. If it is determined that this policy has been violated, immediate corrective and remedial action will be taken. Remedial measures will not adversely affect the complainant. Remedial and corrective measures will be designed to stop the prohibited conduct and to put the complainant in the position they would have been in had the conduct not occurred.
3. Discipline, up to and including discharge in accordance with applicable collective bargaining agreements and/or HHSC Human Resources Rules will be imposed on any employee, supervisor, manager or officer found to have committed Harassment in violation of the Non-Harassment policy.

#### E. Reports of Retaliation

Reports of retaliation 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 participated in an investigation of Harassment, shall be made in accordance with the reporting procedures in Section II.B above.

#### F. Responsibilities

1. All employees, supervisors, managers, and officers are required to comply with the Non-Harassment policy and take appropriate measures to ensure that Harassment, unlawful or otherwise, does not occur.
2. Management may be responsible for Unlawful Harassment by a co-worker or an outsider where an employer knows or should have known that Unlawful Harassment was occurring at the work place. An employer may be responsible for Sexual Harassment by supervisory level employees and others regardless of whether it knew or should have known that such acts were occurring. In either case, the action or inaction of management and supervisors shall be examined to ascertain the extent of their efforts to control such activities.
3. The VP&CHRO and respective Facility or RCHRO shall ensure that:
  - a. Education and enforcement programs are implemented within their respective facilities.
  - b. A mechanism exists for informing employees of this Non-Harassment policy and the procedures and means available to them to report and resolve Harassment, unlawful or otherwise, at the work place. Supervisors will be kept informed of the requirement to guard against

the various types of Harassment that might occur within their area of responsibility.

- c. Sexual Harassment and other Harassment complaints within their region/facility are investigated and acted upon expeditiously in accordance with applicable policy and procedure. Upon completion of the investigation, results shall be reported to the complainant and, if Harassment is substantiated, reasonable steps shall be taken to prevent any future Harassment from occurring.
4. Each Supervisor/Manager shall be accountable for the proper conduct of all employees under their supervision, including preventing Harassment, unlawful or otherwise, and taking measures to stop any such conduct should it occur.

Supervisors/Managers who fail to maintain proper control over Harassment, unlawful or otherwise, may be subject to disciplinary action in accordance with the appropriate collective bargaining agreements and/or HHSC Human Resources Rules and/or Policies and Procedures.

- G. Employees are encouraged to contact the HHSC VP&CHRO, Facility/Regional Director of Chief Human Resources Officer, Facility Administrator, or Regional Chief Executive Officer if they have questions or concerns related to this policy.

**III. ATTACHMENT(S):**

None.