
 HAWAII HEALTH SYSTEMS CORPORATION <i>"Quality Healthcare for All"</i>	Department: Human Resources	Policy No.: HR 0003B
	PROCEDURE	Revision No.: 2
Non-Harassment	Issued by: Paul Tsukiyama Director of Human Resources	Effective Date: November 21, 2013
	Subject:	Approved by:  Alice M. Hall Acting President & CEO
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Last reviewed: July 11, 2013; Next review: July 11, 2016

I. **PURPOSE:** To establish procedures for the administration of Policy No. HR 0003A, "Non-Harassment," in compliance with federal and state labor and employment laws.

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. **PROCEDURE:**

A. The Director of Human Resources (DHR) is responsible for administering HHSC's Non-Harassment policy in compliance with federal and state labor and employment laws. Additionally, each officer, manager, and supervisor will be knowledgeable of HHSC's Non-Harassment policy to ensure that it is followed.

B. Investigation

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 their Facility/Regional Director of Human Resources, Facility Administrator, or Regional Chief Executive Officer if they feel uncomfortable about discussing the matter with the management representative.
3. Employees and supervisors may also contact the Hawaii Health Systems Corporation /Director of Human Resources or President/Chief Executive Officer if they feel uncomfortable about discussing the matter within their facility or region.
4. When a harassment complaint has been made, a prompt and thorough investigation will be conducted. Any complaint of harassment and any information obtained in the investigation will be disseminated only to those individuals who need to know the information in order to resolve the complaint. Discipline, up to and including discharge in accordance with the collective bargaining agreements (included employees) and HHSC Personnel Policies and Procedures (excluded employees), will be imposed on any employee, supervisor, or manager found to have committed harassment in violation of this Non-Harassment policy.

C. Guidelines

1. All employees, supervisors, managers, and officers are required to comply with this Non-Harassment policy and take appropriate measures to ensure that harassment, unlawful or otherwise, does not occur.
2. Under EEOC guidelines, 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 will be examined to ascertain the extent of their efforts to control such activities.
3. Each Facility-CEO will 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, which might occur within their area of responsibility.
 - c. Sexual harassment and other harassment complaints within his/her 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.

- d. Supervisors/Managers represent management to subordinate employees. Each Supervisor/Manager is held accountable for the proper conduct of all employees under his/her supervision, including preventing harassment, unlawful or otherwise, and taking measures to stop any such conduct should it occur.
- e. 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 (included employees) and HHSC Personnel Policies and Procedures (excluded employees).
- f. Employees are encouraged to contact the Director of Human Resources, Facility/Regional Director of Human Resources, Facility Administrator, or Regional Chief Executive Officer if they have questions or concerns related to this policy.

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

V. AUTHORITY:

- 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