

## Department of Health Policy

Title:	Equal Employment Opportunity: Workplace Free of Harassment, Discrimination, and Retaliation	Number: HR 07.005
Procedure:	See associated procedure	
References:	Americans With Disabilities Act of 1990; Title VII of the Civil Rights Act of 1964 as amended in 1972; Civil Rights Act of 1991; Washington State Laws Against Discrimination ( <a href="#">RCW 49.60</a> ); applicable Civil Service Rules; Sections 503 and 504 of the Rehabilitation Act of 1973; the Age Discrimination in Employment Act of 1967; the 1974 Vietnam Era Veteran Readjustment Assistance Act and Presidential Executive Orders 11246, 11375 and 12086 and ESHB 2661; Genetic Information Non-Discrimination Act of 2008; <a href="#">WAC 162-32-040</a> ; Chapter 162-32 WAC (Sexual Orientation and Gender Identity); EEOC Guidelines, Governor's Executive Orders <a href="#">12-02</a> , <a href="#">96-04</a> and <a href="#">89-01</a> , and WAC <a href="#">357-25-027</a> and <a href="#">357-34</a> . <a href="#">WFSE CBA</a> ; <a href="#">SEIU CBA</a> .	
Applies to:	All DOH employees, applicants, volunteers, fellows, and interns	
Contact:	Chief of Human Resources	
Effective Date:	August 1, 2017	Review Date: August 1, 2022
Supersedes:	DOH Policy HR07005 dated March 1, 2012; Rescinds DOH Policy HR07.012 dated March 1, 2012	
Approved:	Signed by Jessica Todorovich	Chief of Staff, Department of Health

### Policy Statement:

The Department of Health (DOH) promotes a workplace where all employees, fellows/volunteers/interns, and applicants work in an environment that fosters mutual respect and professionalism. All employees, fellows/volunteers/interns, and applicants are responsible for contributing to such an environment and are expected to treat others with courtesy and respect.

DOH commits to a workplace environment which is free of harassment, including bullying, and discrimination. DOH prohibits and has zero tolerance toward harassment or discrimination based on the protected classes of race/ethnicity/color, creed, sex, pregnancy, age, religion, national origin, marital status, the presence or perception of a disability, veteran's status, military status, genetic information, sexual orientation, gender expression, or gender identity.

Furthermore, DOH will not tolerate sexual harassment, a hostile work environment, or retaliation when it comes to any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoff, training, fringe benefits, and any other term or condition of employment for any DOH employee, fellow/volunteer/intern, or applicant, regardless of whether they are in a protected class.

DOH managers, supervisors, employees, or fellows/volunteers/interns who engage in harassment, discrimination, or retaliation will be subject to corrective or disciplinary action that is appropriate to the circumstances, up to and including dismissal.

DOH managers and supervisors will be expected to hold their staff accountable for complying with this policy.

For represented employees, the collective bargaining agreements (CBAs) supersede specific provisions of agency policies with which they conflict.

## **Definitions:**

**Discrimination:** Unlawful discrimination in employment occurs when an employer takes an adverse, harmful, harassing and/or retaliatory employment action against an employee (or potential employee) based on that employee's race/ethnicity/color, creed, sex, pregnancy, age, religion, national origin, marital status, the presence or perception of a disability, veteran's status, military status, genetic information, sexual orientation, gender expression, or gender identity. See Types of Discrimination document for full definitions.

**Harassment:** Harassment is a form of employment discrimination that violates Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, (ADEA), the Americans with Disabilities Act of 1990 (ADA), and Chapter 162-32 WAC Sexual Orientation and Gender Identity. Harassment is offensive conduct that may include, but is not limited to, offensive jokes, slurs, epithets or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, and inappropriate interference with work performance.

Harassment can occur in a variety of circumstances, including, but not limited to, the following:

- Asking unwelcome personal questions or other unwelcome treatment based on a person's age, creed, disability, gender expression, gender identity genetic information, national origin, marital status, military status, pregnancy, race/ethnicity/color, religion, sex, sexual orientation/gender identity, or veteran's status.
- Disclosing an individual's sexuality, gender identity, or gender expression against their wishes.
- The deliberate misuse of an individual's preferred name, form of address, or gender-related pronouns (except on legally mandated documentation, if the individual has not officially obtained a name change).
- Posting offensive pictures or sending offensive electronic or other communications.
- Unwelcome physical conduct.

Harassment becomes unlawful when 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is severe or pervasive enough to create a hostile, intimidating, or abusive work environment.

Bullying may be a type of harassment seen in the workplace.

**Bullying:** A behavior that intends to frighten, hurt, or threaten others and cause harm, humiliation, or intimidation. Bullying behavior is often repetitive. It may involve verbal harassment, verbal or non-verbal threats, physical assault, stalking, or other methods of coercion such as manipulation, blackmail, or extortion. An imbalance of power, either real or perceived, between the aggressor and the victim is often involved.

**Hostile Work Environment:** A hostile work environment is one that is intimidating, harassing, or offensive. Offensive conduct may include, but is not limited to, offensive jokes, slurs, epithets or name-calling, assumptions based on stereotypes, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, and inappropriate interference with work performance. Harassment can occur in a variety of circumstances, including, but not limited to, the following:

- The harasser can be the victim's supervisor, a supervisor in another area, a subordinate, an agent of the employer, a co-worker, or a non-employee (such as a fellow, volunteer or intern).
- The victim does not have to be the person harassed, but can be anyone affected by the offensive conduct.
- Unlawful harassment may occur without economic injury to, or discharge of, the victim.

**Protected Classes:** Race/ethnicity/color, creed, sex, pregnancy, age, religion, national origin, marital status, the presence or perception of a disability, veteran's status, military status, genetic information, sexual orientation, gender expression, or gender identity.

**Retaliation:** Retaliation occurs when employers treat applicants, employees or former employees, fellows/volunteers/interns, or people closely associated with these individuals, less favorably for:

- reporting discrimination;
- participating in a discrimination investigation or lawsuit (for example, serving as a witness), or;
- opposing discrimination (for example, threatening to file a charge or complaint of discrimination).

Retaliation will not be tolerated at DOH. Any employees, fellows/volunteers/interns, and applicants found to have retaliated will be subject to corrective or disciplinary action that is appropriate to the circumstances, up to and including dismissal.

**Sexual Harassment:** Sexual harassment can include unwelcome sexual advances, requests for sexual favors, and other verbal or physical harassment of a sexual nature. Harassment does not have to be of a sexual nature, however, and can include offensive remarks about a person's sex. For example, it is illegal to harass a woman by making offensive comments about women in general. Both victim and the harasser can be either a woman or a man, and the victim and harasser can be the same sex. Although the law doesn't prohibit simple teasing, offhand comments, or isolated incidents that are not very serious, harassment is illegal when it is so frequent or severe that it creates a hostile or offensive work environment or when it results in an adverse employment decision (such as the victim being fired or demoted). The harasser can be the victim's supervisor, a supervisor in another area, a co-worker, or someone who is not an employee of the employer, such as a client or customer.

## **Framework:**

DOH promotes a workplace where all employees, fellows/volunteers/interns, and applicants work in an environment that fosters mutual respect and professionalism. DOH will not tolerate behavior that is harassing, discriminatory or retaliatory towards others.

Individuals who feel they have experienced or witnessed harassment, including bullying, discrimination, or retaliation have the following options. No DOH manager, supervisor, or employee may discourage an individual from pursuing any of the following options or attempt to influence the option they choose. With all options, DOH values and will strive to keep information related to the incident confidential. However, confidentiality may only be guaranteed to the extent allowed by law. If you have any questions about confidentiality, contact the Office of Human Resources.

### **1. Ask for assistance.** Individuals can reach out to a trusted supervisor, manager, or Human Resources employee.

- Depending on the circumstances of the incident, this may allow for an informal response to the incident.

- Certain incidents will legally require the Office of Human Resources to be notified and to conduct a formal investigation process (including sexual harassment claims, threats of physical violence, and any illegal activity).

**2. File a complaint.** Individuals are encouraged to use the Harassment, Discrimination, and Retaliation Complaint form to notify a trusted supervisor, manager, or the Office of Human Resources of an incident they experienced or witnessed.

- All individuals who file a complaint and provide their name will receive an acknowledgment of receipt and notification of next steps, which may result in a formal investigation depending on the circumstances and the ability to obtain further information.
- Individuals have the option to file this complaint form anonymously.

DOH employees, fellows/volunteers/interns, and applicants who wish to discuss potential discrimination, harassment, or retaliation without revealing their identity may do so verbally or in writing to the Office of Human Resources. However, anonymous complaints will only be investigated to the extent possible given the amount of detail provided and the ability to follow-up.

At the conclusion of an investigation, the complainant will be informed of the investigation's completion and notified of next steps. *Note:* Some specific results may not be shared with the complainant, as they are confidential when related to corrective or disciplinary actions that may be initiated against employees.

Whether or not an individual files a complaint with DOH, individuals also have the right to file a complaint with an external agency, including:

- The [Washington State Human Rights Commission](#).
- The federal [Equal Employment Opportunity Commission](#).

Employees also have the option to contact the [Employee Assistance Program](#) for confidential advice and consultation regarding personal or workplace conflicts.

**Review and Approval:**

The Chief Human Resources Officer will be responsible for coordinating any updates or rescinding of this policy or its associated procedure(s) with the Labor Relations Manager in the Office of Human Resources. The Secretary, Department of Health, has full authority to review and approve this policy and associated procedure. The Secretary also has the authority to delegate this responsibility.