

Sample Unlawful Harassment Policy

{INSERT COMPANY NAME} is committed to providing a workplace free from harassment or intimidation. {INSERT COMPANY NAME} strictly prohibits and does not tolerate unlawful harassment of employees or any other covered person, on the basis of age, race, color, creed, religion, sex, gender, ethnic or national origin, pregnancy leave, leave status, disability, uniformed service, veterans' status, sexual orientation, gender identity or expression, genetic information, marital status or based on political or religious opinions or affiliations, membership or non-membership in employee organizations, or any other characteristic protected by applicable law. Racial, sexual, age, disability-related, or ethnic slurs and insults are inappropriate and violate {INSERT COMPANY NAME}'s policies. {INSERT COMPANY NAME} has a zero-tolerance policy for discrimination or harassment. Employees working in certain states may have additional policies applicable to them. Please see the State Supplements at the end of this Harassment Policy.

{INSERT COMPANY NAME} will not tolerate any form of unlawful harassment, regardless of whether it is:

- Verbal (for example, epithets, derogatory statements, slurs, derogatory comments, or jokes).
- Physical (for example, assault or inappropriate physical contact).
- Visual (for example, displaying derogatory posters, cartoons, drawings or making derogatory gestures).
- Psychological or mental coercion

This list is illustrative only, and not exhaustive. Harassment is defined as any verbal or physical conduct that denigrates or shows hostility or aversion towards an individual because of the protected characteristics described above that: 1) has the purpose or effect of creating an intimidating, hostile or offensive work environment; 2) has the purpose or effect of unreasonably interfering with an individual's work performance; or 3) otherwise adversely affects an individual's employment opportunities. No form of unlawful harassment will be tolerated. Unlawful harassment is prohibited both at the workplace and at employer-sponsored events.

Sexual Harassment

Sexual harassment means any harassment based on someone's sex or gender and is strictly prohibited. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal, visual or physical conduct of sexual nature by an employee, volunteer, or supervisor when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual.

Sexual harassment also includes conduct of a sexual nature that unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive working environment, or otherwise adversely affects an individual's employment opportunities.

Comments or conduct that might be perceived as offensive are to be strictly avoided. Examples of conduct that might constitute harassment include, but are not limited to, repeated offensive or unwelcome sexual flirtations, advances, or propositions; continued and/or repeated verbal abuse of a sexual or hostile nature, graphic verbal comments about an individual's body; sexually degrading or hostile words used to describe an individual; or the display in the workplace of sexually suggestive objects or pictures.

No Retaliation

{INSERT COMPANY NAME} prohibits all forms of unlawful retaliation, including any form of discipline, reprisal, intimidation, or other form of retaliation for participating in any activity protected by law.

Examples of protected activities include:

- Good faith reporting of incidents of unlawful harassment of any kind, pursuing any good faith claim for unlawful harassment or cooperating in related investigations.
- Filing a good faith complaint of unlawful discrimination or harassment
- Complaining about violations of wage and hour law
- Assisting or participating in an investigation, compliance review, hearing, or any other activity, including investigations related to the administration of Section 503 of the Rehabilitation Act of 1973, as amended, Other Protected Veterans Readjustment Assistance Act of 1974, as amended, or any other Federal, State, or local law requiring equal opportunity for persons with disabilities or Disabled Veterans or Covered Veterans
- Opposing any act or practice made lawful by Section 503 of the Rehabilitation Act of 1973, as amended, the Vietnam Era Veterans Readjustment Assistance Act of 1974, as amended, or any other Federal, State, or local law requiring equal opportunity for disabled persons or Disabled Veterans or Covered Veterans
- Exercising any other legally protected right including Section 503 of the Rehabilitation Act of 1973, as amended, or any other right protected by the Vietnam Era Veterans Readjustment Assistance Act of 1974, as amended.
- Supporting another employee's internal or administrative complaint of unlawful discrimination
- Requesting an accommodation under the Americans with Disabilities Act (ADA) as amended by the ADA Amendments Act or state anti-discrimination statutes.
- Requesting or taking leave under the Family and Medical Leave Act or state leave statutes
- Filing a worker's compensation claim
- Whistleblowing

The examples above are illustrative only, and not exhaustive. No form of retaliation for any protected activity will be tolerated.

{INSERT COMPANY NAME} is committed to enforcing this policy against all forms of unlawful harassment and retaliation. However, the effectiveness of {INSERT COMPANY NAME} efforts depends largely on employees reporting inappropriate workplace conduct. If employees feel that they or someone else may have been subjected to conduct that violates this policy, they must report it immediately. If employees do not report harassing conduct, {INSERT COMPANY NAME} may not become aware of a possible violation of this policy and may not be able to take appropriate corrective action.

Complaint Procedure for Unlawful Harassment and Retaliation

Complaints of any violation of this policy must be reported immediately. Any employee who feels that he or she is the victim of a violation of this policy is urged to contact his or her

supervisor, other senior management, or the designated Human Resources Executive, as appropriate.

Any employee who, for any reason, believes that his or her complaint cannot be properly addressed by the appropriate supervisor, senior staff or Human Resources is strongly encouraged to contact the {INSERT COMPANY NAME}'s Chief Executive Officer.

An employee who reports an alleged violation of this policy in an appropriate manner will not be subjected to retaliatory employment action because of the complaint.

However, the {INSERT COMPANY NAME} recognizes that false accusations of harassment or other unlawful behavior can be damaging to an accused employee and disruptive to the operations of the {INSERT COMPANY NAME}. Thus, knowingly made false accusations may constitute misconduct for which corrective action may be imposed up to and including termination.

Investigation of Complaints

The {INSERT COMPANY NAME} will promptly investigate all complaints of harassment or other violations of this policy to determine whether improper conduct has occurred. All employees are expected to cooperate fully in any investigation. The confidentiality of all complaints will be maintained to the extent possible while allowing the {INSERT COMPANY NAME} to conduct a full and fair investigation. The {INSERT COMPANY NAME} will take reasonable steps during the investigation to protect the privacy of, and minimize suspicion toward, all parties concerned.

Corrective Action

It is the responsibility of each employee and each supervisor to ensure adherence to the {INSERT COMPANY NAME}'s policy of equal employment opportunity for all individuals. Any employee found to have violated the {INSERT COMPANY NAME}'s policy against unlawful harassment or retaliation will be subject to appropriate corrective action, up to and including termination of employment. Any employee who engages in conduct that violates this policy, or whose conduct would violate this policy if allowed to continue, is subject to corrective action up to an including termination. Volunteers who have violated the {INSERT COMPANY NAME}'s policy against harassment will be subject to appropriate remedial action, including being asked to vacate their position with {INSERT COMPANY NAME}.