

HARBOR-UCLA MEDICAL CENTER

SUBJECT: SEXUAL HARASSMENT PREVENTION

POLICY NO. 219

PURPOSE

To establish guidelines for promoting a work environment free from sexual harassment and for the reporting and resolving of sexual harassment complaints for all workforce members of the Department of Health Services (DHS), Harbor-UCLA Medical Center.

SCOPE

This policy applies to all workforce members including employees, contract staff, affiliates, volunteers, trainees, students, and other persons whose conduct, in the performance of work for DHS, Harbor-UCLA Medical Center, is under its direct control, whether or not they receive compensation from the County.

This policy applies to the use of any communication system or equipment in the workplace, *including but not limited to*, e-mail, internet, intranet, telephone, computer, fax, voicemail, radio, cellular phone, blackberries and mobile digital terminals. Workforce members may be disciplined for using any communication system or equipment to deliver, display, store, forward, publish, circulate, or solicit material that violates this policy.

POLICY

Sexual harassment is a form of unlawful discrimination which is a violation of Title VII of the Civil Rights Act of 1964, as amended, and Chapter 6 of the California Fair Employment and Housing Act.

It is the policy of the County of Los Angeles, DHS and Harbor-UCLA Medical Center that all workforce members have a right to a work environment that encourages workforce members to treat each other with dignity and respect, and is free from sexual harassment; therefore, sexual harassment in any DHS facility is unacceptable and will not be tolerated.

It is improper and a violation of this policy for a County officer or workforce member to ask for or receive sexual favors from another workforce member or prospective workforce member in return for, or as a condition of, employment, promotion, job retention, a particular job or duty assignment, or any other action

EFFECTIVE DATE: 1989

SUPERSEDES:

REVISED: 2/92, 12/94, 2/05, 8/10, 3/13, 10/16, 9/19

REVIEWED: 12/94, 5/98, 2/02, 3/13, 10/16, 9/19

REVIEWED COMMITTEE:

APPROVED BY:


Kim McKenzie, RN, MSN, CPHQ
Chief Executive Officer


Anish Mahajan, MD
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Chief Nursing Officer

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relating to employment/assignment. It is also a violation of this policy if submission to, or rejection of such conduct is used as a basis for employment/assignment decisions, or if it creates an intimidating, hostile or offensive work environment. Additionally, it is also a violation of this policy for a workforce member, manager or supervisor to retaliate against another workforce member for filing a complaint and/or participating in an investigation.

Failure to comply with this policy will result in disciplinary action in accordance with the DHS' Discipline Manual and Guidelines, Comprehensive Policy Statement (Non-County workforce), as applicable.

It is also the policy of this facility to:

1. Dissuade such practices through communication, training and other appropriate methods that will educate workforce members and all persons involved with the workforce concerning sexual harassment issues;
2. Investigate all observed or reported instances of sexual harassment and take appropriate corrective action, including disciplinary action, when warranted; and
3. Provide an internal complaint process for workforce members who experience or witness the violation of the sexual harassment policy which will protect workforce member's confidentiality to the extent legally permissible, shield the individual from retaliation, and allow for appropriate corrective action.

DEFINITIONS

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and/or other verbal or physical conduct of a sexual nature when one of the following three things occurs:

1. **It is an employment/assignment condition:** Submission to such conduct is made either explicitly or implicitly a term or condition of employment/assignment;
2. **It is an employment/assignment consequence:** Submission to or rejection of such conduct by an individual is used as a basis for employment/assignment decisions affecting such an individual; or
3. **It is an offensive job interference:** Such conduct has the purpose or effect of unreasonably interfering with a workforce member's work performance or creating an intimidating, hostile or offensive working environment.

Department Head, for purposes of this policy is defined as:

- Hospital Chief Executive Officer (CEO)
- Comprehensive Health Center Chief Executive Officer
- DHS Human Resources Administrator

Retaliation - An adverse employment action against another for reporting sexual harassment or filing a complaint, participating in an investigation, administrative proceeding or otherwise exercising their rights or performing their duties pursuant to this policy.

Supervisor/manager - Any workforce member regardless of job description or title, having authority, in the interest of the employer, to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward or discipline other workforce members, or responsibility to direct them, or adjust their grievances, or effectively to recommend this action, if, in connection with the foregoing, the exercise of this authority is not of a

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merely routine or clerical nature, but requires the use of independent judgment.

Workplace/Work Environment - The workplace/work environment includes off-site work-related settings such as business meetings or other County sponsored functions and other work-related events (e.g., retirement parties) with a nexus to the workplace.

GUIDELINES

- Sexual harassment can occur between members of the same or the opposite sex and the aggressor can also be male or female;
- Sexual harassment can be committed by any vendor, workforce member, supervisor, or manager;
- A workforce member can be a victim of sexual harassment because sexual harassment exists in the work environment, even if it does not specifically involve or is not directed toward that individual; and
- Sexual harassment can be verbal, physical, written or visual in nature.

Examples of conduct that is prohibited by this policy:

These are a few examples, but this is not a complete list. They are as follows:

Sexual propositions, stating or implying that sexual favors may be required as a condition of employment/assignment or continued employment/assignment, preferential treatment or promises of preferential treatment to a workforce member for submitting to sexual conduct; repeated unwanted sexual flirtations, advances, or invitations, unwanted physical conduct, such as touching, pinching, grabbing, kissing, patting, or brushing against another's body;

Sexually oriented or suggestive jokes, comments, teasing, or sounds; unwelcome comments about a person's body or questions about or discussions of another person's or one's own sexual experiences/preferences; sexually derogatory or stereotypical comments; verbal abuse of a sexual nature or based on sex/gender; sex/gender-based hostility; sexual orientation/preference;

Offensive leering, unwelcome flirtatious eye contact, staring at parts of a person's body, sexually oriented gestures;

Displays or distribution of offensive, sexually suggestive pictures or objects, drawings, cartoons, graffiti, calendars, posters, printed material, or clothing containing sexually oriented language or graphics; and

Inappropriate e-mail usage and transmissions containing sexually explicit messages, cartoons, jokes, and unwelcome propositions; as well as accessing or viewing pornographic websites, computer/video games depicting sexual situations or behaviors.

Who is Responsible for Reporting Sexual Harassment?

It is the responsibility of all workforce members to ensure sexual harassment does not occur in the department. Any workforce member who believes he or she has been the object of, has witnessed, or has

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been affected by sexual harassment is strongly encouraged to report the action or incident, as noted in the section below.

It is the responsibility of the supervisor/manager to prevent and correct any incidents that may occur in their work areas. Once a supervisor/manager becomes aware of a potential situation, it is the supervisor/manager's responsibility to take such allegations seriously, meet with the reporting party to obtain additional information, and to make an immediate report to the County Intake Specialist Unit, CEO County Equity Oversight Panel. It is the supervisor/manager's responsibility to make a report even when a complaining or reporting party requests no action be taken or if the workforce member states that s/he has reported or will report the matter themselves.

Where do we Report Sexual Harassment?

Anyone who experiences, witnesses, or become aware of any occurrences of sexual harassment is strongly encouraged to report it to any Department supervisor/manager or the County Intake Specialist Unit at 1 (855) 999-CEOP (2367) or website <https://CEOP.bos.lacounty.gov>. All reported matters will be promptly, fully and fairly investigated and appropriate corrective action taken, if necessary.

Supervisor/manager must immediately notify the County Intake Specialist Unit of the incident(s) or complaint and any initial steps taken; complete a CPOE Report Form and file the original with the County Intake Specialist Unit and distribute three (3) copies as follows:

1. Reporting party's Department Head, unless complaint is against the Department Head;
2. Executive Director of CEOP; and
3. Employee Relations at dhser@dhs.lacounty.gov.

All workforce members are responsible for cooperating fully in any administrative investigation related to the policy in accordance with County PPG 910, Employee's Cooperation in the Administrative Investigation Process and DHS Discipline Manual and Guidelines.

Investigative Action - What should you expect?

An investigator will visit the worksite and interview potential witnesses mentioned in the complaint. All information obtained from witnesses will only be released on a "need-to-know" basis in order to complete the investigation.

During the investigation the involved parties may be separated or other personnel actions may occur. If it is determined that a violation has occurred, appropriate disciplinary action, up to and including, termination may be taken. The workforce member may also be required to attend a Sexual Harassment Prevention Training to reinforce the sexual harassment policy.

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Retaliation

It is a violation of this policy for a workforce member, manager or supervisor to retaliate against anyone for filing a complaint and/or participating in an investigation. There will be no retaliation against anyone who reports a violation of this policy in good faith. However, any workforce member who deliberately makes a false accusation, or withholds information, will be subject to corrective action or discipline. Moreover, reporting a violation does not protect individuals from appropriate corrective action or discipline regarding their own misconduct.

Disciplinary Action

Failure to comply with this sexual harassment policy will result in appropriate corrective action in accordance with the DHS Discipline Manual and Guidelines and may include discharge from County service or termination of job/assignment.

Training

All workforce members are required to be trained on sexual harassment at least once every two years, by California law, supervisors and managers must attend within six (6) months of being promoted, or hired to a supervisory position and every two years thereafter. Non-County Workforce Members who become County employed must be re-trained on sexual harassment within 30 days of entering County employment.

Reinforcement

This policy (**ATTACHMENT I**) will be distributed to each workforce member at the time of new hire/assignment and annually during the performance evaluation process. The Sexual Harassment Booklet shall be provided to each newly hired/assigned workforce member at the time of in-processing and distributed to each workforce member as necessary upon revision.

Authority: DHS Discipline Manual and Guidelines

Los Angeles County Code, Chapter 5.09

California Government Code, Chapter 6, Sections 12940-12951, California Fair Employment and Housing Act

Title VII, Civil Rights Act of 1964

Title 2, California Code of Regulations, Section 7288

DHS Sexual Harassment Prevention, Policy No. 749

DHR PPG 812, County Policy of Equity

DHR PPG 910, Employees' Cooperation in the Administrative Investigation Process

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ATTACHMENT I

COUNTY OF LOS ANGELES – DEPARTMENT OF HEALTH SERVICES
Notice and Acknowledgment of Sexual Harassment Policy

DHS Policy No. 749: Sexual Harassment Policy

I understand it is the policy of Los Angeles County that sexual harassment will not be tolerated. I understand that retaliation against a workforce member who files a complaint or participates in an investigation is prohibited. I further understand that all workforce members (defined as: employees, contract staff, affiliates, volunteers, students, and other persons whose conduct in the performance of work for DHS, is under its direct control, whether they are permanent, temporary, part-time, or other) are required to comply with this policy.

ACKNOWLEDGMENT

By my signing where indicated below, I acknowledge that:

1. I have received a copy of DHS Sexual Harassment Policy No. 749.
2. I am aware that if I violate the policy, I will be subject to disciplinary action that may include discharge or release from County assignment.

Name (Print):	Employee/Workforce Member ID Number:	Date:
Signature:	Job Title:	
Supervisor's Name (Print):	Supervisor's Signature:	Date:

09/15/09

Distribution:

Original –Official Workforce Member Folder
Duplicate – Retained in Departmental Area File