

# Sexual Harassment Hurts Everyone



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## Notice to all Staff

Sexual harassment is prohibited by this company and is against the law.

Every employee and independent contractor should be aware of:

- what sexual harassment is;
- what steps to take if harassment occurs; and
- state law prohibiting retaliation for reporting sexual harassment

Please read this information sheet. If you have any questions or concerns about it, contact your supervisor, personnel department representative or your investigative officer for further information.

## What is Sexual Harassment?

Although many people think of sexual harassment as involving a male boss and a female employee, not all sexual harassment is done by males. Sexual harassment often involves co-workers, other employees of the company or other persons doing business with or for the company. It's against the law for females to sexually harass males or other females, and for males to harass other males or females.

## California Law

California law defines harassment due to sex as sexual harassment, gender harassment and harassment due to pregnancy, childbirth or related medical conditions.

1. **Verbal harassment** — epithets, derogatory comments or slurs.

**Examples:** *Name-calling, belittling, sexually explicit or degrading words to describe an individual, sexually explicit jokes, comments about an employee's anatomy and/or dress, sexually oriented noises or remarks, questions about a person's sexual practices, use of patronizing terms or remarks, verbal abuse, graphic verbal commentaries about the body.*

2. **Physical harassment** — assault, impeding or blocking movement, or any physical interference with normal work or movement, when directed at an individual.

**Examples:** *Touching, pinching, patting, grabbing, brushing against or poking another employee's body, hazing or initiation that involves a sexual component, requiring an employee to wear sexually suggestive clothing.*

3. **Visual harassment** — derogatory posters, cartoons, or drawings.

**Examples:** *Displaying sexual pictures, writings or objects, obscene letters or invitations, staring at an employee's anatomy, leering, sexually oriented gestures, mooning, unwanted love letters or notes.*

4. **Sexual favors** — unwanted sexual advances which condition an employment benefit upon an exchange of sexual favors.

**Examples:** *Continued requests for dates, any threat of demotion, termination, etc. if requested sexual favors are not given, making or threatening reprisals after a negative response to sexual advances, propositioning an individual.*

It is impossible to define every action or all words that could be interpreted as sexual harassment. The examples listed above, along with the state definition of sexual harassment, are not meant to be a complete list of objectionable behavior nor do they always constitute sexual harassment.

## Federal Law

Under federal law, unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
2. submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individuals; or
3. such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

## Harassers Are Personally Liable

If you, as an employee, are found to have engaged in sexual harassment, or if you as a manager know

about the conduct and condone or ratify it, you may be personally liable for monetary damages. This company will **not** pay damages assessed against you personally.

In addition, this company will take appropriate disciplinary measures — termination is one possible action — against any employee who engages in sexual harassment.

## How to Stop Sexual Harassment

1. **When possible, confront the harasser and ask him/her to stop.**

The harasser may not realize the advances or behavior are offensive. When it is appropriate and sensible, you may want to tell the harasser the behavior or advances are unwelcome and must stop. Sometimes a simple confrontation will end the situation.

2. **You are strongly encouraged to report sexual harassment. Contact your supervisor, personnel department representative or other person designated by the company as investigative officers for sexual harassment.**

Sexual harassment or retaliation should be reported in writing or verbally. You may report such activities even though you were not the subject of the harassment.

3. **An investigation will be conducted.**

The company will investigate, in a discreet manner, all reported incidents of sexual harassment and retaliation.

4. **Appropriate action will be taken.**

Where evidence of sexual harassment or retaliation is found, disciplinary action, up to and including termination, may result.

## Protection Against Retaliation

Company policy and California state law forbid retaliation against any employee who opposes sexual harassment, files a complaint, testifies, assists or participates in any manner in an investigation, proceeding or hearing conducted by the company, the Department of Fair Employment and Housing or the Fair Employment and Housing Commission.

Prohibited retaliation includes but is not limited to:

- demotion;
- suspension;
- failure to hire or consider for hire;
- failure to give equal consideration in making employment decisions;
- failure to make impartial employment recommendations; and
- adversely affecting working conditions or otherwise denying any employment benefit to an individual.

## Additional Information

The Department of Fair Employment and Housing (DFEH) is the state agency that resolves complaints of unlawful discrimination, including sexual harassment. After a complaint is filed, the DFEH has one year to investigate the complaint.

The Fair Employment and Housing Commission (FEHC), headquartered in San Francisco, decides cases prosecuted by the DFEH at the state level.

To contact the DFEH, consult your local telephone directory under State Government Offices or ask directory assistance for the number of Department of Fair Employment and Housing headquarters in Sacramento or write to Department of Fair Employment and Housing, 2014 T Street, Suite 210, Sacramento, CA 95814-6824.

The Equal Employment Opportunity Commission (EEOC) is the federal agency that resolves sexual harassment claims. To contact the commission, consult directory assistance for Washington, D.C. or write to Equal Employment Opportunity Commission, 1801 L Street, NW, Washington, D.C., 20507.

If they find a complaint is justified, state and federal agencies have the power to order, among other actions, that the wronged party be hired, given back pay, promoted, reinstated or granted damages for emotional distress. The agencies also may issue a "cease and desist" order to prevent further unlawful activity and order the violator to pay large fines.

## Sexual Harassment Complaint Procedure

This company has a policy against harassment due to sex, which includes sexual harassment, gender harassment and harassment due to pregnancy, childbirth or related medical conditions. If you are harassed, confront the harasser and ask him/her to stop. If you are unable to, or do not wish to confront the harasser or are unsuccessful in doing so, report your complaint immediately as follows:

File your complaint with your supervisor (or with another supervisor if the complaint is against your immediate supervisor), the personnel administrator or the president.

Make your complaint in writing, if possible. Include any relevant details, names of the people involved and the names of any witnesses.

The company will investigate your complaint thoroughly. If the company finds that harassment has occurred, disciplinary action will be taken against the harasser.

The company will act upon your complaint promptly. A representative of the company will tell you the outcome of the investigation.

There will be no retaliation against you for filing a complaint.

If you have any questions, contact your personnel administrator.