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), and the Americans with Disabilities Act of 1990, (ADA).

Harassment is unwelcome conduct that is based on race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability or genetic information. Harassment becomes unlawful where 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive. Anti-discrimination laws also prohibit harassment against individuals in retaliation for filing a discrimination charge, testifying, or participating in any way with an investigation, proceeding, or lawsuit pursuant to the afore mentioned laws; or opposing employment practices that they reasonably believe discriminate against individuals, in violation of these laws.

Petty slights, annoyances, and isolated incidents (unless extremely serious) will not rise to the level of illegality. To be unlawful, the conduct must create a work environment that would be intimidating, hostile, or offensive to reasonable people.

Offensive conduct 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 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, an agent of the employer, a co-worker, or a non-employee.

- 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.

Prevention is the best tool to eliminate harassment in the workplace. Employers are encouraged to take appropriate steps to prevent and correct unlawful harassment. They should clearly communicate to employees that unwelcome harassing conduct will not be tolerated. Employers can do this by establishing an effective complaint or grievance process, providing anti-harassment training to their managers and employees, and taking immediate and appropriate action when an employee complains. Employers should strive to create an environment in which employees feel free to raise concerns and are confident that those concerns will be addressed.

Employees are encouraged to inform the harasser directly that the conduct is unwelcome and must stop. Employees should also report harassment to management at an early stage to prevent its escalation.

**Employer Liability for Harassment**

The employer is automatically liable for harassment by a supervisor that results in a negative employment
action such as termination, failure to promote or hire, and loss of wages. If the supervisor’s harassment results in a hostile work environment, the employer can avoid liability only if it can prove that: 1) it reasonably tried to prevent and promptly correct the harassing behavior; and 2) the employee unreasonably failed to take advantage of any preventive or corrective opportunities provided by the employer.

The employer will be liable for harassment by non-supervisory employees or non-employees over whom it has control (e.g., independent contractors or customers on the premises), if it knew, or should have known about the harassment and failed to take prompt and appropriate corrective action.

When investigating allegations of harassment, the EEOC looks at the entire record: including the nature of the conduct, and the context in which the alleged incidents occurred. A determination of whether harassment is severe or pervasive enough to be illegal is made on a case-by-case basis.

The following sample language is provided for your review and benefit.

**Anti-Harassment Policy**

The Company is committed to providing a workplace that is free of unlawful discrimination, harassment and offensive behavior. All employees are expected to treat customers, co-workers, subordinates and managers with respect at all times. The Company prohibits all forms of unlawful harassment or discrimination based upon race, creed, color, religion, sex, national origin, age, disability, or any other protected class identified by additional federal, state or local law.

Harassment includes, but is not limited to: offensive, abusive, or degrading comments or other verbal behavior, slurs, epithets, threats, derogatory comments, unwelcome jokes and teasing, as well as, written or pictorial materials. It also includes behavior that is personally offensive, impairs morale, and interferes with work effectiveness.

**Obligation to Report**

Any employee who believes that the words or actions of a supervisor, co-employee or another person constitute harassment should feel free to object to the behavior and has a responsibility to report the incident. In addition, any employee who witnesses or is otherwise aware of any harassment of another employee should immediately report the incident.

The following procedures have been established for reporting and investigating any incidents of harassment or offensive behavior:

- Any employee who has been harassed or is the subject of offensive behavior, or any employee who is aware of harassing or offensive behavior directed to another employee, must immediately report the behavior to his or her immediate supervisor. If reporting the incident to your supervisor is uncomfortable, you may contact the President directly.

- Management will investigate all allegations or complaints of harassment or offensive behavior. All complaints will be taken seriously and investigated promptly and in as confidential a manner as possible. Corrective action, consistent with the results of the investigation will be taken.

**Non-Retaliation**

The Company strictly prohibits retaliation against an employee who, in good faith, has made a complaint under this procedure or cooperated in an investigation. If you believe that you have been retaliated against for exercising your rights under this policy, you must report the conduct in the manner described above. Any employee who, after investigation, is found to have retaliated against another employee filing a complaint or for participating in an investigation may be subject to appropriate discipline up to and including termination. However, filing a complaint that you know to be false or for an inappropriate purpose is strictly prohibited and subjects you to appropriate discipline, including termination.

Violation of this policy, including the failure to report harassment or offensive behavior, may subject an employee to disciplinary action up to and including termination. Any questions or concerns regarding this policy should be directed to your immediate supervisor, Human Resources or the President.