

Function: Human Resources (HR)

Policy No: 5.13

Scope: Hospital-wide

Subject: WORKPLACE HARASSMENT

Date Issued: September 1991

Page: 1 of 4

I. OBJECTIVE

Abbeville General Hospital recognizes the dignity of the individual employee and the right of employees to work in an environment that is free of intimidation and harassment. Such intimidation or harassment based on race or color, sex, physical or mental disability, religion, age, ancestry or national origin, whistleblower activity, previous assertion of a claim or right under the Louisiana Workers' Compensation Act, or marital status is a violation of State policy. Because such harassment seriously undermines the integrity of the work place and adversely affects employee morale, it is unacceptable and will not be tolerated. In addition, it is considered grounds for disciplinary action up to and including discharge. Harassment based on race or color, sex, physical or mental disability, religion, age, ancestry or national origin, whistleblower activity or previous assertion of a claim or right under the Louisiana Workers' Compensation Act may also constitute illegal employment discrimination.

II. POLICY

The work environment shall be one which is fair and rewards career goals on the basis of ability and work performance. Sexual harassment is adverse to this environment and will not be tolerated by or toward employees, patients, vendors, or staff.

Similarly, any conduct that degrades, ridicules or otherwise draws unwanted attention to any employee or other person having dealings with the Office on the basis of race or color, sex, physical or mental disability, religion, age, ancestry or national origin, whistleblower activity, previous assertion of a claim or right under the Louisiana Workers' Compensation Act, or marital status is considered unprofessional regardless of whether it constitutes unlawful harassment. Such unprofessional conduct will not be tolerated in the work place because it undermines morale, interferes with performance and demeans its victims. Each employee is personally responsible for compliance with this policy.

III. PROCEDURE

A. As part of the supervisory responsibilities, supervisors are required to actively prevent or stop inappropriate, unprofessional conduct in the workplace regardless of whether the conduct rises to the level of illegal harassment. If they become aware of any such conduct occurring, they must take immediate and appropriate corrective action, including discipline, to end the conduct. Corrective action is required regardless of whether a complaint is made or the conduct appears to be unwelcome.

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Function: Human Resources (HR)	Policy No: 5.13
	Scope: Hospital-wide
Subject: WORKPLACE HARASSMENT	Date Issued: September 1991
	Page: 2 of 4

- B. Employees should contact their supervisor if they are harassed or are aware of abuses from their fellow employees, supervisors or physicians. If the employee cannot report the matter to their supervisor, then the Director of Human Resources should receive the report. If the employee feels that neither his/her supervisor nor the Director of Human Resources is appropriate for reporting, then the employee should report the matter directly to the hospital Chief Executive Officer.
- C. 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 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 the individual.
 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.
- D. Examples of harassment related to race or color, sex, sexual orientation, physical or mental disability, religion, age, ancestry or national origin, whistleblower activity or previous assertion of a claim or right under the Louisiana Workers' Compensation Act, include the following, which may be a series of incidents or a single occurrence:
 1. Unwelcome sexual advances, gestures, comments, or contact;
 2. Threats;
 3. Offensive jokes;
 4. Subjecting employees to ridicule, slurs, or derogatory actions;
 5. Basing employment decisions or practices on submission to such harassment;
 6. Refusal to cooperate with employees in performing work assignments;
 7. Inequitable disciplinary actions and work assignments.

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Page: 3 of 4

E. Retaliation

Any form of retaliatory action or threat or suggestion of retaliation by either employees or supervisors against any person filing a complaint under this policy or assisting in an investigation is a violation of State policy. Any discriminatory action against any individual because the individual has opposed a practice that would be a violation of the Louisiana Human Rights Act, Title VII, the Americans with Disabilities Act, or the Age Discrimination in Employment Act or because the individual has made a charge, testified or assisted in any investigation, proceeding or hearing under the Louisiana Human Rights Act, Title VII, the Americans with Disabilities Act or the Age Discrimination in Employment Act is illegal. A complainant is protected from retaliation regardless of the merits of the original complaint. Retaliation should be reported in the same manner as described above for complaints of harassment and will be promptly investigated. Such retaliatory conduct will be grounds for disciplinary action.

F. Mandatory Training

1. All employees shall complete a minimum of one hour of education and training on preventing sexual harassment during annual education.
2. All supervisors, department heads and c-suite that can accept or investigate a complaint of sexual harassment is required to receive additional education and training.
3. All training certificates and records will be maintained in the employee records. Each public servant's record of compliance shall be a public record and available to the public in accordance with the Public Records Law.
4. Failure to complete the mandatory training requirements may result in disciplinary action.
5. All employees, including elected officials, during annual education attest through signature verification that they read and understands Abbeville General Sexual Harassment Policy.

G. Annual Reporting

1. Human Resources will compile an annual report by February 1st of each year containing information from the previous calendar year regarding the hospital's compliance.

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	Page: 4 of 4

The report shall include:

- a. The number and percentage of public servants in his agency who have completed the training requirements;
- b. The number of sexual harassment complaints received by his agency;
- c. The number of complaints which resulted in a finding that sexual harassment occurred;
- d. The number of complaints in which the finding of sexual harassment resulted in discipline or corrective action; and
- e. The amount of time it took to resolve each complaint.

These reports shall be public record and available to the public in the manner provided by the Public Records Law.

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