

<b>Title:</b>	<b>Sexual Harassment</b>	<b>Effective Date:</b>	<b>03/07/2019</b>
<b>Author:</b>	<b>Camille Tanner</b>	<b>Last Review Date:</b>	<b>06/23/2021</b>
<b>Location:</b>	<b>All Locations</b>	<b>Last Revision Date:</b>	
<b>Functional Area:</b>	<b>Human Resources</b>		

### POLICY

Liberty Healthcare (hereinafter “Liberty”) is committed to maintaining a workplace free from sexual harassment. Sexual harassment is a form of workplace discrimination. All employees are entitled to work in a manner that prevents sexual harassment in the workplace. This policy is one component of Liberty’s commitment to a discrimination-free work environment. Sexual harassment is against the law and all employees have a legal right to a workplace free from sexual harassment. All are urged to report sexual harassment by filing a complaint internally with Liberty.

### PROCEDURE

1. Liberty’s policy applies to all employees, applicants for employment, interns, whether paid or unpaid, contractors and persons conducting business, regardless of immigration status, with Liberty. In the remainder of this document, this collective group will be referred to as “group member(s)”.
2. Sexual harassment will not be tolerated. Any group member covered by this policy who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action (e.g., counseling, warnings, termination).
3. Retaliation Prohibition: No person covered by this policy shall be subject to adverse action because the group member reports an incident of sexual harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint. Liberty will not tolerate such retaliation against anyone who, in good faith, reports or provides information about suspected sexual harassment. Any group member of Liberty who retaliates against anyone involved in a sexual harassment investigation will be subject to disciplinary action, up to and including termination. All group members who believe they have been subject to such retaliation should inform a supervisor, manager, or the Corporate Human Resources Department.
4. Sexual harassment is offensive, is a violation of our policies, is unlawful, and may subject Liberty to liability for harm to targets of sexual harassment. Harassers may also be individually subject to liability. Group members of every level who engage in sexual harassment, including managers and supervisors who engage in sexual harassment or who allow such behavior to continue, will be penalized for such misconduct.
5. Liberty will conduct a prompt and thorough investigation that ensures due process for all parties, whenever management receives a complaint about sexual harassment, or otherwise knows of possible sexual harassment occurring. Liberty will keep the investigation confidential to the extent possible. Effective corrective action will be taken whenever sexual harassment is found to have occurred. All group members, including managers and supervisors, are required to cooperate with any internal investigation of sexual harassment.
6. All group members are encouraged to report any harassment or behaviors that violate this policy. Liberty will provide all group members a complaint form for employees to report harassment and file complaints. Such form is found in Employee Self Service under Frequently Used Forms.
7. Managers and supervisors are **required** to report any complaint that they receive, or any harassment that they observe or become aware of, to the Vice President of Human Resources.

8. This policy applies to all group members and all must follow and uphold this policy. This policy must be provided to all group members and should be posted prominently in all work locations to the extent practicable and be provided to group members upon hiring.

**What Is “Sexual Harassment”?**

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity, and the status of being transgender.

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual’s sex when:

- Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive work environment, even if the reporting individual is not the intended target of the sexual harassment;
- Such conduct is made either explicitly or implicitly a term or condition of employment; or
- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual’s employment.

A sexually harassing hostile work environment includes, but is not limited to, words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual’s sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, which interfere with the recipient’s job performance.

Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment, or any other terms, conditions, or privileges of employment. This is also called “quid pro quo” harassment.

Any group member who feels harassed should submit a report so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy.

**Examples of sexual harassment**

The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited:

- Physical acts of a sexual nature, such as: pinching, patting, grabbing, brushing against another employee’s body or poking another employee’s body; touching, kissing and hugging, especially if unwanted, can also be considered sexual harassment and may result in appropriate discipline.
- Rape, sexual battery, molestation, or attempts to commit these assaults.
- Unwanted sexual advances or propositions, such as: requests for sexual favors accompanied by implied or overt threats concerning the target’s job performance evaluation, a promotion or other job benefits or detriments; subtle or obvious pressure for unwelcome sexual activities.
- Sexually oriented gestures, noises, remarks or jokes, or comments about a person’s sexuality or sexual experience, which create a hostile work environment.
- Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people’s ideas or perceptions about how individuals of a particular sex should act or look.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as: displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.

- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity and the status of being transgender, such as: interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job; sabotaging an individual's work; bullying, yelling, name-calling.

### **Who can be a target of sexual harassment?**

Sexual harassment can occur between any individual, regardless of their sex or gender.

Harassers can be a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer or visitor.

### **Where can sexual harassment occur?**

Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while group members are traveling for business or at employer sponsored events or parties. Calls, texts, emails, and social media usage by group members can constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices or during non-work hours.

### **Retaliation**

Unlawful retaliation can be any action that could discourage a worker from coming forward to make or support a sexual harassment claim. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (e.g., threats of physical violence outside of work hours). Such retaliation is unlawful under federal, state, and (where applicable) local law. Liberty protects any individual who has engaged in "protected activity." Protected activity occurs when a person has:

- made a complaint of sexual harassment, either internally or with any anti-discrimination agency;
- testified or assisted in a proceeding involving sexual harassment under any human rights law or other anti-discrimination law;
- opposed sexual harassment by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of harassment;
- reported that another group member has been sexually harassed; or
- encouraged a fellow group member to report harassment.

Even if the alleged harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of harassment, which could lead to discipline.

## **Reporting Sexual Harassment**

### **Preventing sexual harassment is everyone's responsibility**

Liberty cannot prevent or remedy sexual harassment unless it knows about it. Any group member, who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to a supervisor, manager, or the Vice President of Human Resources. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor, manager, or the Vice President of Human Resources.

Reports of sexual harassment may be made verbally or in writing. A form for submission of a written complaint entitled "Complaint Form for Reporting Sexual Harassment" can be found on Employee Self Service, under Frequently Used Forms, and all group members are encouraged to use this complaint form. Group members who are reporting sexual harassment on behalf of other group members should use the complaint form and note that it is on another group member's behalf. Reports of sexual harassment will remain confidential unless Liberty is compelled to disclose the information as part of the investigation, or as part of any federal, state, or local administrative proceeding or in any litigation.

### **Supervisory Responsibilities**

All supervisors and managers who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior or for any reason suspect that sexual harassment is occurring, **are required** to report such suspected sexual harassment to the Vice President of Human Resources.

In addition to being subject to discipline if they engaged in sexually harassing conduct themselves, supervisors and managers will be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue. Supervisors and managers will also be subject to discipline for engaging in any retaliation.

Approved By: \_\_\_\_\_

**Revision History**

Version	Date	Author	Summary of Changes
#1	03/07/2019	Camille Tanner	Policy Created
#2	10/30/2020	Camille Tanner	Policy reviewed; no changes
#3	06/23/2021	Camille Tanner	Policy reviewed; no changes