



SUBJECT: SEXUAL HARASSMENT

I. PURPOSE

Plaquemines Medical Center (PMC) is committed to providing a safe environment for all its employees, free from discrimination on any ground and harassment at work, including sexual harassment. PMC will operate a zero-tolerance policy for any form of sexual harassment in the workplace, treat all incidents seriously, and promptly investigate all allegations of sexual harassment. Any person found to have been sexually harassed. Another will face disciplinary action, up to and including dismissal from employment.

All complaints of sexual harassment will be taken seriously and treated with respect and confidence. No one will be victimized for making such a complaint.

II. DEFINITION

Sexual harassment is unwelcome conduct of a sexual nature that makes a person feel offended, humiliated, and/or intimidated. It includes situations where a person is asked to engage in sexual activity as a condition of that person's employment and situations that create an environment that is hostile, intimidating, or humiliating for the recipient.

Sexual harassment can involve one or more incidents, and actions constituting harassment may be physical, verbal, or non-verbal. Examples of conduct or behavior which constitute sexual harassment include, but are not limited to:

Physical conduct

- Unwelcome physical contact, including patting, pinching, stroking, kissing, hugging, caressing, or inappropriate touching
- Physical violence, including sexual assault
- Physical contact, e.g., touching, pinching
- The use of job-related threats or rewards to solicit sexual favors

Verbal conduct

- Comments on a worker's appearance, age, private life, etc.
- Sexual comments, stories, and jokes
- Sexual advances
- Repeated and unwanted social invitations for dates or physical intimacy
- Insults based on the sex of the worker
- Condescending or paternalistic remarks
- Sending sexually explicit messages (by phone or by email)

Non-verbal conduct

- Display of sexually explicit or suggestive material
- Sexually-suggestive gestures
- Whistling

- Leering

Anyone can be a victim of sexual harassment, regardless of their sex and the sex of the harasser. PMC recognizes that sexual harassment may also occur between people of the same sex. What matters is that the sexual conduct is unwanted and unwelcome by the person against whom the behavior is directed.

PMC recognizes that sexual harassment manifests in power relationships and often occurs within unequal relationships in the workplace, for example, between manager or supervisor and employee.

Anyone, including employees of PMC, clients, patients, physicians, contractors, or visitors who sexually harass another, will be reprimanded per this internal policy.

All sexual harassment is prohibited whether it takes place within PMC premises or outside, including at social events, business trips, training sessions, or conferences sponsored by PMC.

III. COMPLAINTS PROCEDURES

Anyone subject to sexual harassment should, if possible, inform the alleged harasser that the conduct is unwanted and unwelcome. PMC recognizes that sexual harassment may occur in unequal relationships (i.e., between supervisors and employees). It may not be possible for the victim to inform the alleged harasser.

If a victim cannot directly approach an alleged harasser, he/she can approach one of the designated staff members responsible for receiving complaints of sexual harassment. This person could be another supervisor, a member of the human resources department (Spectrum), an Administrator, etc.

When a designated person receives a complaint of sexual harassment, he/she will:

- immediately record the dates, times, and facts of the incident(s)
- ascertain the views of the victim as to what outcome he/she wants
- ensure that the victim understands the company's procedures for dealing with the complaint
- discuss and agree on the next steps: either informal or formal complaint, on the understanding that choosing to resolve the matter informally does not preclude the victim from pursuing a formal complaint if he/she is not satisfied with the outcome
- keep a confidential record of all discussions
- respect the choice of the victim
- ensure that the victim knows that they can complain outside of the company through the relevant country/legal framework

Throughout the complaints procedure, a victim is entitled to be helped by a counselor. PMC recognizes that because sexual harassment often occurs in unequal relationships within the workplace, victims often feel that they cannot come forward. PMC understands the need to support victims in making complaints.

Informal complaints mechanism

If the victim wishes to deal with the matter informally, the designated person will:

- allow the alleged harasser to respond to the complaint
- ensure that the alleged harasser understands the complaints mechanism
- facilitate discussion between both parties to achieve an informal resolution that is acceptable to the complainant, or refer the matter to a designated mediator within the company to resolve the matter
- ensure that a confidential record is kept of what happens
- ensure that the process is done as quickly as possible
- follow up after the outcome of the complaints mechanism to ensure that the behavior has stopped

Formal complaints mechanism

If the victim wants to make a formal complaint or if the informal complaint mechanism has not led to a satisfactory outcome for the victim, the formal complaint mechanism should be used to resolve the matter.

The designated person who initially received the complaint will refer the matter to a senior human resources manager (Spectrum) to instigate a formal investigation. The senior human resources manager may deal with the issue him/herself and refer the matter to an external investigator.

The person carrying out the investigation will:

- interview the victim and the alleged harasser separately
- interview other relevant third parties separately
- decide whether or not the incident(s) of sexual harassment took place
- produce a report detailing the investigations, findings, and any recommendations
- if the harassment took place, decide what the appropriate remedy for the victim is in consultation with the victim (i.e., an apology, a change to working arrangements, a promotion if the victim was demoted as a result of the harassment, training for the harasser, discipline, suspension, dismissal)
- follow up to ensure the recommendations are implemented, behavior has stopped, and the victim is satisfied with the outcome
- if it cannot determine that the harassment took place, he/she may still make recommendations to ensure the proper functioning of the workplace
- keep a record of all actions taken
- ensure that all records concerning the matter are kept confidential
- ensure the process is done as quickly as possible and, in any event, within seven (7) days of the complaint

Outside complaints mechanisms

A person who has been subject to sexual harassment can also make a complaint outside of the company. They can do so through Louisiana Commission on Human rights (FEPA).

Sanctions and disciplinary measures

Anyone found guilty of sexual harassment under the terms of this policy is liable to the following sanctions:

- verbal or written warning
- adverse performance evaluation
- reduction in wages
- transfer
- demotion
- suspension
- dismissal

The nature of the sanctions will depend on the gravity and extent of the harassment. Suitable deterrent sanctions will be applied to ensure that incidents of sexual harassment are not treated as trivial. Certain severe cases, including physical violence, will result in the immediate dismissal of the harasser.

Implementation of this policy

PMC will ensure that this policy is widely disseminated to all relevant persons and included in the staff handbook. All new employees must be trained on the content of this policy as part of their orientation.

Every year, PMC will require all employees to attend a refresher training course on the content of this policy.

It is the responsibility of every manager to ensure that all his/her employees are aware of the policy.

Monitoring and evaluation

Administrators, managers, and those responsible for dealing with sexual harassment cases will report on compliance with this policy, including the number of incidents, how they were dealt with, and any recommendations made. This report will be done yearly. As a result of this report, PMC will evaluate the effectiveness of this policy and make any changes needed.

APPROVED:



Administrator



Date