

Sexual harassment or retaliation should be reported in writing or verbally. Please provide any relevant details, names of people involved and names of witnesses. You may report such activities even though you were not the subject of the harassment.

You do not need to complain directly to your immediate supervisor. You can bring your complaint to the designated company representative or an appropriate member of management.

Employees should never pressure other employees not to complain of harassment.

If you are a supervisor, you must report all complaints of harassment or retaliation.

If you have any questions, contact your personnel administrator.

### **An investigation will be conducted.**

The investigation will be:

- Conducted by qualified personnel;
- Documented and tracked for reasonable progress; and
- Closed in a timely manner.

The company will reach reasonable conclusions based on the evidence collected.

### **Appropriate action will be taken.**

Where evidence of sexual harassment or retaliation is found, prompt action will be taken to stop the harassment and ensure that it does not continue. Disciplinary action, up to and including termination, may result.

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

## **Additional Complaint Information**

Employees or job applicants who believe they have been sexually harassed or retaliated against may also file a complaint of discrimination with the Department of Fair Employment and Housing (DFEH) within **three years\*** of the last act of harassment or retaliation.

The DFEH is the state agency that resolves complaints of unlawful discrimination, including sexual harassment. DFEH serves as a neutral fact-finder and attempts to help the parties voluntarily resolve the disputes. If they find a complaint is justified, the DFEH is authorized to file harassment cases directly in civil court. Employees can also pursue the matter through a private lawsuit in civil court after a complaint has been filed with the DFEH and a right to sue notice has been obtained.

Civil remedies include: damages for emotional distress from each employer or person in violation of the law; punitive damages; hiring, reinstatement, or promotion; back pay; and changes in the policies or practices of the employer.

The Equal Employment Opportunity Commission (EEOC) is the federal agency that resolves sexual harassment claims and has similar powers to investigate and resolve claims.

There are strict time limits for filing charges of employment discrimination and harassment. You should contact DFEH or EEOC promptly when harassment is suspected.

Contact DFEH at (800) 884-1684 or (800) 700-2320 (toll-free TTY number for individuals with hearing impairments). Email at [contact.center@dfeh.ca.gov](mailto:contact.center@dfeh.ca.gov), or visit the DFEH Web site at [www.dfeh.ca.gov](http://www.dfeh.ca.gov).

If you have a disability that requires a reasonable accommodation, the DFEH can assist you by scribing your intake by phone or, for individuals who are Deaf or Hard of Hearing or have speech disabilities, through the California Relay Service (711).

To schedule an appointment with DFEH, contact the Communication Center at (800) 884-1684 (voice or via relay operator 711) or (800) 700-2320 (TTY) or by email at [contact.center@dfeh.ca.gov](mailto:contact.center@dfeh.ca.gov).

Contact EEOC at (800) 669-4000 or (800) 669-6820 (toll-free for individuals with hearing impairments). Additional information about EEOC is available at [www.eeoc.gov](http://www.eeoc.gov).

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# Sexual Harassment Hurts Everyone



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## Notice to All Staff

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

You should be aware of:

- What sexual harassment is;
- What steps to take if harassment occurs; and
- Prohibition against 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?

Both California and federal law prohibit sexual harassment.

Sexual harassment is a form of discrimination based on sex/gender (including pregnancy, childbirth, or related medical conditions), gender identity, gender expression, transgender, or sexual orientation. Although many people think of sexual harassment as involving a male boss and a female employee, this is not always the case. Individuals of any gender can be the target of sexual harassment. Sexual harassment may also involve harassment of a person of the same gender as the harasser, regardless of either person's sexual orientation or gender identity. Sexually harassing conduct need not be motivated by sexual desire to be unlawful.

Sexual harassment often involves co-workers, other employees of the company or other persons doing business with or for the company.

Job applicants, independent contractors, unpaid interns and volunteers are also protected by the laws against sexual harassment.

## Types of Sexual Harassment

In general, there are two types of sexual harassment:

**"Quid Pro Quo"** (Latin for "this for that") sexual harassment is when someone conditions a job, promotion or other work benefit by your submission to sexual advances or other conduct based on sex.

**"Hostile work environment"** sexual harassment occurs when unwelcome comments or conduct based on sex, unreasonably interfere with your work performance or create an intimidating, hostile, or offensive work environment, even if the offensive conduct was not aimed directly at you.

Even single incidents of harassment violate our policy and may be unlawful.

## Behaviors that May Be Sexual Harassment

The definition of sexual harassment includes many forms of offensive behavior, including same-gender harassment.

### 1. Verbal harassment

**Examples:** Sexual comments, derogatory comments or slurs, epithets, 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, suggestive or obscene messages or invitations.

### 2. Physical harassment

**Examples:** Physical touching, assault, impeding or blocking movement, 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, any physical interference with normal work or movement, sexually oriented gestures.

### 3. Visual harassment

**Examples:** Displaying sexual pictures or objects, derogatory posters, cartoons or drawings, displaying sexual media or electronic information, such as computer images, text messages, emails, web pages, or multimedia content, displaying sexual writings or objects, obscene letters or invitations, staring at an employee's anatomy, notes, leering, mooning, unwanted love letters or notes.

### 4. Sexual favors

**Examples:** Unwanted sexual advances or acts which condition an employment benefit upon an exchange of sexual favors. 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 definition of sexual harassment, are not meant to be a complete list of objectionable behavior nor do they always constitute sexual harassment.

## Training Requirements

Employers who do business in California and employ 5 or more part-time or full-time employees must provide at least one hour of training regarding the prevention of sexual harassment, including harassment based on gender identity, gender expression, and sexual orientation, to each non-supervisory employee; and two hours of such training to each supervisory employee. Training must be provided within six months of assumption of employment.

Employees must be trained during calendar year 2020, and, after January 1, 2021, training must be provided again every two years. Please see Gov. Code 12950.1 and 2 CCR 11024 for further information.

## 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 harassing conduct of an employee or non-employee (e.g., client or customer) doing business with the company and condone or ratify it, you may be personally liable for monetary damages. This company will not pay damages assessed against you personally.

This company takes seriously its duty to take all reasonable steps to prevent discrimination and harassment from occurring and to create a workplace free of harassment. This company recognizes its own responsibility and potential liability for harassment in the workplace.

If harassment does occur, this company will take effective action to stop any further harassment and to promptly correct any harassing conduct. This company will take appropriate disciplinary measures — termination is one possible action — against any employee who engages in sexual harassment.

## Protection Against Retaliation

Company policy and state and federal law forbid retaliation, and threats of retaliation, against any employee who rejects advances, complains about harassment, or participates in an investigation.

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; and
- Failure to make impartial employment recommendations.