

HARASSMENT AND ILLEGAL DISCRIMINATION PREVENTION POLICY

A. Overview

1. IEHP is committed to maintaining a work environment that is free from intimidation, harassment (including sexual harassment), abusive conduct, discrimination and/or retaliation. In keeping with this commitment, IEHP maintains a strict policy prohibiting unlawful harassment, discrimination, retaliation, and abusive conduct of any kind, including sexual harassment and harassment based on protected classes. These prohibitions include conduct both in IEHP offices, at IEHP worksites, in IEHP vehicles, offsite at IEHP work-related events, or any other time worked.
2. All Team Members, Temporary Staff, customers, clients, vendors, suppliers, independent contractors, unpaid interns, volunteers, or other parties doing business with or providing services to IEHP are protected by, and subject to, this policy.

B. Definitions

It is important that Team Members understand what is meant by harassment (including sexual harassment), discrimination, retaliation, abusive conduct and protected classes for purposes of this policy. Some of these definitions may sound legalistic so please ask a Leader or Human Resources if you have any questions about what may constitute prohibited conduct under this policy.

1. **Harassment** overall is generally defined as three (3) primary areas of conduct:
 - a. Submission to such conduct is made either explicitly or implicitly as a consideration of an individual's employment.
 - b. Submission to, or rejection of, such conduct by an individual is used as a basis for employment decisions affecting such individual.
 - c. Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creates an intimidating hostile or offensive work environment.
2. **Examples of Harassment** include the following specific conduct based on a protected class (which is not intended to be exhaustive but only to illustrate examples):
 - a. Slurs, epithets, and any other offensive remarks;
 - b. Jokes, whether written, verbal, or electronic;
 - c. Threats, intimidation, blocking normal behavior, and other menacing behavior;
 - d. Other verbal, graphic, or physical conduct based on the protected characteristics;
 - e. Other conduct predicated upon one or more of the protected classes identified in this policy.

-
-
3. More specific **examples of sexual harassment** include the following (which is not intended to be exhaustive but only to illustrate examples):
- a. Verbal conduct such as epithets, derogatory jokes or comments, slurs or unwanted sexual advances, invitations or comments;
 - b. Visual conduct such as leering, a derogatory and/or sexually-oriented posters, photography, cartoons, drawings or gestures.
 - c. Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, suggestive or obscene letters, notes or invitations;
 - d. Offering an employment benefit (such as a raise or promotion or assistance with one's career) in exchange for sexual favors, or threatening an employment detriment (such as termination, demotion, or disciplinary action) for a Team Member's failure to engage in sexual activity;
 - e. Physical conduct such as assault, unwanted touching, blocking normal movement or interfering with work because of sex, race, or any other protected basis;
 - f. Physical or verbal abuse concerning an individual's actual sex or the perception of the individual's sex;
 - g. Threats and the demands to submit to sexual requests as a condition of continued employment, or to avoid some other loss, and offers of employment benefits in return for sexual favors;
 - h. Submission to verbal, physical, or visual conduct on a protected basis that is made either an explicit or implicit condition of employment;
 - i. Submission to or rejection of the verbal, physical or visual conduct on a protected basis that is used as the basis for an employment decision;
 - j. Verbal abuse concerning a person's characteristics such as vocal pitch, facial hair or the size of shape of a person's body, including remarks that a man is too feminine or a woman is too masculine.

Keep in mind that sexual harassment includes a broad spectrum of conduct including Harassment based on gender, transgender and sexual orientation (meaning one's heterosexuality, homosexuality, or bisexuality). Further, harassment based on a person's sex is not limited to instances involving sexual behavior and may occur without sexual advances or sexual overtones when conduct is directed at individuals because of their sex.

-
4. **Employment discrimination** occurs when an employer treats applicants, employees, or unpaid interns less favorably than others because of their protected classification. Examples of employment discrimination include making decisions regarding hiring, firing, advancement, wages, discipline, or promotion, based on a protected class. Employment discrimination can also occur when an employer adopts a neutral job policy which is disproportionately affects members of a protected class and is not job related or a business necessity.
 5. **Retaliation** is taking any adverse action against any person for reporting or opposing discrimination or harassment or who in good faith uses the internal complaint procedure or any external compliant procedure described in this policy, for assisting in the investigation of such a complaint, or for otherwise assisting in such a complaint. Retaliation is strictly prohibited.
 6. **Abusive conduct** has been defined as any action that a reasonable person would find hostile, offensive and unrelated to legitimate business interest. It may include repeated verbal abuse, derogatory remarks, insults or any other verbal or physical conduct that a reasonable person would find threatening, intimidating, humiliating, sabotaging or undermining of another's work performance. Abusive conduct may be by a Supervisor or a Team Member.
 7. **Protected classes** include race, color, religion/creed (which includes all aspects of religious belief, observance, and practice, including religious dress and grooming practices), national origin (which includes language use restrictions, and employees who hold or present a driver's license issued under section 12801.9 of the California Vehicle Code, and other characteristics shared with, or issues associated with, a national origin group of the individual or ancestor), ancestry, citizenship, physical and/or mental disability, medical condition, genetic information, marital status, sex, gender (including gender identity, gender expression, and transgender or transitioning status), pregnancy (including childbirth, breastfeeding or related medical conditions), sexual orientation, military and/or veteran status and age (40 or older), marital status or any other protected in accordance with applicable state, federal or local laws. IEHP also prohibits harassment, discrimination, abusive conduct, or retaliation based on the perception that anyone has any of these characteristics or is associated with a person who has or is perceived as having, any of these characteristics.

C. Prohibitions

All individuals, either employed by IEHP, doing business with or providing goods or services to IEHP must conduct themselves in a professional manner and are expected to refrain from engaging in any unlawful behavior, or behavior in violation of this policy, including harassment (including sexual harassment), discrimination, retaliation or abusive conduct, as defined above.

D. IEHP's Expectations & Training

1. It is Leadership's responsibility to assure that this policy is strictly enforced and to review with each Team Member IEHP's policy against harassment. Reasonable care must be taken by Leadership to maintain a work environment free from harassment, discrimination, abusive conduct and retaliation.
2. IEHP will provide mandatory harassment training for all leaders and Team Members in accordance with California state law.
3. Any Team Members or Leadership identified as being out of legal compliance with the training requirement may be subject to disciplinary action, up to, and including termination.
4. All Leadership as well as Human Resources professionals will also be held accountable for failing to take appropriate action to address harassment, discrimination, abusive conduct or retaliation.

E. Reporting Harassment, Discrimination, Abusive Conduct or Retaliation

1. It is essential that a Team Member report inappropriate or unlawful conduct immediately.
2. Any Team Member who believes that he/she has been harassed, discriminated, retaliated against, or subject to abusive conduct, by another Team Member, supervisor, or third-party doing business with or for IEHP must promptly report it, either verbally or in writing, to any of the following:
 - a. Human Resources Manager or his/her assigned designee.
 - b. His/her immediate supervisor.
 - c. Any member of Leadership.
3. Any supervisor or member of Leadership must report complaints of misconduct or unlawful behavior to the Human Resources Manager or his/her designee immediately so IEHP can conduct a fair, timely and thorough investigation of the claim and resolve it internally.

-
4. All complaints of misconduct or unlawful behavior will be thoroughly, fairly and promptly investigated. Complaints will be investigated by impartial and qualified internal personnel in the Human Resources department as noted above, unless external involvement is warranted. Human Resources will keep track of the investigation process to ensure reasonable progress.
 5. All complaints will remain confidential to the extent possible to conduct a fair and thorough investigation.
 6. All Team Members, and other persons covered by this policy, must cooperate with all investigations.
 7. At the conclusion of the investigation a determination will be made concerning the appropriate level of resolution or corrective action based on all evidence collected.
 8. Corrective action may include, for example, monitoring of the interaction, reassignment or transfer, training or referral to counseling, or other actions to remedy the alleged harassment, discrimination, retaliation, or other misconduct. Disciplinary action may range from a verbal or written warning to termination of employment, depending on the circumstances.
 9. Team Members may be assured they will not be penalized or retaliated against in any way for reporting a complaint of harassment or discrimination or for participating in a workplace investigation.
 10. Additionally, if you think you have been harassed or that you have been retaliated against for lodging a complaint or participating in a workplace investigation, you may file a complaint with the appropriate agency. The Federal Equal Employment Opportunity Commission (EEOC) and the California Department of Fair Employment and Housing (DFEH) investigate complaints of prohibited harassment in employment. The toll-free number for the DFEH is (800)-884-1684.

F. Violation of Policy

1. IEHP prohibits violation of this policy. Any Team Member found to be in violation of this policy will be subject to disciplinary action, up to and including termination.