

## **HARASSMENT**

**PURPOSE:** To establish a policy prohibiting harassment in the workplace.

**SCOPE:** This policy applies to all County employees and applicants for employment.

**POLICY STATEMENT:** It is the policy of Clackamas County to maintain a work environment which is free of harassment based on race, color, age, religion, sex, sexual orientation, gender identity, disability, national origin or any other protected status in accordance with applicable law. This policy is not limited in application to harassment between supervisors and subordinates, but also includes harassment between co-workers. Employees shall not engage in harassment, sexual harassment or retaliation as defined in this policy. Failure to adhere to this policy will result in disciplinary action up to and including termination.

**HARASSMENT:** Harassment is defined as verbal or physical conduct that is derogatory or shows hostility towards an employee because of race, color, age, religion, sex, sexual orientation, gender identity, disability, national origin or any other protected status in accordance with applicable law, and

- A. Has the purpose or effect of creating an intimidating, hostile or offensive work environment;
- B. Has the purpose or effect of unreasonably interfering with an employee's work performance; or
- C. Otherwise substantially and adversely affects an employee's employment opportunities.

### **SEXUAL HARASSMENT:**

Specifically, the Equal Employment Opportunity Commission's (EEOC) guidelines define sexual harassment to include unwelcome sexual advances, requests for sexual favors, and other offensive verbal or physical conduct of a sexual nature when:

- A. Submission to such conduct is made a condition of employment; or
- B. Submission to or rejection of such conduct is the basis of an employment decision (tangible job benefits, promotion, retention, performance evaluation, etc.); or
- C. When the conduct unreasonably interferes with the affected person's work performance or creates an intimidating, hostile or offensive work environment.

Department managers and supervisors, male or female, shall not use their authority to solicit sexual favors when submission to or rejection of such conduct, by an individual, is used as the basis for employment decisions affecting that individual. Department managers and supervisors shall not allow conduct that creates an intimidating, hostile or offensive work environment. Included in forbidden conduct are lewd gestures, sexually offensive language and sexually offensive behavior.

Clackamas County and its managers are responsible for the acts of their agents and supervisory employees with respect to preventing sexual harassment in the work place. Department managers and supervisors shall develop methods to sensitize employees on this issue.

Prevention is the best approach in eliminating sexual harassment. All employees will take reasonable steps necessary to prevent such harassment from occurring. Maintaining a harassment free work environment is the responsibility of all employees.

**RETALIATION:**

It is a violation of the law and County policy to harass someone based on their filing of a complaint. Retaliation is adverse treatment that is likely to deter employees from engaging in a protected activity such as participating in a harassment investigation.

**INITIATING AN INVESTIGATION REGARDING HARASSMENT**

Employees or applicants for employment who experience behavior in violation of this policy are urged to contact their supervisor, another County supervisor or the Director of Employee Services. The Director of Employee Services may also initiate an investigation should such an alleged practice come to his/her attention. A thorough investigation of the facts will be promptly conducted. If evidence supports such a claim, immediate, appropriate and corrective action will be taken. Under the law, individuals are protected from retaliation. Every effort will be made to preserve confidentiality consistent with conducting a thorough investigation.

**INTERNET LINKS**

County Ordinance (<http://www.clackamas.us/docs/code/title2.pdf>)