

## VNA HEALTH SYSTEM AND AFFILIATES

### Personnel Administration ANTI-HARASSMENT/ANTI-DISCRIMINATION

#### PURPOSE

To provide guidelines to ensure that all VNA Health System and affiliates personnel work in an environment free of harassment.

#### POLICY

VNA Health System and Affiliates will not tolerate any form of harassment of personnel, either verbal or physical, based on race, color, religion, sex, national origin, age, disability, medical condition, sexual orientation, marital status, veteran status or any other classification protected by state/federal law.

It is the intent of VNA Health System and Affiliates that all personnel will be treated with respect and will work in an environment that is free from harassment by another employee, supervisor, Board Member, contractor, volunteer or patient/client.

VNA Health System and Affiliates will comply with guidelines issued by the Equal Employment Opportunity Commission (EEOC) concerning discrimination.

Harassment will subject an employee to disciplinary action up to and including termination. Harassment includes many forms of unlawful behavior. Harassment is severe and pervasive behavior focused on a person or group of persons including, but not limited to:

- Physical or verbal abuse
- Unwelcome activity of a sexual nature
- Retaliation
- Behavior or action, based upon a person's protected classification, which interferes with an individual's ability to perform assignments which creates a hostile or intimidating work environment.

This policy is to eliminate unlawful harassment, including sexual harassment, from the workplace. The following, though not all inclusive, is a list of various types of harassment:

- Verbal Abuse** – any language that degrades or berates others, including, but not limited to racial, religious or sexual comments, jokes, sexual innuendoes or threats of any kind.
- Physical Abuse** – includes touching, hitting, slamming, throwing, kicking or threatening another person, including restraining by force or blocking the path of another.
- Interference or Hostile Environment** – any behavior or action which interferes with an employee's ability to perform work assignments or which results in or creates a hostile or intimidating work environment.

**Sexual Harassment** – includes, but is not limited to, unwanted sexual advances, requests for sexual acts or favors or unwanted verbal, visual or physical conduct of a sexual nature when:

- 1) submission to such conduct is made either explicitly or implied as a term or condition of an individual's employment;
- 2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual; or
- 3) such conduct is severe and pervasive, and has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

**Retaliation** – any adverse action or threat of adverse action taken or made because an individual has exercised or attempted to exercise any rights under state or federal employment laws or under the policies of the VNA. Retaliation includes, but is not limited to:

- 1) Verbal abuse
- 2) Threats of withholding or withdrawal of pay, promotions, training or other employment opportunities

**VNA Health System and affiliates recognize gay, bisexual, and transgender (LGBT) protections under sex discrimination; including sex stereotypes, characteristics and pregnancy in their definition of sex discrimination; and respect federal religious freedom regulations.**

Harassment in the form of email or other forms of electronic messaging is unacceptable. Email messages must contain professional and appropriate language at all times. The following, though not all inclusive, is a list of various types of email or electronic harassment:

- Making offensive or harassing statements based on race, color, religion, national origin, veteran status, ancestry, disability, age, sex or sexual orientation.
- Sending or forwarding messages containing defamatory, obscene, offensive or harassing statements.
- Sending ethnic, sexual preference or gender-related slurs and/or jokes via email. "Jokes", which often contain objectionable material, are easily misconstrued when communicated electronically.
- Sending or soliciting sexually oriented messages or images.
- Sending sexually suggestive letters and/or notes.

VNA Health System and Affiliates will not tolerate the discrimination or harassment of employees, applicants, and/or non-employees. Comments, conduct, off color jokes, and innuendoes that may be perceived as offensive or harassing are strictly prohibited and will not be tolerated.

VNA Health System and Affiliates will not tolerate the harassment of VNAHS personnel by non-VNAHS personnel on VNAHS premises. Non-VNAHS personnel include, but are not limited to, customers, vendors, guests, and regulators.

VNA Health System and Affiliates personnel are strictly prohibited from participating in the following activities in any manner:

- Using language that degrades or berates others, including, but not limited to, racial, religious or sexual comments, jokes, sexual innuendoes or threats of any kind.
- Touching, hitting, slamming, throwing, kicking or threatening another person, including restraining by force or blocking the path of another.
- Making gestures of an insulting, demeaning or sexual nature.
- Any behavior or action which interferes with an employee's ability to perform work assignments or which results in or creates a hostile or intimidating work environment.
- Verbal abuse of any kind.
- Threatening to withhold or withdraw pay, promotions, training or other employment opportunities because an individual has exercised or attempted to exercise any rights under state or federal employment laws or under the policies of VNA Health System and Affiliates.
- Sending or forwarding messages, including email or other electronic messages, containing defamatory, obscene, offensive or harassing statements.
- Making, either verbally or in writing, via email or other electronic message, offensive, abusive, intimidating, threatening, discriminatory or harassing statements based on race, color, religion, national origin, veteran status, ancestry, disability, age, sex or sexual orientation.

### **Reporting Violations of this Policy**

An employee believing that he/she is being subjected to harassment must:

- Report the harassment to the immediate supervisor. If anyone feels they have been harassed by their immediate supervisor, they must notify the immediate supervisor's supervisor or the President/CEO. If anyone feels they have been harassed by the President/CEO, they must notify the Chairman of the Board of Directors or a member

of the Executive Committee if the Chairman is not available. (Addendum A)

- Reports of harassment can be made verbally, via telephone, or in writing.  
(See list of VNA Health System and Affiliates agencies - Addendum B)
- The report should include the specific nature of the incident, the date and place of the incident, the names of all parties involved, and a detailed report of all pertinent facts.
- VNA Health System and Affiliates will investigate all allegations of discrimination and/or harassment in as prompt and confidential manner as possible and will take appropriate corrective action when warranted. Any employee who is found, as a result of such an investigation, to have engaged in harassment or discrimination in violation of this policy will be subject to disciplinary action appropriate under this policy, up to and including termination of employment.
- Failure on the part of any member of the management team to report allegations of harassment could lead to disciplinary action.
- Retaliation in any form against an employee or applicant who exercises his or her right to make a complaint under this policy or who cooperates in the investigation of any such complaint is strictly prohibited, and will itself be cause for disciplinary action.
- Any employee who becomes aware of any instance of retaliation in violation of this policy must immediately report the incident as outlined above so prompt corrective action may be taken.

*I have read and understand VNA Health System and Affiliates policy on Anti-Harassment. I have been afforded the opportunity to ask questions concerning this policy. In addition, I am fully aware of the disciplinary actions to which I will be subject for violations of the Anti-Harassment policy.*

Signature:

Printed Name:

Date: