

 <p>HAWAII HEALTH SYSTEMS C O R P O R A T I O N "Touching Lives Everyday"</p> <p>Policies and Procedures</p>	Department: Human Resources	Policy No.: HR 0003
	Issued by: VP & Director of Human Resources	Revision No.:
Subject: <i>Non-Harassment Policy</i>	Approved by: HHSC Board of Directors By: Carolyn Nii Its: Secretary/Treasurer	Effective Date: January 12, 2000
		Supersedes Policy:
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Policy: HHSC is committed to providing a working environment that is free of harassment and discrimination. In keeping with this commitment, we maintain a strict policy prohibiting unlawful harassment, including sexual harassment.

Purpose and Authority: The purpose of this section is to establish a policy which prohibits unlawful harassment, including sexual harassment.

The policy applies to all employees of the Hawaii Health Systems Corporation and its subsidiaries, including officers, managers, supervisors and non-supervisory employees. It prohibits harassment in any form, including verbal, written and physical harassment.

The policy and procedures are based upon Section 1604.11, Sexual Harassment, Title VII, Civil Rights Act of 1964, as amended, and Chapter 378 of the Hawaii Revised Statutes.

General Description: Harassment is a behavior which undermines the integrity of the employment relationship. All employees must be allowed to work in an environment in which they are treated with respect and dignity.

A. Sexual Harassment

Hawaii Health Systems Corporation and its subsidiaries' will not tolerate sexual harassment of its employees by anyone - managers, supervisors, employees, physicians, clients and/or customers. Sexual harassment consists of unwelcome sexual advances or other verbal, non-verbal or physical conduct of a sexual nature when (1) submission to the conduct is an explicit or implicit term or condition of employment, (2) submission to or rejection of the conduct is used as the basis for an employment decision, or (3) the conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Harassment may include many forms of offensive behavior or unacceptable behavior. The following is a partial list of unacceptable behavior:

1. Verbal harassment, such as epithets, negative stereotyping, derogatory comments, unwelcome invitations and personal notes, jokes or slurs;
2. Verbal abuse of a sexual nature, sexual gestures, graphic verbal commentaries about an individual, suggestive or obscene letters, notes or invitations;
3. Physical harassment such as inappropriate touching, crowding, assaulting, impeding or blocking movement;
4. Visual forms of harassment, such as staring, leering, written or graphic materials displaying derogatory posters, cartoons, or drawings that are offensive;
5. Requests for sexual favors or unwanted sexual advances, and making a threatening reprisal after a negative response to sexual advance.

B. Other Unlawful Harassment

Hawaii Health Systems Corporation and its subsidiaries' prohibition of employee harassment extends beyond sexual harassment to harassment against any employee, applicant or customer on the basis of sex, race, color, religion, age, sexual orientation, marital status, citizenship status, national origin, ancestry, disability, arrest and court record, veteran's status or any other group protected by law. These types of harassment are unlawful when the harassment affects tangible job benefits, interferes unreasonably with an individual's work performance, or creates an intimidating, hostile or offensive working environment.

C. Retaliation is Prohibited

Hawaii Health Systems Corporation will not tolerate any form of retaliation against any employee who reports or was subjected to (or was the alleged victim of) harassment prohibited by this policy.

D. Investigation

Any employee or supervisor who believes he or she has witnessed or been subjected to harassment by a co-worker, supervisor or any other person in violation of this policy should promptly report the facts of the incident or incidents and the names of the individuals involved to any management representative. Employees and supervisors may also contact their Facility/Regional Director of Human Resources, Facility Administrator, or Regional Chief Executive Officer if they feel uncomfortable about discussing the matter with the management representative. Employees and supervisors may also contact the Hawaii Health Systems Corporation Vice President/Chief Human Resources Officer of Corporate Human Resources or President/Chief Executive Officer if they feel uncomfortable about

discussing the matter within their facility or region. When a harassment complaint has been made, a prompt and thorough investigation will be conducted. Any complaint of unlawful harassment and any information obtained in the investigation will be disseminated only to those individuals who need to know the information in order to resolve the complaint. Discipline, up to and including discharge in accordance with the collective bargaining agreements (included employees) and the HHSC Personnel Policies and Procedures (excluded employees), will be imposed on any employee, supervisor, or manager found to have committed harassment in violation of this policy.

E. Guidelines

All employees, supervisors, managers and officers are required to comply with this policy and take appropriate measures to ensure that unlawful harassment does not occur. Discipline, up to and including discharge in accordance with the collective bargaining agreements (included employees) and HHSC Personnel Policies and Procedures (excluded employees), will be imposed on any employee, supervisor or manager found to have committed harassment in violation of this policy.

Under EEOC guidelines, management may be responsible for unlawful harassment by a co-worker or an outsider where an employer knows or should have known that unlawful harassment was occurring at the work place. An employer may be responsible for sexual harassment by supervisory level employees and others regardless of whether it knew or should have known that such acts were occurring. In either case, the action or inaction of management and supervisors will be examined to ascertain the extent of their efforts to control such activities.

Each Facility-CEO will ensure that:

1. Education and enforcement programs are implemented within their respective facilities.
2. A mechanism exists for informing employees of this policy and the procedures and means available to them to report and resolve sexual harassment at the work place. Supervisors will be kept informed of the requirement to guard against the various types of harassment, which might occur within their area of responsibility.
3. Sexual harassment and other harassment complaints within his/her facility are investigated (Refer to Section 7-9 and Exhibits 7-9.6a and 7-9.6a3) and acted upon expeditiously in accordance with the policy and procedures. Upon completion of the investigation, results shall be reported to the complainant.

Supervisors/Managers represents management to subordinate employees. Each Supervisor/Manager is held accountable for the proper conduct of all employees under his/her supervision, including preventing unlawful harassment and taking measures to stop any such conduct should it occur. Supervisors/Managers who fail to maintain proper control over unlawful harassment may be subject to

disciplinary action in accordance with the appropriate bargaining unit contract as applicable.

Employees are encouraged to contact the Vice President/Chief Human Resources Officer, Facility/Regional Director of Human Resources, Facility Administrator, or Regional Chief Executive Officer if they have questions or concerns related to this policy.