

ATTACHMENT- MODEL POLICY

[Agency Name]

UNLAWFUL WORKPLACE HARASSMENT PREVENTION PLAN

Introduction

The State of North Carolina has established a policy that prohibits in any form unlawful workplace harassment or retaliation of State employees and to require that every agency subject to the State Personnel Act establish policies and programs to ensure that work sites are free from unlawful workplace harassment. This policy and a plan setting forth steps to be taken to prevent and correct unlawful workplace harassment are to be included as a part of the equal employment opportunity plan.

Purpose

These guidelines are presented to assist agencies in developing acceptable plans for preventing and correcting unlawful harassment in the workplace.

Definitions

Unlawful Workplace Harassment is unwelcome or unsolicited speech or conduct based upon race, sex, creed, religion, national origin, age, color, or handicapping condition as defined by G. S. 168A-3 that creates a hostile work environment or circumstances involving quid pro quo.

Hostile Work Environment is one that both a reasonable person would find hostile or abusive and one that the particular person who is the object of the harassment perceives to be hostile or abusive. A hostile work environment is determined by looking at all the circumstances, including the frequency of the allegedly harassing conduct, its severity, whether it is physically threatening or humiliating and whether it unreasonable interferes with an employee's work performance.

Quid Pro Quo harassment consists of unwelcome sexual advances, request for sexual favors or other verbal or physical conduct when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual.

Retaliation is adverse treatment taken because of opposition to unlawful workplace harassment.

Objective

To achieve and/or maintain a workplace free of harassment (speech or conduct that fall under the definition of unlawful workplace harassment.) To provide training to supervisors and employees on how to recognize and deal effectively with unlawful workplace harassment.

Timetable

Objectives will be met on a monthly basis for all new employees during orientation and quarterly for all other employees. Information will also be printed in the department newsletter on a biannual basis.

Responsibility for Implementation

Agency Head

The primary responsibility for implementing the Unlawful Workplace Harassment Policy rest with the [DEPARTMENT HEAD], [AGENCY]. He/she will provide direction to staff as necessary to carry out all actions required to comply with the department's Unlawful Workplace Harassment Policy.

Supervisor's Responsibilities

- administer the department's policy
- prevent and correct any identifiable discrimination and/or unlawful workplace harassment
- counsel employees appropriate to prevent and correct unlawful workplace harassment
- create/maintain work environments free of unlawful workplace harassment

Employee's Responsibilities

- adhere to policies of the department
- report illegal discrimination and/or unlawful workplace harassment
- maintain a work environment free of unlawful workplace harassment

Training

Each agency has the responsibility for taking steps to prevent and correct unlawful workplace harassment and retaliation. A logical first step is to offer a training program for supervisors and employees to sensitize them to the subject. Such a program is necessary to help meet the legal obligation as suggested under the policy and help create an environment that supports employees and encourages productivity. Components of [AGENCY] training program will include:

Supervisor's Training

- state's policy on unlawful workplace harassment
- state and federal laws
- appropriate disciplinary actions
- grievance procedures
- illegal discrimination and corrective steps

Employee's Training

- discrimination and the State's policy on unlawful workplace harassment
- employee rights
- disciplinary actions
- grievance procedures

Counseling

Some victims of unlawful workplace harassment have been known to experience some work-related problems such as absenteeism, low productivity, inefficiency, as well as physiological problems that have been linked to stress. The plan should indicate that assistance is available through the agency's employee assistance program for those employees experiencing personal work related problems resulting from unlawful workplace harassment (if available).

Grievance Procedures

Employee conduct towards an outside vendor or contractor that would constitute unlawful workplace harassment could constitute unacceptable personal conduct. Any current or former employee of the [AGENCY] who feels that he/she has been unlawfully harassed in the workplace must do the following:

Submit a written complaint to the [AGENCY] within 30 calendar days of the alleged harassing action. Due to confidentiality and sensitivity of complaints such as workplace harassment, the complainant has the option of filing the complaint directly with the immediate supervisor, the HR Director or the EEO Officer. The employee has the right to bypass any step in the applicable agency procedure involving review of or decisions by the alleged harasser. **Note: A grievant has the right to file a complaint simultaneously under Title VII with the Equal Employment Opportunity Commission (EEOC).**

The [AGENCY] shall respond with appropriate remedial action with 60 calendar days from receipt of the written complaint unless the 60 day period has been waived and the grievant has acknowledged such a waiver. Waiver and acknowledgement shall be in writing. If not satisfied with the agency's written response, the grievant may appeal directly to the Office of Administrative Hearings and the State Personnel Commission within 30 calendar days of the agency's response. **Note: An individual with a grievance concerning a denial of employment, promotion, training, transfer, demotion, layoff, transfer or termination due to discrimination based on age, sex, race, color, national origin religion, creed, political affiliation or handicapping condition as defined by G. S. 168A-3, or a grievance based on retaliation for opposition to alleged discrimination may still appeal directly to the State Personnel Commission through the Office of Administrative Hearings.**

Discipline

The courts, as well as management realize that unlawful workplace harassment is a personal issue that must be defined by the individual victim. A prompt impartial investigation will be made in all cases alleging harassment based on presented facts surrounding the misconduct. Each case will be reviewed based on the presented facts. All parties involved are entitled to a fair and impartial hearing. Interference, coercion, restraint or reprisal against any person complaining of sexual harassment is prohibited.

Dissemination

The unlawful workplace harassment prevention plan will be communicated to all the department's employees through the same method as the EEO Plan. The policy will be posted on the bulletin board throughout the department; in addition, a copy of the policy statement will be included in the new employee orientation packets and will be explained in new employee orientation sessions.

Evaluation

The department's goal is to achieve a productive workplace. In order to reach this goal, supervisors are required to monitor the activity in their respective work areas to ensure the workplace is free of harassment.