

## **Unlawful Workplace Harassment**

**1.0 Purpose** To establish that Bladen County prohibits unlawful workplace harassment of County employees, and to require that every department ensure that work sites are free from unlawful workplace harassment. This policy also prohibits retaliation against employees who complain of harassment.

**2.0 Applicability** All employees of Bladen County are covered by this.

**3.0 Policy** Bladen County expressly forbids harassment of employees because of age, race, gender, color, religion, non-disqualifying handicap, national origin or political affiliation. Such harassment constitutes unacceptable personal conduct, and is subject to disciplinary action, up to and including termination. Sexual harassment of employees by supervisors or co-workers is forbidden in any form.

### **4.0 Definitions**

4.1 Harassment is unwelcome or unsolicited speech or conduct based on age, race, gender, creed, color, religion, handicapping condition, national origin, or political affiliation that unreasonably offends another employee and creates a hostile work environment.

4.2 Sexual harassment is defined by federal guidelines as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when one or more of the following occur:

- a. submission to such conduct is made, either explicitly or implicitly, a term or a condition of an individual's employment,
- b. submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
- c. such conduct has the purpose or the effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

4.3 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. Hostile work environment is determined by looking at all of the circumstances, including the frequency of the allegedly harassing conduct, its severity, whether it is physically threatening or humiliating, and whether it unreasonably interferes with an employee's work performance.

4.5 Retaliation is adverse treatment which occurs because of opposition to unlawful workplace harassment.

### **5.0 How to Handle**

An employee who believes he or she may have a complaint of harassment may pursue four alternative complaint procedures.

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*Alternative 1.* The employee should tell the person who is offending him/her that the behavior is offensive and should stop. (Because offensive behavior often is not intended as harassment, letting the individuals know that the behavior is offensive and instructing him/her to stop will often resolve the problem. However, the employee is not required to pursue this procedure if uncomfortable doing so.)

*Alternative 2.* The employee should notify his or her immediate supervisor of the situation. The immediate supervisor is responsible for investigating the situation and taking corrective action.

*Alternative 3.* If the complaint of harassment is against the immediate supervisor, the employee should report the situation to the department head. The department head is responsible for investigating the situation and taking corrective action, if appropriate. If the allegation is against the department head, the complaint should be reported to the Human Resources Director, who will then assume responsibility for investigating the situation and recommending appropriate corrective action to the County Manager.

*Alternative 4.* If at any point in the process the employee prefers to do so, he/she may report the situation to the Human Resources Director, who will then assume immediate responsibility for investigating the situation and recommending appropriate corrective action to the County Manager.

#### **6.0 Allegation of Harassment Against County Manager**

If the allegation of harassment is against the County Manager, the complaint should be filed with the Chairman of the Board of County Commissioners, who will personally investigate the complaint, or designate a representative to conduct the investigation and advise the employee and the Board of County Commissioners as to the results of the investigation

#### **7.0 Workplace Harassment Prevention Plan**

The plan defines the steps to prevent and correct unlawful workplace harassment.

- 7.1 Develop a policy statement stating that unlawful workplace harassment or retaliation against employees is prohibited. See Exhibit A.
- 7.2 A copy of the policy will be provided each employee periodically, along with an acknowledgement of receipt form, to be signed and returned to Human Resources. See Exhibit A.
- 7.3 A copy of the policy will be provided each new employee in their new hire packet, along with an acknowledgement of receipt form, to be signed and returned to Human Resources. See Exhibit A.

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- 7.4 The County will, in allegations of unlawful workplace harassment, review the totality of the circumstances, to determine whether the alleged conduct constitutes unlawful workplace harassment.
- 7.5 Handling of complaint:
- 7.5a. The complainant must submit a written complaint to the supervisor/department head within 30 calendar days of the alleged harassing action.
  - 7.5b. The supervisor/department head receiving the written complaint shall determine what action, if any, should be taken within 60 calendar days or less from receipt of written complaint.
  - 7.5c. The Department Head shall provide a written response to the complainant as to what action, if any, will result from the complainant's written complaint.
  - 7.5d. After the 60<sup>th</sup> calendar day response period has expired, the complainant may appeal directly to the Human Resources Director within 30 calendar days of not being satisfied with the original response to complaint. *Note: A complainant has a right to file a simultaneous complaint under Title VII with the Equal Employment Opportunity Commission (EEOC).*
- 7.6 The policy will be posted on the County Website and available to all employees.
- 7.7 Training will be provided to management annually to prevent unlawful workplace harassment.

**8.0 Retaliation**

No hardships, no loss of benefit, and no penalty may be imposed on an employee as punishment for:

- a. Filing or responding to a bona fide complaint of discrimination or harassment;
- b. Appearing as a witness in the investigation of a complaint; or
- c. Serving as an investigator.

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**Exhibit A**

**HARASSMENT POLICY ACKNOWLEDGEMENT FORM**

**Bladen County, North Carolina**

Bladen County is committed to maintaining a work environment that is free from discrimination where all employees are able to devote their full attention and best efforts to the job. Harassment, either intentional or unintentional, has no place in the work environment. Accordingly, the County does not authorize, and will not tolerate, any form of harassment of or by any employee based on race, gender, religion, color, national origin, age, non-disqualifying disabling condition or other factor protected by law which would make the reasonable person experiencing harassment uncomfortable in the work environment or which could interfere with the person's job performance.

Please read the attached policy, then sign this acknowledgement form and return to the Head of your Department.

I acknowledge that I have received, read, and understand the Harassment policy of Bladen County, North Carolina. I understand that failure to comply with the policy could result in disciplinary action up to and including termination of employment.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Employee Name (please print)