

Category: 300

Number: 323

Policy: **DISCRIMINATION AND HARASSMENT**

Purpose: The purpose of this policy is to define and serve as primary document for discrimination and harassment in the workplace.

Authority: St. Clair County Board of Commissioners. Administrative policies shall be subject to revision or termination by the Board of Commissioners at its discretion. This policy replaces and supersedes any prior policy on this subject matter.

Application: This policy speaks primarily to County Officials, Appointed, Elected and Confidential and Non-Union Employees (CANUE). Employees who are members of Unions should consult the applicable collective bargaining agreement. Where a collective bargaining agreement is silent, this policy will apply.

Responsibility: The Human Resources Director or designee shall be responsible for the administration and enforcement of this policy.

St. Clair County is committed to a workplace free from all forms of unlawful discrimination or harassment. The workplace environment shall remain free of behavior, actions or language causing or contributing to any unlawful workplace harassment or discrimination. Unlawful harassment or discrimination by or against any County employee or member of the public is unacceptable and is strictly prohibited. The County will take appropriate and timely action in response to complaints or knowledge of violations of this policy.

DISCRIMINATION

It is a violation of this policy to discriminate in the provision of employment opportunities, benefits or privileges, to create discriminatory work conditions or to use evaluative standards in employment if that treatment is, in whole or in part, on the basis of the person's religion, race, color, national origin, age, height, weight, marital status, gender, sexual orientation, disability or other legally protected status.

HARASSMENT

Harassment is any verbal or physical conduct which threatens, intimidates or improperly coerces an employee, co-worker, customer or any person working for or on behalf of the County.

The following examples of harassment are intended to be guidelines and are not all inclusive:

Verbal Harassment: Harassment that includes comments that are offensive or unwelcome regarding a person's religion, race, color, national origin, age, height, weight, marital status, gender, sexual orientation, disability or any other legally protected status. This includes slurs, epithets and negative stereotyping.

Nonverbal Harassment: Harassment that includes distribution, display or discussion of any written or graphic material, including the use of technology or social media, that ridicules, denigrates, insults or shows hostility or disrespect toward an individual or group because of a person's religion, race, color, national origin, age, height, weight, marital status, gender, sexual orientation, disability or other legally protected status. This includes slurs, epithets and negative stereotyping.

Sexual Harassment: Sexual harassment is a form of sex discrimination. Federal and State authorities provide that sexual harassment consists of unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature. Such conduct is unlawful where:

1. Submission to the conduct is either an explicit or implicit term or condition of employment; or
2. Submission to or rejection of the conduct is used as the basis for employment decisions, such as hire, discharge, promotion, transfer or work assignments, affecting the person who did the submitting or rejecting; or
3. The conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment; or
4. Such conduct, although conveyed as humor in an oral, written, or pictorial form, is viewed as offensive or degrading; or
5. Physical contact, which is repeated after it is expressly stated as unwelcome.

Examples of sexual harassment as viewed by a reasonable person include, but are not limited to: sexual derogatory comments, insults, remarks or jokes; displaying photos, cartoons or drawings of a sexual nature; conduct which would have the purpose or effect of degrading or creating an intimidating, hostile or offensive work environment; propositions or requests for sexual favors; unwelcome physical contact that is sexual in nature; possession of materials which are degrading to an individual or group on the basis of sex; or giving of unsolicited or inappropriate gifts.

Quid Pro Quo (“this for that”): Harassment that generally results from an employment decision based upon the employee's acceptance or rejection of unwelcome sexual advances or request for sexual favors.

Hostile Work Environment: Harassment from hostile, offensive, humiliating, intimidating and unwelcome conduct of supervisors, co-workers, customers or others that the individual may interact with on the job. The environment is hostile when it creates fear, intimidates, ostracizes, psychologically or physically threatens, embarrasses, ridicules or in some other way unreasonably over burdens or precludes an employee from reasonably performing his or her work.

Complaint Procedure

An employees who is a witness to or feel they have been discriminated or harassed as described in this policy must bring such matters to the attention of their Supervisor, Department Head or Human Resources immediately. All complaints shall be put in writing and shall provide detailed information such as the conduct which is the basis of the complaint, the date, time and location where it occurred, any witnesses to the occurrence and as much detail as is possible. It is the policy of the County to treat all such complaints seriously and investigate thoroughly. Human Resources, Department Head and/or Supervisor must be proactive in responding to any act of discrimination or harassment as defined in this Policy even absent an employee complaint. In other words, it is the responsibility of the Department Head and/or Supervisor to take whatever action necessary to maintain a work environment free of hostility as defined by this policy.

The Department Head and/or Supervisor must report any allegations or complaints of discrimination, harassment or hostile work environment to the Human Resources Department. Management must take necessary corrective action.

A Department Head and/or Supervisor who is aware of workplace discrimination or harassment and fails to take immediate, appropriate, corrective action or fails to report such behavior is subject to discipline up to and including employment termination.

All complaints will be treated as confidential to the extent possible.

Retaliation against an employee who filed a good faith complaint to management and employees cooperating in the investigation, or testified to fact, regardless of the outcome, is strictly prohibited. All employees are expected to comply with this policy and must cooperate fully during an investigation of a reported violation. Any Department Head and/or Supervisor or employee guilty of retaliation of any kind shall be subject to discipline up to and including employment termination. Any person who is the victim of retaliation should immediately notify the Human Resources Director or the County Administrator/Controller.

False claims can have a serious effect on innocent individuals. The County expects that all employees will act responsibly when making a claim.

This Policy shall not be constructed as establishing a claim or cause of action that does not otherwise exist under the law.

For further information, an employee may contact the Human Resources Department by telephone at (810) 989-6910 or by email at humanresources@stclaircounty.org.

Review: The Administrator/Controller has reviewed and approved this policy as to substance and Corporation Counsel has reviewed and approved as to legal content. The Human Resources Director shall periodically review this policy and make recommendations for changes as needed.

Adopted: December 10, 2020