Discrimination, Harassment, and Retaliation Prevention

Tucson Medical Center

TMC HOSPICE
AT HOME & PEPPI'S HOUSE

Reminders

- **TMC Healthcare's goal is to provide a workplace free from improper conduct that does not belong in the workplace**

- **Employees or volunteers who carry out acts of discrimination, harassment, sexual harassment, and/or retaliation based upon any protected category will be subject to discipline, up to and including, termination of employment**

- **Employees and volunteers are encouraged to inform the harasser directly that the conduct is unwelcome and must stop**
  - Please also report the incident to the volunteer coordinator, manager and/or Human Resources

Definition of Harassment

Unwelcome conduct that is based on:

- Race
- Religion
- Color
- Sex
- Gender identity
- Sexual orientation
- National origin
- Ancestry
- Citizenship status
- Uniform service member status
- Marital status
- Pregnancy
- Age
- Medical condition
- Disability

Other protected statuses may be covered in accordance with all applicable federal, state and local laws

Definition of Harassment

Harassment becomes unlawful where:

- Enduring the offensive conduct becomes a condition of continued employment, volunteer service, or
- The conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive

Offensive conduct may include, but is not limited to:

- Offensive jokes
- Slurs
- Epithets or name calling
- Physical assaults or threats
- Intimidation
- Ridicule or mockery
- Insults or put-downs
- Offensive objects or pictures
- Inappropriate gifts, invitations, or messages (including texts)

Definition of Harassment

To be unlawful, the conduct must create an intimidating, hostile, or offensive work environment to reasonable people

- Petty slights, annoyances, and isolated incidents do not create a hostile work environment (unless extremely serious)
- Harasser can be the victim's supervisor, a supervisor in another area, an agent of the employer, a co-worker, or a non-employee
- The victim does not have to be the person harassed, but can be anyone affected by the offensive conduct
- Unlawful harassment may occur without economic injury to, or discharge of, the victim
- Impact on the victim is more important than intent of harasser
    - The victim determines whether the conduct is severe or pervasive enough to create a hostile work environment

Retaliation

Anti-discrimination laws also prohibit harassment against individuals in retaliation for:

- Filing a discrimination charge
- Testifying in a hearing
- Participating in any way in an investigation, proceeding, or lawsuit under these laws
- Opposing employment practices that they reasonably believe discriminate against individuals in violation of these laws

TMC does not retaliate, nor will it tolerate retaliation, against any employee/volunteer in connection with any complaint or investigation by TMC

Sexual Harassment

Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct with the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment

- The victim and harasser can be either a woman or a man
- The victim and harasser can be the same sex
- The harasser can be the victim's supervisor, a supervisor in another area, a co-worker, volunteer, or someone who is not an employee of the employer, such as a client or customer

Sexual Harassment

Harassment does not have to be of a sexual nature and can include offensive remarks about a person's sex

Simple teasing, offhand comments, or isolated incidents that are not very serious can be classified as harassment when it is so frequent or severe that it creates a hostile or offensive work environment or when it results in an adverse employment decision

For example, the victim being fired or demoted

Sexual Harassment Examples

Making a sexual or suggestive remark or gesture about any person's clothing, physical appearance or body

- Whistling, "cat calls", and gestures using hand or body movements

Referring to a person using a slang term or nickname that has a sexual connotation such as "babe," "honey," etc.

Unwanted physical contact

- Unwelcomed hugs
- Invading someone's personal space

Asking another employee/volunteer for a date or making a sexual proposition when such an invitation is unwelcome

Sexual Harassment Examples

- **Commenting about or asking unsolicited personal questions about another employee/volunteer's sexual activities, social life, sexual orientation or preferences**

- **Using vulgar or profane language, joking, story-telling, teasing, insulting or making an innuendo about a sexual subject**

- **Touching or brushing against another person in an unauthorized, personal or offensive manner**
  - Contact that is not accidental or incidental

- **Staring at another person in an offensive or improper way**

Sexual Harassment Examples

- **Leering, whistling, touching, pinching, patting, or suggestive, insulting, or obscene comments or gestures**

- **Bringing any sexually provocative or suggestive magazines, pictures, drawings, cartoons, calendars or objects into the workplace**
  - Includes viewing such materials on an electronic device

- **Communicating that an employee/volunteer will receive a job benefit in exchange for sexual conduct or threatening to take unfavorable action against an employee/volunteer for refusing**
  - Quid Pro Quo Harassment

Bystander Intervention

- **Bystander intervention is recognizing a potentially harmful situation or interaction and choosing to respond in a way that could positively influence the outcome**
- **If you witness someone harassing another person, you can stop the situation by taking action**
- **You can either confront the harasser, if you feel comfortable doing so, or you can assist the victim in getting away from the harasser**
- **Even when you assist in diffusing the situation, the incident must still be immediately reported to Human Resources**

Bystander Intervention Strategies

Confronting a harasser:

- Be respectful but direct so they understand their behavior is not acceptable. Use language that addresses their behavior:
  - "You need to stop"
  - "You can't treat people that way, especially at work"
  - "What you said made me very uncomfortable"
  - "Were you aware of how you were coming across in that conversation?
- Get support from people around you by calling on others to help and reinforce that the behavior isn't acceptable

Bystander Intervention Strategies

Non-confrontational ways to stop harassment:

- Distract the harasser by asking them a work-related question, giving the victim an opportunity to walk away from the situation
- Pretend you know the victim by starting a conversation with them
- Tell the victim you're going to get coffee and ask if they want to join you

Show support for the victim

- "I saw what happened. Are you ok?"
- Encourage them to report the incident and offer to be a witness
- Victims often blame themselves, so affirming that they didn't do anything wrong is important

Reporting Policy

If you feel you are being harassed by another employee, volunteer, supervisor, manager or third party doing business with TMC, you have a responsibility to notify your manager or Human Resources

In addition, if you observe harassment by another employee, supervisor, manager or non-employee, report the incident immediately to Human Resources

Appropriate action will also be taken in response to violation of this policy by any non-employee

Reporting Policy

- **Notification of the problem is essential as TMC cannot help resolve a harassment problem without knowledge that an issue exists**
- **It is your responsibility to bring concerns and/or problems to the attention of TMC so steps can be taken to address the situation**
- **TMC takes all complaints of harassment seriously and will not penalize or retaliate against you in any way for reporting a harassment problem in good faith**

Reporting Policy

All complaints of harassment which are properly reported will be investigated as promptly as reasonably possible and corrective action will be taken where warranted

- All complaints of harassment which are reported to management will be treated with as much confidentiality as possible, consistent with the need to conduct an adequate investigation

TMC prohibits employee/volunteers from hindering internal investigations and the internal complaint procedure

Victim's Responsibility

- **Let the harasser know the conduct is unwelcome and must stop**
  - Harasser often times is not aware of the effects
  - Do not minimize your instincts/feelings
    - "I am just overreacting" or "If I ignore it, it will stop"
- **Document exactly what happened**
- **Report the incident to management and Human Resources immediately**
  - You do not have to follow the chain of command
- **Please respect confidentiality and tell those who NEED to know**

Harasser's Responsibility

- **Immediately stop the behavior once told**
  - Even if you or your co-workers did not think the behavior was inappropriate
  - Remember, each individual perceives behaviors, jokes and gestures differently
- **Understand the victim's concerns and respect their request that you stop, even if you do not agree**
- **Do not be defensive or minimize the incident**
- **Do not retaliate in any way against the victim or anyone else who participated in the investigations**

Review

- **Harassing or discriminatory conduct will not be tolerated**
- **Employees/volunteers are encouraged to inform the harasser directly that the conduct is unwelcome and must stop**
- **Employees/volunteers have a responsibility to immediately report inappropriate behavior to management or Human Resources**
  - It is recommended that employee/volunteers report harassment to management at an early stage to prevent its escalation
- **Refer to TMC Policy HR-01-06 for more information**

THANK YOU!

Click here (or use QR code) for the exam:

https://forms.office.com/r/5j9C10nb6D

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