

Prohibiting Workplace Discrimination and Harassment Policy

PURPOSE

The County of Monmouth is committed to providing a work environment free from any form of discrimination and harassment, and it is every employee and County representative's responsibility to ensure that the workplace is free from discrimination and harassment. Discrimination based upon an applicant's or employee's race, creed (religion), color, national origin, age, ancestry, nationality, sex, marital or domestic partnership or civil union status, gender identity or expression, affectional or sexual orientation, atypical hereditary cellular or blood trait, genetic information, liability for service in the Armed Forces of the United States, veteran status, disability or any other classification protected by law is strictly prohibited. Harassment in any form – sexual, bullying or otherwise – will not be tolerated. Because of the County of Monmouth's strong disapproval of offensive or inappropriate behavior at work, all employees must avoid any action or conduct which could be viewed as discrimination or harassment, or potentially subject themselves to disciplinary action.

Discrimination and harassment undermines the integrity of the employment relationship, compromises equal employment opportunities, weakens morale and interferes with work productivity.

SCOPE

- A. The County of Monmouth will not tolerate discrimination or harassment by or toward anyone in the workplace, including supervisors, co-workers and non-employees.
- B. This Policy encompasses all County buildings or worksites; all County-sponsored events that occur on or off-premises; off-County premises incidents that have a County impact or affect employees of the County regardless of whether employees are on or off-premises; off-premises and/or online speech or conduct, such as social networking sites, which causes a substantial disruption to County operations and/or mission or affects members of the County community.

POLICY

This Policy applies to any conduct or employment practice or procedure that treats an applicant or employee less favorably because of that person's race, creed (religion), color, national origin, age, ancestry, nationality, sex, marital or domestic partnership or civil union status, gender identity or expression, affectional or sexual orientation, atypical hereditary cellular or blood trait, genetic information, liability for service in the Armed Forces of the United States, veteran status, disability or any other classification protected by law [hereinafter referred to as "protected classification"].

This Policy applies to the use of any derogatory or demeaning language or slur to refer to, amongst other things, a person's race, gender, age, religion, disability, affectional or sexual orientation, ethnic background or any other prohibited classification which has the effect of harassing an employee or non-employee, or creating a hostile work environment. Harassment or the creation of a hostile work environment can occur even if there is no intent on the part of an individual to harass or demean another. Therefore, harassment based on any protected classification is a violation of this policy.

This policy also applies to conduct on the County's voice mail and E-mail systems. No voice mail or E-mail messages are to be created, sent or received if they contain intimidating, hostile or offensive material concerning race, color, religion, sex, age, national origin, disability, or any other protected classification. In addition, having an E-mail address may lead to receipt of unsolicited E-mail containing offensive content. If you receive any offending E-mails, you likewise are expected to delete them immediately and not forward such E-mails to anyone else. Users accessing the Internet do so at their own risk.

The County of Monmouth is not responsible for material viewed or downloaded by users from the Internet. The Internet is a worldwide network of computers that contains millions of pages of information. Users are cautioned that many of these pages include offensive, sexually explicit and inappropriate material. In general, it is difficult to avoid at least some contact with this material while using the Internet. Material that is fraudulent, harassing, embarrassing, sexually explicit, profane, obscene, intimidating, defamatory, or otherwise unlawful, inappropriate, offensive (including offensive material concerning sex, race, color, national origin, religion, age, disability, and other characteristics protected by law) may not be downloaded from the Internet or displayed or stored in the County of Monmouth's computers. In the event you encounter inappropriate or sexually explicit material while browsing on the Internet, immediately disconnect from the site. Employees encountering or receiving this kind of material are to immediately report the incident as directed in the procedures below.

Definition of Workplace Discrimination and Harassment:

Discrimination is treating someone inappropriately due to his/her membership in a legally protected classification.

Harassment is unwelcome or offensive conduct which causes an individual to feel threatened, humiliated, bullied or harassed or which unreasonably interferes with the individual's work performance, undermines his/her job security, or creates a threatening, intimidating, hostile or offensive work environment. There can be two types of harassment within the workplace – Sexual Harassment and Bullying. While Sexual Harassment is specifically prohibited by anti-harassment laws, Federal, State and Local jurisdictions may or may not have laws regarding workplace bullying.

Sexual Harassment: Sexual harassment can come from anyone — a supervisor, manager, co-worker, customer, visitor, vendor, or supplier. It is not limited to male to female interactions. Sexual harassment can include conduct such as a woman harassing a man, a woman harassing a woman or a man harassing a man.

Sexual harassment does not require that a person be the direct recipient of the offensive behavior. Rather, if an employee is surrounded by instances of others being sexually harassed, that employee's own working conditions may be so impaired as to constitute sexual harassment to the offended third party. Sexual Harassment falls into two categories, Quid Pro Quo and Hostile Work Environment.

Bullying: Bullying is unwelcome repeated, persistent and aggressive behavior directed towards a co-worker, or a group of co-workers, that causes fear, distress or harm to another person's body, emotions, self-esteem or reputation. Whether it is intended or not, bullying is an occupational health and safety hazard. Bullying can fall into two categories, Overt and Covert.

EMPLOYEE RESPONSIBILITIES

Employees are encouraged to inform the alleged harasser that the behavior in question is offensive and unwelcome and is to stop immediately. Any employee who believes that he or she has been discriminated against and/or harassed, or who witnesses discriminating or harassing conduct, is to promptly report the incident(s) to the employee's:

- Manager or Supervisor; or
- Department or Division Head; or
- Administrative Department Director; or
- Another management representative with whom the employee feels comfortable; or
- Human Resources Director; or
- Office of Professional Standards Director

All employees are expected to fully cooperate with any investigation undertaken pursuant to this policy. Failure to cooperate in an investigation may result in disciplinary action, up to and including employment termination.

Remember that workplace discrimination or harassment is an organizational problem and the County wants to know about it immediately so that prompt and appropriate action can be taken to ensure that no further incident(s) occur.

MANAGEMENT RESPONSIBILITIES

County Management is to make every effort to maintain a work environment that is free from any form of discrimination or harassment. Managers and supervisors are expected to take all allegations of discrimination or harassment seriously.

Every manager or supervisor, upon receiving claims or upon observing conduct or workplace discrimination or harassment, is obligated to take immediate action to have the behavior cease. The manager or supervisor is to stop what he or she is doing at that moment and take the time to meet privately with the employee to advise him or her that the Human Resources Department, Office of Professional Standards is being notified.

The manager or supervisor is responsible to submit a full report of such claims or observations no later than on the day the complaint is received or the behavior is observed. At no time should managers or supervisors reveal any information about the matter to any person who is not authorized to receive it. It is important to advise the Office of Professional Standards immediately so that their representative may meet with the complainant. This is especially important if the complainant is not comfortable with the department manager or supervisor.

It is extremely important to ascertain if immediate protective measures are necessary in order to prevent continued violations of this policy. That is why it is necessary to notify the Human Resources Department, Office of Professional Standards immediately to review the matter.

NOTE: Please refer to: County of Monmouth Employee Guide – Prohibiting Workplace Discrimination and Harassment for additional definitions and FAQs.