

PPM #5

Policy Name: *Workplace Harassment / Discrimination*

Effective Date: *January 11, 2001*

Revision Date: *September 1, 2002; December 1, 2011*

Authorization:



Charles R. Davis, Deputy Secretary

I. PURPOSE

The Office of the Lieutenant Governor (OLG) and the Department of Culture, Recreation and Tourism (DCRT) are committed to providing our employees a work environment free from harassment and discrimination. Towards this end, OLG/DCRT has formulated this policy to explicitly define the many forms of harassment that are prohibited in the workplace, and the procedure for effectively reporting such conduct.

II. PHILOSOPHY

OLG and DCRT strictly prohibit harassment and discrimination against employees on the basis of sex, race, color, religion, gender, national origin, age or disability. Verbal and physical conduct which creates an intimidating, hostile, or offensive work environment will not be tolerated. Examples of behavior constituting harassment include epithets, slurs and negative stereotyping. Similarly, written materials which degrade, demean or otherwise show hostility towards an employee because of sex, race, color, religion, gender, national origin, age or disability are likewise prohibited.

OLG and DCRT also strictly prohibit the making of employment decisions based upon non-merit factors such as sex, race, color, religion, gender, national origin, age or disability. Such employment decisions include hiring, continued employment, evaluations, wages, advancement, assigned duties, shifts and other such terms or conditions of employment or career development.

All employees must refrain from engaging in prohibited conduct within the workplace. Managers and supervisors are responsible for discussing this policy with subordinates and ensuring that the workplace is free from all types of harassment and discrimination. Any employee violating this policy will be appropriately disciplined.

III. DEFINITIONS/EXPLANATIONS

A. Harassment/Discrimination based on sex: Includes verbal or physical conduct that creates an intimidating, hostile or offensive work environment based upon an individual's gender, including unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature. Also

includes employment decisions based upon an individual's sex. See the Department's Sexual Harassment Policy for specific prohibitions, expectations and reporting requirements.

- B. Harassment/Discrimination based on race or color: Includes verbal or physical conduct that creates an intimidating, hostile or offensive work environment based upon an individual's race or color. People of any race or color may be victims of racial harassment. Also includes employment decisions based upon an individual's race or color.
- C. Harassment/Discrimination based on religion: Includes verbal or physical conduct that creates an intimidating, hostile or offensive work environment based upon religion or religious beliefs. People of any faith may be victims of religious harassment. Also includes employment decisions based upon an individual's religion.
- D. Harassment/Discrimination based on gender: Includes verbal or physical conduct that creates an intimidating, hostile or offensive work environment based upon gender, including discrimination based upon pregnancy. A female cannot be denied employment due to pregnancy and must be treated the same as other applicants for employment or other employees seeking short term disability status. Also includes employment decisions based upon an individual's gender. Both males and females can be victims of gender harassment.
- E. Harassment/Discrimination based on national origin: Includes verbal or physical conduct that creates an intimidating, hostile or offensive work environment based upon national origin. Examples include inappropriate behavior because of an individual's birthplace, ancestry, culture, surname or other characteristics common to a specific ethnic group. Similarly, equal employment opportunities cannot be denied based upon a person's marriage or association with a member of a particular ethnic group, attendance or participation in schools, churches, temples, mosques, etc. Also, includes employment decisions based upon an individual's national origin.
- F. Harassment/Discrimination based on age: Includes verbal or physical conduct that creates an intimidating, hostile or offensive work environment based upon age. Also includes employment decisions based upon an individual's age. The Age Discrimination in Employment Act (ADEA) protects individuals who are at least 40 years of age by making it unlawful for employers to refuse to hire, discharge or otherwise discriminate against such individuals.
- G. Harassment/Discrimination based on disability: Includes verbal or physical conduct that creates an intimidating, hostile or offensive work environment based upon disability. Also includes employment decisions based upon an individual's disability. See the Department's policy on the Americans with Disabilities Act for specific prohibitions, expectations and reporting requirements.

IV. COMPLAINT PROCEDURE

Any employee experiencing or witnessing unlawful harassment/discrimination of any nature by anyone, including any manager, supervisor, administrator, co-worker, vendor, contractor, or visitor, shall immediately report the inappropriate conduct. Any such complaint may be made verbally or in writing. Under most circumstances, complaints should be made to the employee's supervisor. If the complaint involves the employee's supervisor or someone within the direct line of supervision, or if the employee, for any reason, is uncomfortable reporting to his/her supervisor, he/she may contact any other supervisor or directly contact:

Human Resources Director
Department of Culture, Recreation and Tourism
Post Office Box 94361
Baton Rouge, Louisiana 70804-9361
Telephone: (225) 342-0880

V. INVESTIGATION OF COMPLAINT

- A. All complaints of prohibited harassment/discrimination will immediately be reported to the Human Resources Director who generally will direct the investigatory process.
- B. OLG/DCRT will investigate all complaints. "Informal" complaints or requests to withhold investigation (unless or until a future occurrence) will be treated the same as a formal complaint and investigated immediately.
- C. Generally, to prevent further occurrences or to preserve the integrity of the investigation, temporary reassignments, transfers or other personnel actions permissible under the Civil Service Rules will be initiated.
- D. The investigation will be thorough and include interviews with the complainant, the accused, witnesses and other individuals possessing relevant information. Records and other documentation will be reviewed.
- E. The investigative process will be memorialized, thus requiring that all involved prepare written statements or provide verbal statements that will be recorded. Persons called upon during the investigation are required to answer all questions truthfully and cooperatively.
- G. The investigative process will be conducted expeditiously and professionally, with appropriate emphasis on the rights of all involved.
- H. The investigative process will be conducted in a confidential manner, with only those in a need-to-know position involved.
- I. The complaining employee and accused will be apprised of the outcome of the investigation.

VI. COMPLAINT RESOLUTION

- A. Any employee found, after appropriate investigation, to have engaged in prohibited harassment/discrimination will be appropriately disciplined in accordance with applicable law and the Civil Service Rules. Such action may include counseling, reprimand, suspension, demotion, reassignment or termination.
- B. In addition to disciplinary action, other appropriate measures, including follow-up inquiries, will be utilized to insure that harassment/discrimination does not recur.

VII. NON-RETALIATION

- A. Any employee making a good faith complaint of prohibited harassment/discrimination will be protected from retaliation, reprisal and harassment. Likewise, any employee providing information or otherwise participating in the investigation of a complaint of harassment/discrimination, will be protected from retaliation, reprisal and harassment.
- B. If a complaint is made and the investigation reveals that retaliation, reprisal or harassment has occurred against a complaining employee or anyone participating in the investigative process, severe disciplinary action will be taken.

VIII. FEDERAL AND STATE LAWS

This policy is intended to supplement rather than replace or supersede the private and/or statutory procedures regarding harassment/discrimination available to employees under state and federal law including, but not limited to Title VII of the Civil Rights Act of 1964, as revised, La. R. S. 23:331 et seq., the Americans with Disabilities Act, the Age Discrimination in Employment Act and the Pregnancy Discrimination Act. Employees should be aware of the time delays and requirements of law which require the filing of a complaint with the Equal Employment Opportunity Commission or the Louisiana Commission on Human Rights. This information is posted throughout OLG/DCRT and is available from the Human Resources Division.

IX. QUESTIONS/COMMENTS

Questions or comments concerning harassment/discrimination or the application or enforcement of this policy should be addressed to the Human Resources Division. Except for compelling reasons, any such inquiry will be maintained in strict confidence.

Summary of Changes: Revised policy number (December 1, 2011).

WORKPLACE HARASSMENT/DISCRIMINATION POLICY
ACKNOWLEDGEMENT

My signature hereon acknowledges that:

- (1) I have received a copy of the Workplace Harassment/Discrimination Policy;
- (2) I have read this policy;
- (3) I understand the content of this policy;
- (4) I have been provided an opportunity to ask questions; and
- (5) I agree to comply with the terms and conditions of this policy.

Employee Signature

Date

Printed Name

Agency Name