

POLICY:

- A. Lee Health is committed to a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits discriminatory practices, including harassment, discrimination, or retaliation.
- B. Lee Health does not tolerate discrimination, harassment, or retaliation. Lee Health will immediately investigate and reach a prompt resolution for all reported incidents of discrimination, harassment or retaliation (as defined in this policy).
- C. This policy applies to employees, applicants, physicians, contractors, vendors, patients, visitors and any other individuals on Lee Health premises. Conduct prohibited by this policy is unacceptable in the workplace and / or in any work-related setting outside the workplace, such as during business trips or meetings and business-related social events as well as through social media sites.
- D. Lee Health prohibits retaliation of any kind against an individual for reporting in good faith a complaint of discrimination, harassment, or retaliation; participating in an investigation; or exposing and / or opposing discriminatory / harassing / retaliatory practices. Refer to policy S23 00 944 Whistle-Blower Protection from Reprisal.
- E. Any employee who is subjected to conduct he/she believes may be discrimination, harassment, or retaliation is encouraged to inform the individual(s) engaging in the behavior that he/she finds the behavior unwelcome and/or offensive. This often prevents any misunderstanding or resolves any inappropriate behavior at the earliest opportunity.
- F. Employees should avoid engaging in conduct that could be viewed as harassment, discrimination or retaliation, even if the conduct does not violate state or federal law.
- G. Leaders, Supervisors, and other appropriate individuals regularly give feedback on work performance or behavior exhibited in the workplace. Legitimate feedback, even though it may be perceived as critical, is not a form of discrimination, harassment or retaliation and is intended to improve performance and/or behavior.
- H. Confidentiality of individuals involved in an investigation will be respected to the greatest extent possible. Any breach of confidentiality that compromises the legitimacy of an investigation will be dealt with appropriately.
- I. Following an investigation, if a complaint of discrimination, harassment, or retaliation is substantiated, appropriate action will be taken which may include, but is not limited to training, performance improvement plan, corrective action, reassignment, crisis leave, final warning, or termination of employment. Intentionally false or malicious complaints of harassment, discrimination, or retaliation will be dealt with appropriately.
- J. **DEFINITIONS OF DISCRIMINATION AND HARASSMENT**
 - 1. **Discrimination** is the act of displaying prejudice toward another person because of that person's race, color, religion, sex, pregnancy, age (40 and older), marital

status, national origin, military status, disability, sexual orientation (including gender identity or expression), genetic information, or any other protected category defined by law.

It is a violation of this policy to discriminate in terms of employment opportunities, benefits or privileges; to create discriminatory work conditions; or to use discriminatory evaluative standards in employment, if the discriminatory treatment is based, in whole or in part, on the person's race, color, religion, sex, pregnancy, age (40 and older), marital status, national origin, military status, disability, sexual orientation (including gender identity or expression), genetic information, or any other protected category defined by law. This policy does not supersede any applicable benefit plan documents (i.e. Lee Health's Health Plan Summary Document). Please refer to official plan documents for information regarding available benefits.

2. **Complainant** is the individual that makes a complaint of discrimination, harassment, or retaliation.
3. **Respondent** is the individual that is given the opportunity to respond to any complaint made against him / her.
4. **Harassment** is a form of employment discrimination. It is unwelcome conduct based on membership in a protected category. It can be verbal, non-verbal, written or physical conduct that demeans or shows hostility or hatred toward an individual or group, including relatives, friends, or associates because of race, color, religion, sex, pregnancy, age, marital status, national origin, military status, disability, sexual orientation (including gender identity or expression), genetic information, or any other protected category defined by law, which:
 - a. Has the purpose or effect of creating an intimidating, hostile, or offensive work environment;
 - b. Has the purpose or effect of unreasonably interfering with an individual's work performance; or
 - c. Otherwise adversely affects an individual's employment opportunities.

Harassing conduct can include, but is not limited to: name calling, physical assaults or threats, epithets, slurs or negative stereotyping; threatening, intimidating, or hostile acts; demeaning jokes; inappropriate banter; sexual innuendo; offensive objects, pictures or gestures; and written or graphic material that demeans or shows hostility or aversion toward a protected individual or group and that is placed on walls or elsewhere on the employer's premises or circulated in the workplace.

5. **Hostile work environment** is where the harassment creates an offensive and disrespectful working environment for protected individuals.
6. **Protected employees** are those employees whose national origin, race, color, religion, sex, pregnancy, age (40 and older), marital status, military status, disability, sexual orientation (including gender identity or expression), genetic information, or any other protected category.

7. **Retaliation** means the discharge, transfer, or demotion of any employee or the withholding of bonuses, reduction in salary or benefits, or any other adverse action taken against an employee because of the employee's complaint of discrimination, harassment, or retaliation, or participation in an investigation of discrimination, harassment, or retaliation.
8. **Sexual Harassment** is defined as unwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal or physical conduct of a sexual nature when, for example:
 - a. Submission to such conduct is made, either explicitly or implicitly, a term or 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 act has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

PROCEDURE:

Any individual who believes that he / she may have been subjected to any form of discrimination, harassment, or retaliation, or observes the discrimination, harassment, or retaliation of others, shall report this conduct to his/her supervisor, manager, director, vice president, chief officer, Corporate Compliance at 239-343-6432, or Employee Relations at 239-424-3500.

- A. Any reported allegation of discrimination, harassment, or retaliation (as defined in this policy) will be investigated promptly. The investigation may include individual interviews with the parties involved and individuals who may have observed the alleged conduct or have other relevant information. Parties may be asked to submit their statements in writing. All parties are expected to cooperate in the investigation without fear of retaliation and should refer to this policy.
- B. Following an investigation, if a complaint of discrimination, harassment, or retaliation is substantiated, appropriate action will be taken against the Respondent by the leader, which may include, but is not limited to a training in-service, performance improvement plan and/or corrective action, reassignment, final warning, termination or ban from Lee Health. Other remedies may also be imposed if deemed appropriate by Lee Health. All recommendations for action will be shared with the leader of the Respondent.
- C. Employee Relations will review the allegations of the complainant, the Respondent's response, witness interview(s), any relevant evidence, the findings of fact, and make a recommendation for appropriate action or resolution. Employee Relations may consult with Legal Services and Senior Leadership as necessary. The documentation will be kept confidential in a separate file in Employee Relations.
- D. Employee Relations will follow up with the Complainant, the Respondent and the Leader at the conclusion of the investigation to finalize.

- E. If the Complainant or the Respondent disagrees with the outcome of the investigation, that party may file a written summary of his/her concerns within ten (10) business days (Monday through Friday) and appeal following policy S09 06 072 Chain of Command.
- F. Failure to file the concerns within the time period stated will constitute a waiver of his/her right to appeal following the chain of command.
- G. The decision made by the leader at the final step of the chain of command will be final and binding.

RELATED POLICIES:

- S01 01 788 Responding to Discriminatory Requests from Patients and Patient Families
- S09 04 219 Employee Assistance Program (EAP) / Personal and Family Counseling
- S09 04 575 Military Leave of Absence
- S09 05 761 Reduction in Workforce
- S09 05 764 Reorganization
- S09 06 072 Chain of Command
- S09 06 140 Corrective Action Process
- S09 06 831 Social Media Networking and Cellular Devices
- S09 06 939 Workplace Personal Safety, Security, and Violence Prevention
- S23 00 944 Whistle-Blower Protection from Reprisal