

FARM NAME \_\_\_\_\_

Doc.No. **2.64**

Title: **Policy for Employee Relations: Harassment or Discrimination**

Effective Date: \_\_\_\_\_

Reviewed by: \_\_\_\_\_ GAP Coordinator, Date: \_\_\_\_\_

1. If an employee feels that he or she has been harassed on the basis of his or her sex, race, national origin, ethnic background, or any other legally protected characteristic they should immediately report the matter to his or her supervisor. If that person is not available, or if the employee feels it would be unproductive to inform that person, the employee should immediately contact that supervisor's superior or human resources. Once the matter has been reported it will be promptly investigated and any necessary corrective action will be taken where appropriate. All complaints of unlawful harassment will be handled in as discreet and confidential a manner as is possible under the circumstances. **(DOC 8.49)**
2. This farm operation is obligated to maintain a safe and secure workplace, and that includes preventing sexual harassment or discrimination.
  - a. **Discrimination** – Unequal or different treatment of an individual in any personnel action on the basis of race, color, sex, age, religion, national origin, political affiliation, marital status, sexual orientation, gender identity, source of income, familial status, or physical or mental disability or other protected status in accordance with applicable law.
  - b. **Harassment** – Verbal or physical conduct that is derogatory, shows hostility towards an employee because of their protected status, and/or involves unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact or other conduct or communication of a sexual nature.
3. **Sexual harassment** is any unwelcome sexual advance or conduct on the job that creates an intimidating, hostile or offensive workplace. Whether something is offensive is judged by asking whether a reasonable person should have to endure the conduct in question.
4. Sexual harassment can take many forms, here are some common examples:
  - a. A male employee making derogatory comments about the length of a female coworker's skirts
  - b. Employees hanging out in common areas telling sexually explicit jokes
  - c. One employee sending another employee an email that uses suggestive or explicit language
  - d. A boss referring to his secretary in a sexist and demeaning way.
  - e. A supervisor implying that to get a raise, a coworker needs to sleep with him
  - f. One worker groping another coworker
5. This farm is an "equal opportunity employer." We will not discriminate and we will take "affirmative action" measures to ensure against **discrimination** in employment, recruitment, placing advertisements for employment, compensation, termination, upgrading, promotions, and other conditions of employment against any employee or job applicant on the bases of race, creed, color, national origin, or sex.
6. The most common expressly-prohibited forms of discrimination in employment include:

## Standard Operating Procedure

- a. Harassment on the basis of race, color, religion, sex, national origin, disability, genetic information, or age
  - b. Retaliation against an individual for filing a charge of discrimination, participating in an investigation, or opposing discriminatory practices
  - c. Employment decisions based on stereotypes or assumptions about the abilities, traits, or performance of individuals of a certain sex, race, age, religion, or ethnic group, or individuals with disabilities, or based on myths or assumptions about an individual's genetic information
  - d. Denying employment opportunities to a person because of marriage to, or association with, an individual of a particular race, religion, national origin, or an individual with a disability
  - e. Denying employment opportunities to a person because of participation in schools or places of worship associated with a particular racial, ethnic, or religious group
7. All employees, including supervisors and other management personnel, are expected and required to abide by this policy. No person will be adversely affected in employment with the employer as a result of bringing complaints of unlawful harassment.
8. The complaint must identify the action, decision, conduct, or other basis that constitutes an alleged act or practice of unlawful or prohibited conduct and must allege that the action, decision or occurrence was taken or based on the complainant's protected status as described above. In most instances, the event which is the basis for the complaint must have occurred within the past six months. *An employee or job applicant does not have to file a formal complaint in order to discuss a concern about a situation they believe may involve discrimination, harassment or retaliation.* If advised, then the complainant should then complete **Doc 3.43 Form for Documenting a Harassment or Discrimination Incident** before proceeding to the interview stage.

When a complaint is filed, it proceeds through two stages:

- a. Interview: The person receiving the complaint will discuss the details with the complainant to explore options for resolution.
  - b. Investigation: The incident will be investigated with involved parties and witnesses. Information obtained from the complaint will not be discussed with others except as necessary to investigate and resolve the complaint.
9. The investigator will prepare a written summary (**DOC 3.24 Corrective Action**) of the investigation with findings that the complaint was (1) Substantiated, (2) Unsubstantiated, or (3) Unfounded. This information will then be shared with the complainant.

*NOTE: This procedure for reporting incidents of harassing behavior is not intended to impair, replace, or limit the right of any employee to seek a remedy under available state or federal law by immediately reporting the matter to the appropriate state or federal agency.*