

## 2.14 Harassment

*Effective Date:* May 1, 1985

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### **Prohibited Conduct**

Lake County is committed to providing a work environment that is free of discrimination and harassment.

Workplace harassment is unwelcome conduct from a supervisor, coworker, group of coworkers, vendor, or customer whose actions, communication, or behavior mocks, demeans, puts down, disparages, or ridicules an employee. Physical assaults, threats, intimidation and bullying are severe forms of harassment. Harassment may also include offensive jokes, name-calling, offensive nicknames, pornographic images that are visible for co-worker or the public to view, and offensive pictures or objects. Interfering with an employee's ability to do his or her work is also considered to be a form of harassment. Employees who are not the target of the harasser can also experience harassment because of the negative work environment that can develop and they experience as a result of these actions.

Harassment becomes illegal and discriminatory when the behavior or treatment violates Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the American with Disabilities Act of 1990, and the Illinois Human Rights Act. This type of harassment is based upon gender, race, ethnicity, age, disability, religion, sexual orientation, or any other legally protected classes.

Sexual harassment is defined as any unwelcome sexual advances or requests for sexual favors or any other verbal or physical conduct of a sexual nature when:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

The courts have determined that sexual harassment is a form of discrimination under Title VII of the U.S. Civil Rights Act of 1964, as amended in 1991. An example of sexual harassment is when a qualified individual is denied employment opportunities and benefits after rejecting the supervisor's sexual advances or request(s) for sexual favors or the individual is terminated. Another example is when an individual is subjected to unwelcome sexual conduct by co-workers

because of his or her gender which makes it difficult for the employee to perform his or her job. Other conduct, which may constitute sexual harassment, includes:

- Verbal: Sexual innuendos, suggestive comments, insults, humor, and jokes about sex, anatomy or gender-specific traits, sexual propositions, threats, repeated requests for dates, or statements about other employees, even outside of their presence, of a sexual nature.
- Non-Verbal: Suggestive or insulting sounds (whistling), leering, obscene gestures, sexually suggestive bodily gestures, "catcalls", "smacking" or "kissing" noises.
- Visual: Posters, signs, pin-ups or slogans of a sexual nature, viewing pornographic material or websites.
- Physical: Touching, unwelcome hugging or kissing, pinching, brushing the body, any coerced sexual act, or actual assault.
- Textual/Electronic: "Sexting" (electronically sending messages with sexual content, including pictures and video), the use of sexually explicit language, harassment, cyber stalking and threats via all forms of electronic communication (e-mail, text/picture/video messages, intranet/on-line postings, blogs, instant messages and social network websites like Facebook and Twitter).

While the most commonly recognized forms of sexual harassment involve the types of conduct described above, non-sexual conduct can also constitute a violation of the applicable laws when that conduct is directed at the victim because of his or her gender (for example, a female employee who reports to work every day and finds her tools stolen, her work station filled with trash and her equipment disabled by her male co-workers because they resent having to work with a woman).

### **Reporting of Harassment**

All employees are responsible for ensuring that no form of unlawful harassment occurs in their workplace. Employees should remain alert to any harassment and report such events to supervisors, ~~and~~ managers and/or the Human Resources Department.

Any employee of Lake County who believes he or she has been subjected or witness to harassment is expected to report the circumstances to their Supervisor, Department Head or to the Director of Human Resources so that prompt preventative and corrective action may be taken. Employees may report allegations of harassment directly to:

- Their Immediate Supervisor unless the supervisor is the source of the harassment;
- Their Department Head unless the Department Head is the source of the harassment; or
- The Director of Human Resources unless the Human Resources Department is the source of harassment.

The Department Head will address the matter with the Human Resources Department for final disposition. If the allegation is a result of harassment/discrimination by the Human Resources Department the Department Head will address the matter with the State Attorney's Office for final disposition. Harassment should be reported even if the source of the harassment is not an employee of Lake County.

Employees may also report action related to this policy to an anonymous on-line reporting system, Ethics Point. The contact information for this system can be found on the County's Website in the Human Resources Department's section.

All complaints of harassment will be promptly investigated, and corrective action will be taken as deemed appropriate under the circumstances. The Department Head, Director of Human Resources and/or the State's Attorney's Office have the authority to fully investigate all matters addressed in this policy.

### **Retaliation Prohibited**

The law prohibits retaliation against an employee who, in good faith, reports harassment or assists or cooperates in the investigation of allegations of harassment. Any threat of retaliation or attempt to do so should be reported immediately to either the Department Head or to the Director of Human Resources.

Employees who feel they have been retaliated against may also be protected by the the Whistle Blower Act (740 ILCS 174/), the State Officials and Employees Ethics Act (5 ILCS 430/1-5), and the Illinois Human Rights Act (775 ILCS 5/1-101).

### **Training**

Employees must participate in training on this policy as the County may require and in accordance with state law.

### **Policy Violations**

Violations of this policy by an employee, whether directed at another employee, an applicant for employment, a contractor or a member of the public, or knowingly making a false report of sexual harassment will be grounds for disciplinary action, up to and including termination of employment.