

Policy Title: Commitment to a Harassment-Free Work Environment	Policy Number: NATL.HR.005
Owner Department: Human Resources	Effective Date: 11/1/16
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1.0 Policy Statement

Consistent with the Principles of Responsibility, Kaiser Permanente (KP) is committed to sustaining a work environment that encourages employees to treat each other with dignity and respect and is free from discrimination/harassment and abusive conduct. In keeping with this commitment, KP strongly disapproves of, and will not tolerate, any kind of harassment or abusive conduct (as defined below) of employees or applicants for employment by anyone, including any manager, supervisor, physician, coworker or non-employee.

2.0 Purpose

n/a

3.0 Scope/Coverage

This policy applies to all employees and applicants for employment with any of the following entities (collectively referred to as “Kaiser Permanente”):

- 3.1** Kaiser Foundation Hospitals and Kaiser Foundation Health Plan, Inc. (together, KFH/HP);
- 3.2** KFH/HP’s subsidiaries;
- 3.3** The Permanente Medical Group, Inc. (TPMG) [NOTE: This policy does not apply to physicians, podiatrists or Vice Presidents of TPMG, who are covered by separate TPMG policies]; and
- 3.4** Southern California Permanente Medical Group (SCPMG) [NOTE: This policy does not apply to physicians of SCPMG].

4.0 Definitions

n/a

5.0 Provisions

5.1 Harassment Definition

- 5.1.1** This policy prohibits harassment, whether verbal, physical, or visual, that is unwelcome and based upon a person’s race, color, religion, sex (including pregnancy, childbirth, or related medical conditions, including childbearing capacity; gender identity; transgender status; and sex stereotyping), national origin, age, physical or mental disability, veteran status, sexual orientation, genetic information, or other status protected by applicable federal, state, or local laws, or by corporate policy. (See Protected Status by State Addenda.)
- 5.1.2** One type of harassment prohibited by this policy is sexual harassment. Sexual harassment is defined, generally, as unwelcome sexual advances, requests for sexual favors, and other physical, verbal, or visual conduct

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of a sexual nature, or based on sex/gender, which affects an employee's terms and conditions of employment or creates an intimidating, hostile, or offensive work environment. Such conduct is a violation of federal law when:

- 5.1.2.1 Submission to the conduct is made either explicitly or implicitly a term or condition of employment;
 - 5.1.2.2 Submission to or rejection of the conduct is used as the basis for an employment decision; and/or
 - 5.1.2.3 The conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.
- 5.1.3 Sexual harassment takes many different forms and may be overt or subtle. It involves behavior that is not welcome, is personally offensive, that fails to respect the rights of others, or otherwise interferes with work effectiveness. Sexual harassment may occur between persons of the same or different genders. Both men and women are protected by the law and this policy, regardless of whether a male or female is the harasser or the victim, or the harassment involves individuals of the same sex. An employee may also be a victim of sexual harassment where sexual harassment is pervasive in the work environment, even if no sexual harassment is directed specifically at that employee. Sexual harassment prohibited by this policy includes offensive or hostile conduct based on gender regardless of the intention or motive of the harasser or whether the conduct is sexual in nature.
- 5.1.4 The same legal standards used to define hostile environment sexual harassment are applicable to other forms of unlawful harassment.
- 5.2 **Harassing Conduct Prohibited by this Policy**
 - 5.2.1 In order to prevent unlawful harassment from occurring in KP's workplace, this policy prohibits any conduct of a sexual nature or based on sex/gender or the other protected status categories outlined in the Policy Statement above that could reasonably be perceived to be offensive to others in the workplace.
 - 5.2.2 Employees are prohibited from harassing other employees whether or not the incidents of harassment occur on company premises and whether or not the incidents occur during working hours, if the conduct is related to any of the participant's employment or adversely affects KP's operations.
 - 5.2.3 Some examples of sexual or sex/gender based conduct prohibited by this policy include:
 - 5.2.3.1 Sexual propositions, stating or implying that sexual favors are required as a condition of employment or continued employment, preferential treatment or promises of preferential treatment to an employee for submitting to

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sexual conduct; repeated unwanted sexual flirtations, advances, or invitations

5.2.3.2 Unwanted physical contact, such as touching, pinching, grabbing, kissing, patting, or brushing against another's body

5.2.3.3 Verbal conduct, such as sexually oriented or suggestive jokes, comments, teasing, or sounds; comments about a person's body, questions about or discussions of another person's or one's own sexual experiences; sexually derogatory or stereotypical comments; verbal abuse of a sexual nature or based on sex/gender; sex/gender-based hostility

5.2.3.4 Offensive leering, flirtatious eye contact, staring at parts of a person's body, sexually oriented gestures

5.2.3.5 Displays or distribution of offensive, sexually suggestive pictures or objects, drawings, cartoons, graffiti, calendars, posters, printed material, or clothing containing sexually oriented language or graphics

5.2.3.6 Inappropriate electronic mail usage and transmissions, including sexually explicit messages, cartoons, jokes, and unwelcome propositions; as well as accessing or viewing pornographic websites

5.2.4 Some examples of other conduct based on protected status that is forbidden by this policy include:

5.2.4.1 Racial, ethnic, or religious slurs, epithets, or jokes

5.2.4.2 Derogatory or stereotypical comments based on race, religion, national origin, age, disability, sexual orientation, gender identity, or other protected status

5.2.4.3 Abusive or hostile treatment or similar offensive and unwelcome conduct based on an individual's protected status

5.2.4.4 Inappropriate use or transmission of electronic mail or other electronic communication equipment, or inappropriate access or viewing of websites including those with ethnic or racial cartoons, jokes, or any other message that may offend, disparage, or harass an individual based on the protected status categories outlined above

5.3 Abusive Conduct Prohibited by this Policy

This policy prohibits conduct of an employer or employee in the workplace, with malice, that a reasonable person would find hostile, offensive, and unrelated to an employer's legitimate business interests. Abusive conduct may include repeated infliction of verbal abuse, such as the use of derogatory remarks, insults, and epithets, verbal or physical conduct that a reasonable person would

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find threatening, intimidating, or humiliating, or the gratuitous sabotage or undermining of a person's work performance.

5.4 Reporting Obligations

5.4.1 Any employee or applicant for employment who is subjected to, witnesses, or has knowledge of any actions or conduct in violation of this policy or that could be perceived as sexual harassment or any other form of harassment or conduct prohibited by this policy should report it promptly to an appropriate management official, such as a supervisor or the local Human Resources representative. Individuals also may choose to use the EEO Internal Complaint Procedure or the KP Compliance Hot Line. However, an employee is not required to complain to his or her supervisor or manager, particularly if the supervisor or manager is the individual who is engaging in the prohibited conduct.

5.4.2 Employees should understand the importance of informing, and are encouraged to inform, individuals engaged in behavior that may be perceived as violating this policy that their behavior may be unwelcome, inappropriate or offensive or abusive.

5.4.3 Any physician, manager, supervisor, or other exempt professional or management employee who witnesses or has knowledge of sexual harassment or other forms of harassment or conduct prohibited by this policy is obligated to promptly report such behavior to an appropriate representative in Human Resources so that it can be appropriately investigated. Failure of management or other exempt personnel to promptly report or otherwise address incidents of harassment or conduct forbidden by this policy that are either reported to them or that they witness may result in corrective/disciplinary action, up to and including termination of employment.

5.5 Investigations and Remedial Action

All reports of violations of this policy will be promptly and objectively investigated and to the maximum extent possible, investigations will be conducted so as to protect the confidentiality and privacy of the parties involved (see NATL.HR.004, EEO Internal Complaint Procedure). If an investigation confirms that a violation of this policy has occurred, appropriate corrective/disciplinary action will be taken against the offender, up to and including termination of employment, and any other remedial action will be taken as is necessary to assure a workplace free of harassment and other conduct prohibited by this policy. The level of corrective/disciplinary action will depend on the nature, severity and frequency of the conduct. Further, conduct involving a violation of law may also subject the offender to civil and criminal legal liability.

5.6 No Retaliation

Kaiser Permanente policies, as well as applicable federal and state laws, prohibit retaliation, intimidation or reprisal against applicants, employees, and independent contractors who file complaints and/or who cooperate with or participate in any procedures or investigations related to complaints of discrimination, including complaints of sexual harassment and other forms of

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harassment or prohibited conduct. Therefore, employees should object to sexual and other forms of harassment and prohibited conduct and report violations without fear of reprisal or retaliation. If it is determined that an employee has committed acts of retaliation in response to the actual or perceived filing of a complaint or participation in the investigation of a complaint under this policy, that person will be subject to corrective/disciplinary action, up to and including termination of employment.

6.0 References/Appendices

- 6.1 Intent of HR Policies
- 6.2 Kaiser Permanente Principles of Responsibility
- 6.3 NATL.HR.004, EEO Internal Complaint Procedure
- 6.4 Protected Status—California Addendum
- 6.5 Protected Status—Colorado Addendum
- 6.6 Protected Status—District of Columbia Addendum
- 6.7 Protected Status—Hawaii Addendum
- 6.8 Protected Status—Maryland Addendum
- 6.9 Protected Status—Oregon Addendum
- 6.10 Protected Status—Virginia Addendum
- 6.11 Protected Status—Washington Addendum

7.0 Approval

Update approval 11/1/16

In accordance with the charter of the National HR Policy Roundtable, this policy update was approved by the National HR Policy Roundtable members, as chaired by Derek Reimer.

Policy Revision History

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Protected Status State Addenda

CALIFORNIA ADDENDUM

Revised 11/1/16

Protected Status

In California, discrimination/harassment is prohibited on the basis of the following protected status:

- Race
- Color
- Religion
- *Religious creed
- Sex (including pregnancy, childbirth, or related medical conditions including childbearing capacity, and breastfeeding or medical conditions related to breastfeeding,; gender identity; transgender status; and sex stereotyping)
- *Gender
- *Gender expression
- Transgender
- National origin
- Age
- Physical or mental disability
- Veteran status
- *Military status
- Sexual orientation
- *Sex stereotype
- Genetic information
- *Ancestry
- *Marital status
- *Medical condition
- *Request to accommodate disability or religious beliefs
- Other status protected by applicable federal, state, or local laws, or by corporate policy

*Additional protected status under California state law

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COLORADO ADDENDUM

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Protected Status

In Colorado, discrimination/harassment is prohibited on the basis of the following protected status:

- Race
- Color
- Religion
- Sex (including pregnancy, childbirth, or related medical conditions, including childbearing capacity; gender identity; transgender status; and sex stereotyping)
- National origin
- Age
- Physical or mental disability
- Veteran status
- Sexual orientation
- Genetic information
- *Ancestry
- *Creed
- Other status protected by applicable federal, state, or local laws, or by corporate policy

*Additional protected status under Colorado state law

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DISTRICT OF COLUMBIA ADDENDUM

Revised 11/1/16

Protected Status

In the District of Columbia, discrimination/harassment is prohibited on the basis of the following protected status:

- Race
- Color
- Religion
- Sex (including pregnancy, childbirth, or related medical conditions, including childbearing capacity; gender identity; transgender status; and sex stereotyping)
- *Gender expression
- National origin
- Age
- Physical or mental disability
- Veteran status
- Sexual orientation
- Genetic information
- *Personal appearance
- *Familial responsibilities
- *Family status
- *Matriculation
- *Political affiliation
- Other status protected by applicable federal, state, or local laws, or by corporate policy

*Additional protected status under District of Columbia law

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HAWAII ADDENDUM

Revised 11/1/16

Protected Status

In Hawaii, discrimination/harassment is prohibited on the basis of the following protected status:

- Race
- Color
- Religion
- Sex (including pregnancy, childbirth, or related medical conditions, including childbearing capacity; gender identity; transgender status; and sex stereotyping)
- National origin
- Age
- Physical or mental disability
- Veteran status
- Sexual orientation
- Genetic information
- *Ancestry
- *Arrest and court record
- *Assignment of income for child support obligations
- *Marital status
- *Breastfeeding
- Other status protected by applicable federal, state, or local laws, or by corporate policy

*Additional protected status under Hawaii state law

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MARYLAND ADDENDUM

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Protected Status

In Maryland, discrimination/harassment is prohibited on the basis of the following protected status:

- Race
- Color
- Religion
- Sex (including pregnancy, childbirth, or related medical conditions, including childbearing capacity; gender identity; transgender status; and sex stereotyping)
- National origin
- Age (*18 or older)
- Physical or mental disability
- Veteran status
- Sexual orientation
- Genetic information
- *Marital status
- Other status protected by applicable federal, state, or local laws, or by corporate policy

*Additional protected status under Maryland state law

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OREGON ADDENDUM

Revised 11/1/16

Protected Status

In Oregon, discrimination/harassment is prohibited on the basis of the following protected status:

- Race
- Color
- Religion
- Sex (including pregnancy, childbirth, or related medical conditions, including childbearing capacity; gender identity; transgender status; and sex stereotyping)
- National origin
- Age (*18 or older)
- Physical or mental disability
- Veteran status
- Sexual orientation
- Genetic information
- *Juvenile record that has been expunged
- *Marital status
- Other status protected by applicable federal, state, or local laws, or by corporate policy

*Additional protected status under Oregon state law

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VIRGINIA ADDENDUM

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Protected Status

In Virginia, discrimination/harassment is prohibited on the basis of the following protected status:

- Race
- Color
- Religion
- Sex (including pregnancy, childbirth, or related medical conditions, including childbearing capacity; gender identity; transgender status; and sex stereotyping)
- National origin
- Age (*18 or older)
- Physical or mental disability
- Veteran status
- Sexual orientation
- Genetic information
- *Marital status
- Other status protected by applicable federal, state, or local laws, or by corporate policy

*Additional protected status under Virginia state law

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WASHINGTON ADDENDUM

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Protected Status

In Washington, discrimination/harassment is prohibited on the basis of the following protected status:

- Race
- Color
- Religion
- Sex (including pregnancy, childbirth, or related medical conditions, including childbearing capacity; gender identity; transgender status; and sex stereotyping)
- National origin
- Age (*18 or older)
- Physical or mental disability
- Veteran status
- Sexual orientation
- Genetic information
- *Creed
- *Marital status
- *Presence of any sensory, mental or physical disability
- *Use of trained dog guide or service animal by a disabled person
- Other status protected by applicable federal, state, or local laws, or by corporate policy

*Additional protected status under Washington state law