Briefing: Harassment in the Workplace

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What is Harassment?

**Unwelcome** conduct based on a **protected class** that is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.

Offhand comments and isolated incidents (unless extremely serious) will not rise to the level of illegality, **but may still violate the Department's Policies and Procedures.**

**Protected Class**

Includes race, color, **sex** (including gender identity or expression), sexual orientation, pregnancy, religion, national origin, ancestry, age, disability, genetic information, marital or civil union status, arrest and court record (except as permitted by other laws), national guard absence, uniformed service, veteran status, citizenship, known victim of domestic or sexual violence, or any other classification protected under applicable State or Federal laws.
#metoo

If you’ve been sexually harassed or assaulted write ‘me too’ as a reply to this tweet.

Me too.

Suggested by a friend: “If all the women who have been sexually harassed or assaulted wrote ‘Me too’ as a status, we might give people a sense of the magnitude of the problem.”

Image Source: Time.com
I. POLICY

The State and its appointing authorities are committed to promoting and maintaining a productive work environment free of any form of discrimination or harassment based on a person’s protected class and retaliation for engaging in protected activity. The State and its appointing authorities do not tolerate workplace discrimination, harassment or retaliation and are required to and will take appropriate action when discrimination, harassment or retaliation occurs.

The State and its appointing authorities will act to curb protected class discrimination or harassment without regard to its severity or pervasiveness and does not require that discrimination or harassment rise to the level of unlawfulness before taking action. Every State employee is responsible for ensuring that work in the Executive Branch is conducted in an atmosphere that respects the dignity of every State employee, and people with whom the State conducts business. State employees are expected to avoid behavior that could reasonably be perceived as discrimination or harassment prohibited under this Policy. In addition, State employees are expected to avoid retaliation against an individual who makes a complaint, participates in or provides information for an investigation relating to discrimination and/or harassment, or makes a request for reasonable accommodation.

C. RESPONSIBILITIES

1. Department Responsibilities

   a. In alignment with this Discrimination/Harassment-Free Workplace Policy, department or agency heads are responsible for developing and enforcing their own discrimination/harassment free workplace investigation and enforcement processes within their own departments or agencies.

   b. Should a conflict exist, this Discrimination/Harassment-Free Workplace Policy shall take precedence over all policies and/or procedures that are developed by the departments or agencies. This Policy does not prohibit departments or agencies from providing more protection than allowed under this Policy when it is required in conjunction with federal grants.

   c. Departments are responsible for assuring that all of its employees are provided a copy or have access to a copy of this Policy and for maintaining documentation that the Policy has been provided or made available to its employees. Attachment B to this Policy may be used as documentation.
Importance of Addressing Harassment

Compliance
• It’s the law and it’s our policy.

Employee Engagement
• Employees working in a hostile work environment are less engaged, less productive, and more likely to resign.
• Behavior not promptly addressed may continue

Budgetary Impact
Avg. Employee Replacement Cost: 6-9 months of an employee’s salary
Litigation Costs, Settlement Costs, Employee Diversion Costs
What Directors Need to Know
