	Human Resource Policy Employee Relations & Workplace Expectations	No. HR.ERW.10¹
	Title: PROHIBITION OF SEXUAL AND OTHER UNLAWFUL HARASSMENT, DISCRIMINATION, AND RETALIATION	Page: 1 of 4
		Effective Date: 03-28-16
		Retires Policy Dated: 08-16-13
		Previous Versions Dated: 09-27-11; 01-01-09; 04-01-03; 01-01-96; 01-01-93

I. SCOPE:

This policy applies to (1) Tenet Healthcare Corporation and its wholly-owned subsidiaries and affiliates (each, an “Affiliate”); (2) any other entity or organization in which Tenet Healthcare Corporation or an Affiliate owns a direct or indirect equity interest greater than 50%; and (3) any hospital or healthcare facility in which an Affiliate either manages or controls the day-to-day operations of the facility (each, a “Tenet Entity”) (collectively, “Tenet”).

II. PURPOSE:

The purpose of this policy is to provide supervisors with expected behaviors to maintain a work environment free of sexual and other forms of unlawful harassment, as well as discrimination and retaliation.

III. POLICY:


Tenet is committed to providing a work environment that is free of discrimination, retaliation, and unlawful harassment. Actions, words, jokes, or comments based on an individual’s race, color, religion, creed, sex (including pregnancy), national origin, ancestry, ethnicity, age, physical disability, mental disability, medical condition, genetic information, sexual orientation, gender, gender identity, gender expression, marital status, military or veteran status or any other legally protected status will not be tolerated. As an example, sexual harassment (both overt and subtle) is a form of employee misconduct that is demeaning to another person, undermines the integrity of the employment relationship, and is strictly prohibited.

Any employee who encounters an incident of alleged sexual or other unlawful harassment, discrimination, or retaliation should promptly report the matter to his or her supervisor. If the supervisor is unavailable or the employee believes it would be inappropriate to contact the supervisor, the employee should immediately contact the Human Resources Department or the Ethics Action Line. Employees may raise concerns and make reports of unlawful harassment without fear of reprisal. Those concerns will be addressed as confidentially as the circumstances permit.

Anyone engaging in sexual or other unlawful harassment, discrimination, or retaliation will be subject to corrective action, up to and including termination of employment.

This policy applies to all employees, including co-workers, unpaid interns, volunteers, supervisors, managers and department heads/directors, as well as physicians, whether or not employed by Tenet. This policy also may, under certain circumstances, apply to agents and non-employees who have contact with our employees.

¹Prior to June 3, 2013, the policy number was HR-402.

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Examples of Unlawful Sexual Harassment

Sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, as well as verbal, visual or physical conduct of a sexual nature, such as:


- Verbal conduct such as epithets, derogatory jokes or comments, slurs or unwanted sexual advances, invitations or comments;
- Visual conduct such as derogatory and/or sexually oriented posters, photography, cartoons, drawings, e-mail, faxes or gestures;
- Physical conduct such as assault, unwanted touching, blocking normal movement or interfering with work because of sex, race or any other protected basis;
- Threats and demands to submit to sexual requests as a condition of continued employment or to avoid some other loss and offers of employment benefits in return for sexual favors;
- Retaliation for having reported or threatened to report harassment; or
- Any combination or derivative of the above actions which cause ill-repute or a negative impact to the workplace culture or reputation of our workplace.

where:

- A. Submission to such conduct is an implied or expressed condition of employment;
- B. Submission to or rejection of such conduct is the basis for employment decisions affecting the individual; or
- C. The conduct has the effect of interfering with an individual's work performance or creating intimidating, hostile or offensive work environment.

IV. PROCEDURE:

- A. Tenet Entity Human Resources
 - 1. Immediately investigate any and all harassment concerns or complaints in a prompt, impartial, thorough and (to the extent possible) confidential manner.
 - 2. Document each step taken in investigating and responding to complaints.

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3. Track the progress of the investigation.
4. Create an action plan for the timely resolution of all unlawful harassment concerns or complaints, including consultation with management about appropriate corrective action, if any. The investigation must provide all parties with appropriate due process and must lead to a reasonable conclusion based on all the evidence.
5. Communicate with concerned or complaining employees in a timely fashion about status and results of investigation and action plan for resolution of a problem.
6. Contact Home Office Human Resources Department in all cases of sexual or other unlawful harassment. In cases involving administrative team members and above, the Home Office Human Resources Department will conduct the investigation.
7. In California, Tenet Entity Human Resources must ensure that this policy is disseminated to all employees and must obtain written or electronic acknowledgement of the employee's receipt of the policy. This policy must be provided to new employees at time of hire and an acknowledgement of receipt must be obtained. Any revisions to the policy must also be distributed to employees.

B. Supervisors

1. Training for all supervisors is available in the Tenet .edu training system. For California employees, this training complies with the requirements of CA AB 1825.
2. Advise the Human Resources Department promptly of employee concerns about, or any incidents involving alleged sexual or other unlawful harassment.

C. Employees

Report concerns about or any incidents of alleged sexual or other unlawful harassment promptly to supervisor or the Human Resources Department. Employees can raise concerns and make reports to the Ethics Action Line (1-800-8ETHICS or 1-800-838-4427) or file grievances under the Fair Treatment Policy without fear of reprisal.

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D. Enforcement

All employees whose responsibilities are affected by this policy are expected to be familiar with the basic procedures and responsibilities created by this policy. Failure to comply with this policy will be subject to appropriate performance management pursuant to all applicable policies and procedures, up to and including termination. Such performance management may also include modification of compensation, including any merit or discretionary compensation awards, as allowed by applicable law.

V. REFERENCES:

- HR.ERW.08 No Retaliation