

# [PARISH]

## POLICY REGARDING HARASSMENT AND SEXUAL HARASSMENT OF EMPLOYEES

The purpose of this document is to summarize the rights, obligations and reporting responsibilities of personnel within our Parish regarding matters involving harassment and/or sexual harassment of employees. This policy only applies to employees. However, volunteers are required to report instances of employee harassment which the volunteer may witness.

### A. Harassment and Sexual Harassment. Definitions and Examples:

#### 1. Definition of Harassment and Examples

- (a) Civil Rights laws make it illegal to discriminate against and/or harass an employee because of sex, race, religion<sup>1</sup>, color, national origin, physical or mental disability, marital status, age, gender, genetic information, blood type, liability for service in the armed forces, gender identity or expression, civil union status, domestic partnership status, or any other civil right protected by federal, state or local laws. Harassment is the intentional creation of a hostile or intimidating environment based upon any one or more of these areas.
- (b) Harassment may involve severe and/or pervasive conduct. Severe conduct is conduct sufficient to alter the work environment, even though it may occur only once. Pervasive conduct is a persistent pattern of harassment.
- (c) Harassment encompasses a broad range of physical, psychological, written or verbal behavior, and includes, but is not limited to, the following:
  - physical or mental abuse
  - offensive jokes or slurs
  - offensive and uninvited verbal, graphic (including any electronic or digital display or printout), visual or physical conduct by one individual towards another;
  - obscene messages
  - images or communications obtaining libelous, defamatory or fraudulent materials

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<sup>1</sup> It is permissible for a religious employer uniformly to require that all of its employees follow the tenets of its religion. It is also permissible for a religious employer to require religious affiliation as a uniform qualification for employment of clergy, religious teachers or other employees engaged in the religious activities of the organization.

- ethnic or racial slurs
- anything that may be considered disparaging or harassing of others based on race, national origin gender, age, disability or other status protected by Civil Rights laws

2. Definition of Sexual Harassment and Examples

- (a) Sexual Harassment is a particularly insidious form of workplace harassment. Civil Rights law makes sexual harassment illegal, whether caused by supervisors or co-employees.
- (b) Sexual Harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, and constitutes harassment when:
1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment,
  2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual, or
  3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.
- (c) It is not possible to identify each and every act that constitutes or may constitute sexual harassment. However, examples of sexual harassment include, but are not limited to, the following:
- unwelcome requests for sexual favors
  - lewd or derogatory comments or jokes
  - comments regarding sexual behavior, or about the body of another individual
  - sexual innuendo or other vocal activity such as catcalls or whistles
  - obscene letters, notes, invitations, photographs, cartoons, articles, or other written or pictorial materials (whether documentary, digital or electronic) of a sexual nature
  - continuing to express sexual interest in a person after being informed that that interest is unwelcome
  - retaliating against an individual for refusing a sexual advance or reporting an incident of possible sexual harassment
  - offering or providing favors or employment benefits, such as promotions, favorable evaluations, or favorable assigned duties or shifts, etc. in exchange for sexual favors

- any unwanted physical touching, assault, or impeding of movement

B. Workplace Harassment of Employees, Including Sexual Harassment, Is Expressly Prohibited.

It is the policy of our Parish to provide a work environment that is free of harassment/sexual harassment. Any form of workplace harassment/sexual harassment will be treated as a disciplinary matter.

C. Victims And Witnesses Are To Report All Instances Of Harassment And Sexual Harassment

Employees who are victims of, or witnesses to, workplace harassment/sexual harassment must report it immediately to the Pastor. In addition to this formal avenue for reporting harassment/sexual harassment, employees who are victims or witnesses are encouraged to report harassment and sexual harassment informally to any supervisor. An employee is not obligated to report harassment/sexual harassment to a superior who is engaging in the harassment. In such instance, the employee should report to the superior's supervisor, any other supervisor, and/or to the Archdiocese's Office of Human Resources.

D. Investigation Of Harassment And Sexual Harassment Complaints.

All reported complaints of employee harassment/sexual harassment will be promptly and thoroughly investigated. All reported complaints of harassment/sexual harassment will be dealt with as confidentially as possible, consistent with the obligation to conduct an investigation.

E. No Retaliation For Reporting Harassment And Sexual Harassment Complaints.

No employee shall suffer any job detriment or retaliation at the hands of the employer for reporting harassment/sexual harassment. If a person reporting harassment/sexual harassment believes that he/she has been subjected to retaliation, the person should immediately report the retaliation in the same manner which he/she is to use to report harassment/sexual harassment (see Par. C above), but may bypass the person who is retaliating.

F. Disciplinary Action For Harassment And Sexual Harassment.

**Participating in workplace harassment/sexual harassment by any employee will result in disciplinary action, up to and including termination of employment. Employees should also be aware that, under the law, employees may be individually liable, including legally and financially responsible, for causing harassment/sexual harassment. Furthermore, supervisors, even though not causing harassment/sexual harassment, may be individually liable if he/she fails to receive complaints of harassment/sexual harassment and/or fails to act upon such complaints.**

G. Training On Harassment And Sexual Harassment And Dissemination of Policy.

The Pastor or his designee is responsible for providing training regarding harassment/sexual harassment. At least annually, the Pastor or his designee shall advise supervisors as to their responsibilities to report/prevent harassment and sexual harassment. In addition, **[at least annually]** the Pastor or his designee shall disseminate to all employees the Parish's policy against harassment/sexual harassment. The Pastor or his designee shall also be responsible to check that procedures are in place for reporting harassment/sexual harassment, that such procedures are known by employees, and that they are effective.

H. The Reporting Of Harassment/Sexual Harassment By Volunteers.

Volunteers are persons who render services without receiving compensation for such services. Volunteers are not employees. A copy of this policy shall be provided to each volunteer. Although the law and this policy do not protect persons who are not employees, it is the policy of this organization that any volunteer who witnesses employee harassment/sexual harassment as defined herein shall immediately report the harassment/sexual harassment in the same manner as an employee is required to report it.

**[Name of School or Parish, or RCAN, as appropriate]**  
**Whistleblower Policy**

**1. Introduction**

[Name of School or Parish, or RCAN, as appropriate] is committed to complying with state statutory requirements that provide appropriate protections for its employees who are whistleblowers. Therefore, [Name of School or Parish, or RCAN, as appropriate] establishes this “Whistleblower Policy” pursuant to New Jersey’s Conscientious Employee Protection Act (N.J.S.A. 34:19-1, et seq.).

**II. Purpose**

The purpose of the Whistleblower Policy is to define whistleblowing in the context of this policy, set forth the steps to be taken by employees making whistleblower complaints and delineate the steps that shall be taken by [Name of School or Parish, or RCAN, as appropriate] to protect employees engaged in whistleblowing, and to establish a procedure for making whistleblowing disclosures.

**III. Whistleblower Protection and Definition**

In accordance with New Jersey’s Conscientious Employee Protection Act, [Name of School or Parish, or RCAN, as appropriate] shall take no retaliatory action against an employee because the employee does any of the following:

- A. Discloses, or threatens to disclose to a supervisor or to a public body an activity, policy or practice of the employer (or other employer with whom there is a business relationship), that the employee reasonably believes:
  - 1. is in violation of a law, or a rule or regulation promulgated pursuant to law, including any violation involving deception of, or misrepresentation to, any person, business or governmental entity, or, in the case of an employee who is a licensed or certified health care professional, reasonably believes constitutes improper quality of patient care; or
  - 2. is fraudulent or criminal, including any activity, policy or practice of deception or misrepresentation which the employee reasonably believes may defraud any person, business or governmental entity;
- B. Provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into any violation of law, or a rule or regulation promulgated pursuant to law by the employer (or other employer with whom there is a business relationship), including any violation involving deception of, or misrepresentation to, any person, business or

governmental entity, or, in the case of an employee who is a licensed or certified health care professional, provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into the quality of patient care; or

- C. Objects to, or refuses to participate in any activity, policy or practice which the employee reasonably believes:
  - 1. is in violation of a law, or a rule or regulation promulgated pursuant to law, including any violation involving deception of, or misrepresentation to, any person, business or governmental entity, or, in the case the employee is a licensed or certified health care professional, constitutes improper quality of patient care;
  - 2. is fraudulent or criminal, including any activity, policy or practice of deception or misrepresentation which the employee reasonably believes may defraud any person, business or governmental entity; or
  - 3. is incompatible with a clear mandate of public policy concerning the public health, safety or welfare or protection of the environment.

#### **IV. Procedures for Making Disclosures**

- A. Except as otherwise provided for herein, an employee shall make a written disclosure to his or her supervisor or the person designated to receive whistleblower complaints. The contact information for the person designated to receive whistleblower complaints is:

Name:  
Address:  
E-mail:  
Telephone No.:

A written disclosure should include as much specific, factual information as possible to allow for proper assessment of the nature, extent, and urgency of the matter that is the subject of the disclosure.

- B. In cases where the supervisor is contacted by an employee making a disclosure, he or she shall immediately notify the person designated to receive whistleblower complaints.
- C. A confidential investigation will be promptly conducted. At the conclusion of the investigation, appropriate action will be taken where the allegations are verified and/or otherwise substantiated.

## **V. Written Notice Required Under Certain Circumstances**

The protection against retaliatory action shall not apply to an employee who makes a disclosure to any public body unless the employee has first brought the matter to the attention of a supervisor or the person designated to receive whistleblower complaints and has afforded [Name of School or Parish, or RCAN, as appropriate] a reasonable opportunity to correct the matter. In an emergency situation, this requirement of written notice to a supervisor or person designated to receive whistleblower complaints shall be waived when the employee is reasonably certain that the matter is known to one or more supervisors at [Name of School or Parish, or RCAN, as appropriate] or when the employee reasonably fears physical harm as a result of the disclosure.

## **VI. Distribution and Posting of Notices**

[Name of School or Parish, or RCAN, as appropriate] shall post this policy on its web page and include it in any faculty or employee handbook, if applicable. [Name of School or Parish, or RCAN, as appropriate] shall also conspicuously display notices of its employees' protections, obligations, rights and procedures under the Whistleblower Act, shall annually distribute written or electronic notices to all employees, and shall use other appropriate means to keep its employees informed of protection afforded under New Jersey to whistleblowers. Each notice posted or distributed pursuant to this section shall be in English and Spanish. The notices shall include the name of the person that the [Name of School or Parish, or RCAN, as appropriate] has designated to receive written whistleblower notification pursuant to this policy.

[Date]

# Right to be Free of Gender Inequity or Bias in Pay, Compensation, Benefits or Other Terms and Conditions of Employment

*New Jersey and federal laws prohibit employers from discriminating against an individual with respect to his/her pay, compensation, benefits, or terms, conditions or privileges of employment because of the individual's sex.*

## FEDERAL LAW

Title VII of the Civil Rights Act of 1964 prohibits employment discrimination based on, among other things, an individual's sex. Title VII claims must be filed with the United States Equal Employment Opportunity Commission (EEOC) before they can be brought in court. Remedies under Title VII may include an order restraining unlawful discrimination, back pay, and compensatory and punitive damages.

The Equal Pay Act of 1963 (EPA) prohibits discrimination in compensation based on sex. EPA claims can be filed either with the EEOC or directly with the court. Remedies under the EPA may include the amount of the salary or wages due from the employer, plus an additional equal amount as liquidated damages.

Please be mindful that in order for a disparity in compensation based on sex to be actionable under the EPA, it must be for equal work on jobs the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions.

There are strict time limits for filing charges of employment discrimination. For further information, contact the EEOC at 800-669-4000 or at [www.eeoc.gov](http://www.eeoc.gov).

## NEW JERSEY LAW

The New Jersey Law Against Discrimination (LAD) prohibits employment discrimination based on, among other things, an individual's sex. LAD claims can be filed with the New Jersey Division on Civil Rights (NJDCR) or directly in court. Remedies under the LAD may include an order restraining unlawful discrimination, back pay, and compensatory and punitive damages.

Another State law, N.J.S.A. 34:11-56.1 et seq., prohibits discrimination in the rate or method of payment of wages to an employee because of his or her sex. Claims under this wage discrimination law may be filed with the New Jersey Department of Labor and Workforce Development (NJDLWD) or directly in court. Remedies under this law may include the full amount of the salary or wages owed, plus an additional equal amount as liquidated damages.

Please be mindful that under the State wage discrimination law a differential in pay between employees based on a reasonable factor or factors other than sex shall not constitute discrimination.

There are strict time limits for filing charges of employment discrimination. For more information regarding LAD claims, contact the NJDCR at 609-292-4605 or at [www.njcivilrights.gov](http://www.njcivilrights.gov). For information concerning N.J.S.A. 34:11-56.1 et seq., contact the Division of Wage and Hour Compliance within the NJDLWD at 609-292-2305 or at <http://lwd.state.nj.us>.

***This notice must be conspicuously displayed.***

