PURPOSE:

To outline how RWJBarnabas Health (RWJBH) requires each of its work environments to (a) respect Protected Characteristics, (b) provide equal employment opportunities to all individuals, and (c) be free of harassment, discrimination, and retaliation. This policy also outlines RWJBH’s reporting processes for any concerns and complaints.

POLICY:

RWJBH is committed to a work environment in which all individuals are treated with respect and dignity and believes each individual has the right to work in a professional atmosphere that respects Protected Characteristics, promotes equal employment opportunities, and prohibits discriminatory practices, including harassment. With that goal, RWJBH requires our work environment be free from inappropriate dialogue and conduct. RWJBH will not tolerate any form of unlawful discrimination or harassment and requires our employees to assist in maintaining our workplace goals by using our reporting processes. RWJBH will not tolerate any retaliation for good faith reporting of concerns or complaints.

OUR MANDATES:

Respect Protected Characteristics in All Interactions

RWJBH recognizes that certain individual characteristics are legally protected. These Protected Characteristics include race, creed, color, national origin, ancestry, age, marital status, civil union status, domestic partnership status, affectional or sexual orientation, genetic information (including refusal to submit to a genetic test or make the results of a genetic test available), pregnancy, sex, gender identity or expression, disability, atypical hereditary cellular or blood trait, liability for service in the Armed Forces of the United States, and nationality. Other characteristics may also be or become protected under the laws.

RWJBH requires our employees and all those with whom they have business interactions including, but not limited to other employees, volunteers and medical staff members, to respect Protected Characteristics and comply with our requirements regarding Protected Characteristics. RWJBH will also not tolerate a violation of our Fair Employment Practices by any third party, including vendors, suppliers, contractors, paid and unpaid interns, and other non-employees while those individuals are engaging in services for RWJBH and/or visiting our facilities.
Respect for Protected Characteristics and compliance with RWJBH’s requirements is required not only at our facilities and worksites, but also at and during business-related social events (even if informal), educational programs, business trips, and in social media communications.

Provide Equal Employment Opportunity

RWJBH will afford all employees and applicants equal employment opportunities without regard to Protected Characteristics.

Equal employment opportunity is our mandate for all aspects of employment, including but not limited to, recruitment, hiring, promotion, demotion, assignment, transfer, retention, discipline, termination, layoffs, compensation, benefits, educational and tuition assistance, and social and recreational programs. All employment decisions will be made without consideration of Protected Characteristics, and with legitimate job-related considerations, such as individual qualifications, skills, abilities, competence, and/or performance.

Ensure Freedom From Discrimination and Harassment

RWJBH will not tolerate any discriminatory or harassing conduct.

Discrimination is, broadly, different, or disparate, treatment on the basis of any Protected Characteristic, with regard to terms, conditions, privileges and perquisites of employment.

Harassment may take different forms. It can be verbal, non-verbal, physical, visual or electronic, and may be subtle or obvious. While legally harassment may depend on how pervasive, repeated and extreme the conduct is, RWJBH strives for an environment that is free from all inappropriate dialogue and conduct. Even if the dialogue or conduct is welcome to the recipient, it may be objectively offensive, unwelcome to an unintended recipient, or not in compliance with RWJBH’s requirements. In addition, silence or even participation may not mean that the conduct is welcome, but may only reflect an employee’s discomfort in objecting, deferring to supervisory authority, or some other reason for silence. What is important is how the words or actions are perceived, not what is intended.

RWJBH will also not tolerate any acts of microaggression. Microaggression includes, without limitation, any statement, action, or incident regarded as an instance of indirect or subtle discrimination on the basis of any Protected Characteristic. Acts of microaggression may be verbal, behavioral, or environmental indignities, whether intentional or unintentional, that communicate hostile, derogatory, or negative attitudes toward members of any Protected Characteristic.

Examples of harassing conduct based on a Protected Characteristic include:

1. epithets, derogatory statements and slurs
2. gestures
3. noises  
4. jokes  
5. stereotyping  
6. threatening, intimidating or hostile acts  
7. physical assault or physical interference with normal work  
8. posters, cartoons, drawings, pictures and photographs  
9. gifts  
10. innuendo

Sexual harassment is unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. submission to the conduct is required – that is, it is either explicitly or implicitly a term or condition of employment;  
2. submission to or rejection of the conduct is used as the basis for employment decisions (such as transfer, promotion, reassignment); or  
3. the conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive working environment.

Examples of conduct which could be considered sexual harassment, include:

1. persistent or repeated unwelcome flirting, sexual advances, or pressure for dates  
2. unwanted physical contact including touching, pinching, patting, kissing, hugging, grabbing, brushing against another, rape, sexual battery, molestation or attempts to commit these acts  
3. sexually suggestive comments, jokes, gestures, slurs and innuendoes  
4. sexually oriented, degrading, vulgar or crude language or comments  
5. demeaning, insulting, intimidating or offensive written, recorded or electronically transmitted messages (including through electronic mail, voicemail, text messaging, instant messaging, or blogging on the internet) preferential treatment of an employee, or a promise of preferential treatment to an employee in exchange for sexual conduct  
6. sexually oriented pictures, posters, notes, graffiti or similarly offensive material  
7. sexual stereotyping

Sexual harassment includes any harassment based on someone's sex, gender, sexual orientation (including actual or perceived heterosexuality, homosexuality, bisexuality, and asexuality), sexual identity or transgender status. Sexual harassment can occur between any individuals, regardless of their sex or gender.

Foster Inclusion, Not Exclusion

RWJBH’s Fair Employment Practices should not, and may not, be used as a basis for excluding or separating individuals of a particular gender, or any other Protected Characteristic, from participating in business or work-related social activities or discussions in order to avoid
allegations of discrimination, harassment or retaliation. Our commitment to respect and dignity
for all requires inclusion, not exclusion, regardless of Protected Characteristics.

Commit to An Atmosphere Free of Retaliation

RWJBH will not permit retaliation against any individual who: makes a report or complaint under
this policy in good faith; opposes conduct, interactions, or events that they interpret as contrary to
RWJBH’s Fair Employment Practices policies; or participates or assists in an investigation.

Report Concerns and Complaints:

1. Employees Must Report Concerns and Complaints

   a. Any employee, volunteer, or medical staff member must report any concerns or
      complaints about inappropriate conduct based on Protected Characteristics or
      retaliation, regardless of the offender’s identity or position. RWJBH requires
      individuals who believe they have witnessed or experienced or are aware of
      conduct, interactions, or events that they interpret as contrary to RWJBH’s Fair
      Employment Practices policies to report the conduct to:
         • the employee’s immediate supervisor or
         • if the immediate supervisor is the person whom the employee is reporting,
           that person’s immediate supervisor or
         • the facility Chief Human Resources Officer (CHRO)/designee or
         • the RWJBarnabs Health Compliance HelpLine at 1.800.780.1140.

   b. Any member of management, senior management, or executive level
      management, supervisor or other RWJBH employee who receives a report of a
      concern or complaint or otherwise becomes aware of a potential or actual violation
      of RWJBH’s Fair Employment Practices policies must immediately contact the
      facility CHRO.

   c. Reports may be made orally or in writing.

   d. RWJBH expects good faith in reporting and will not tolerate intentional reporting
      of false concerns or complaints and/or providing of false information in connection
      with the investigation of any concern or complaint.

2. RWJBH Will Investigate the Concerns and Complaints

   a. The facility CHRO will initiate a prompt, impartial and thorough investigation
      of any reported concern or complaint, including of retaliatory conduct.

   b. The investigation may include interviews of the reporting individual and the
      individuals who are the subject of the concern or complaint, as well as any
      individuals who may have observed the alleged conduct or may have other
relevant knowledge; collection of electronic data or information; and physical or visual inspection of facilities or worksites. All investigations will not include all of the same steps.

c. RWJBH requires confidentiality throughout the investigation process to the extent practical and appropriate under the circumstances.

Take Effective Responsive Action

Acts or omissions that threaten or violate RWJBH’s commitment to Fair Employment Practices will be dealt with promptly and appropriately.

Responsive action may include, training, referral to counseling, monitoring of the offender and/or disciplinary action such as warning, reprimand, withholding of a promotion or pay increase, reduction of wages, demotion, reassignment, temporary suspension without pay or termination, or other measures or discipline as RWJBH believes appropriate under the circumstances.

If the act or omission is by an individual that is not an employee, or a third party entity, RWJBH will take appropriate action with that individual or third party to protect our RWJBH community.

If necessary, policies or practices will be reviewed and modified to ensure that they do not violate and instead support RWJBH’s Fair Employment Practices.

Questions about this Fair Employment Practices Policy should be directed to your facility’s CHRO.