PR COUNCIL MEMBER FIRMS’

***SAMPLE*** ANTI-HARASSMENT AND NON-DISCRIMINATION POLICY

**INTENT**

PR Council and its member firms who are signatories to this Anti-Harassment and Non-Discrimination Policy (this “Policy” and each member firm adopting this Policy, “Member Firm”, “we” or “us”) believe it is essential to provide all employees with a respectful and safe working environment. We are committed to providing a work environment that is free of unlawful discrimination or harassment, including harassment that is based on any legally protected status. Consistent with this commitment, we have adopted this ZERO TOLERANCE policy against discrimination and harassment of our employees.

As a result, we don’t tolerate harassment or any mistreatment of employees in the workplace or work-related situations, including unlawful harassment on the basis of the following protected categories:

* race, color, ethnic or national origin;
* age;
* religion or religious creed (or belief, where applicable);
* sex, including pregnancy, childbirth, breastfeeding, or related medical conditions;
* sexual orientation;
* gender, gender identity, gender expression, transgender status, or sexual stereotypes;
* nationality, immigration status, citizenship, or ancestry;
* marital status;
* protected military or veteran status;
* physical or mental disability, medical condition, genetic information or characteristics (or those of a family member);
* status as a victim of domestic violence, sexual assault or stalking; or
* any other basis prohibited under applicable federal, state, or local law.

If Member Firm determines that an employee’s conduct has violated this Policy, Member Firm will take steps to ensure the conduct is effectively addressed, and any employee found to have engaged in harassing conduct may be subject to discipline, up to and including termination.

Because the intent of this Policy is to deter conduct that is unwanted, unreasonable, and demeaning, Member Firm may consider an employee’s conduct to be in violation of this Policy even if it falls short of unlawful discrimination or harassment under applicable law. When determining whether conduct violates this Policy, we consider whether a reasonable person could conclude that the conduct created an intimidating, hostile, degrading, or demeaning environment.

This Policy applies to everyone who works for Member Firm and any of its subsidiaries. Everyone—including individual contributors, managers, and contingent workers—is responsible for following and upholding this Policy. Additionally, we don’t tolerate harassment of employees by non-employees (e.g., contingent workers, guests, vendors, clients, and agency partners), nor do we tolerate harassment of non-employees by employees.

**DISCRIMINATION**

Member Firm strongly believes that employees and applicants for employment should be treated without regard to race, color, religion, national origin, gender, age, marital status, familial status, sexual orientation, gender identity, status as a domestic violence victim, disability, veteran status, genetic information, or any other basis prohibited by applicable law. This applies to all employment practices, including recruiting, hiring, pay, performance reviews, training and development, promotions, and other terms and conditions of employment. Discrimination—whether by another employee, supplier, vendor or customer—is strictly prohibited.

**SEXUAL AND OTHER HARASSMENT**

Sexual harassment, which is harassment specifically based on gender, can take two forms:

* **Hostile Work Environment:**Conduct that has the purpose or effect of unreasonably interfering with an employee’s work performance or creating an intimidating, hostile, or offensive working environment; and
* **Quid Pro Quo Harassment:**Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when submission to such conduct is made either explicitly or implicitly a term or condition of an employee’s employment, or when submission to or rejection of such conduct by an employee is used as the basis for employment decisions affecting that employee.

Sexual harassment can happen regardless of the individuals’ gender, gender identity, or gender expression and can, for example, occur between same-sex individuals as well as between opposite-sex individuals, and does not require that the harassing conduct be motivated by sexual desire.

Harassment on the basis of any other protected characteristic is also strictly prohibited. Under this Policy, harassment is verbal, written or physical conduct that denigrates or shows hostility or aversion toward an individual because of his or her protected characteristic, and that: a) has the purpose or effect of creating an intimidating, hostile or offensive work environment, b) has the purpose or effect of unreasonably interfering with an individual’s work performance, or c) otherwise adversely affects an individual’s employment opportunities.

**EXAMPLES OF HARASSMENT**

Harassment can range from extreme forms such as violence, threats, or physical touching to less obvious actions like ridiculing or teasing.

 For example, harassment may include the following types of conduct:

* derogatory or insensitive jokes or pranks;
* slurs or epithets, ridiculing, demeaning or offensive comments;
* unwelcome sexual advances or invitations (regardless of whether they involve touching);
* innuendos or veiled threats;
* non-verbal behavior such as staring, leering, or gestures;
* displaying or sharing derogatory or sexual images such as posters, videos, photos, cartoons, screensavers, or drawings, including displaying such content at one's own work area, computer, or mobile device;
* making or sharing derogatory or offensive written comments including via email, text message, or social media online post;
* written or oral references to sexual conduct, gossip regarding one’s sex life, comments or questions about an individual’s sexual activity;
* offensive comments about appearance, or other personal or physical characteristics, such as sexually charged comments or comments on someone's physical disability;
* unnecessary or unwanted bodily contact such as groping or massaging, blocking normal movement, or physically interfering with the work of another individual; or
* threats or demands that a person submit to sexual requests as a condition of continued employment or to avoid some other loss, and offers of employment-related benefits in return for sexual favors.

This list of examples is not exhaustive, and there may be other behaviors that constitute unacceptable harassment under the Policy.

“I was joking” or “I didn’t mean it that way” are not defenses to allegations of harassment.  Nor is being under the influence of alcohol or other substances. This Policy applies to conduct at work and at work-related social events, office parties, off-sites, and client entertainment events. Employees are expected to be particularly careful about what they say and do in these circumstances.

For California-based employees: To learn more about sexual harassment, see the [California Department of Fair Employment and Housing’s information sheet](https://www.dfeh.ca.gov/wp-content/uploads/sites/32/2017/06/DFEH_SexualHarassmentPamphlet.pdf).

**BULLYING**

Member Firm does not tolerate abusive conduct, bullying or other intimidating or aggressive behavior among employees or others covered by this Policy, whether or not it is based on a protected category. If an employee is found to be mistreating his or her colleagues, we will take appropriate action to stop the behavior. If you would like to report behavior that you believe is bullying, you may use the same reporting procedures outlined below.

**REPORTING PROCEDURES**

Managers at Member Firm are required to promptly (ideally, within 24 hours) report any violation or suspected violation of this Policy. Any employee who believes he or she has been harassed, or has witnessed or heard about a potential violation of this Policy, should report the conduct so that we can take steps to remedy any violations of the Policy.

If you suspect harassment, discrimination, or retaliation (see our Policy Prohibiting Retaliation below) has occurred, you are encouraged (and managers are required) to promptly provide a written or oral complaint to [INSERT INFORMATION FOR AT LEAST TWO DESIGNATED REPORTERS i.e. human resources or the whistleblower hotline].

When possible, a complaint should include details of the incident or incidents, names of individuals involved, and names of any witnesses.

***Supervisors and managers who receive a complaint of, or learn of, information that suggests this Policy may have been violated are required to promptly (ideally within 24 hours) forward that complaint to the human resources team, and will be subject to discipline for failing to timely report. As soon as reasonably possible, Member Firm will investigate any allegations and take appropriate remedial action.***

We will keep all complaints confidential to the extent possible while still fulfilling our obligation to investigate and end any harassing conduct.

**INVESTIGATION PROCESS**

Upon learning of conduct requiring further review, qualified investigators will complete thorough investigations in a timely and impartial manner.

All persons to whom a complaint is made or who learn of a complaint as part of a Member Firm investigation must do everything reasonably possible to keep the complaint confidential in order to preserve the integrity of the investigation while it is ongoing, to ensure fairness to all involved, and to protect the privacy of employees who have brought complaints or are accused of misconduct.

Employees must cooperate and provide truthful information in an investigation.

Nothing in this Policy is to be construed as a guarantee of absolute confidentiality or intended to curtail employee rights under the law to discuss work-related matters. Disclosure of information learned through the complaint process and the investigation will be limited to disclosures that are necessary for Member Firm to fulfill its legal obligations to investigate and take prompt action to end harassment.

**POLICY PROHIBITING RETALIATION**

We recognize that employees may find it difficult to raise complaints about harassment, so we have a policy meant to encourage employees to come forward with their concerns without fear of retaliation. It is against Member Firm policy (and may be unlawful) for any employee to retaliate against another for his or her participation in the complaint process.

 Retaliation is when someone penalizes another person for any of the following:

* Reporting what he/she believes in good faith to be harassment and/or a violation of this Policy;
* Expressing an intent to report what he/she believes in good faith to be harassment and/or a violation of this Policy;
* Assisting another employee in an effort to report harassment and/or a violation of this Policy; or
* Participating in any investigation under this Policy.

Retaliating against a co-worker who made a complaint or otherwise participates in the investigation process is grounds for discipline, up to and including termination. False and malicious complaints of harassment, discrimination or retaliation (as opposed to complaints that, even if erroneous, are made in good faith) may be the subject of appropriate disciplinary action.

If you have questions about this Policy, please contact [the organization’s human resource team].

The Federal Equal Employment Opportunity Commission (EEOC) and the California Department of Fair Employment and Housing (DFEH) investigate and prosecute complaints of prohibited harassment, discrimination and retaliation in employment. If you think you have been harassed or discriminated against, or that you have been retaliated against for resisting, complaining or participating in an investigation, you may file a complaint with the appropriate agency. The nearest office can be found by visiting the agency websites at www.dfeh.ca.gov and [www.eeoc.gov](http://www.eeoc.gov).

**Code of Conduct For Third Party Relations**

This Code also applies to individuals who do business with Member Firm, who are present on Member Firm’s premises, or who interact with any employee of Member Firm while the employee is on duty. Member Firm does not tolerate harassment of employees by non-employees (e.g., contingent workers, guests, vendors, clients and partners), nor do we tolerate harassment of non-employees by employees. Member Firm employees and others employed by its member firms are prohibited from discriminating against or harassing vendors, suppliers, customers and other third parties, including harassment that is based on any legally protected status, both in the course of work-related activities and at Member Firm-sponsored trainings and functions. Third parties are likewise expected to foster an environment free from harassment and discrimination in accordance with the values and guidelines set forth in this Policy. Accordingly, Member Firm will not tolerate any discrimination or harassment of Member Firm employees by vendors, suppliers, customers and other third parties who transact business or otherwise interact with Member Firm. Management who witness or receive reports of discriminatory or harassing behavior are required to take appropriate action, including immediately reporting such behavior directly to the appropriate manager, director or supervisor.