

UTAH DEPARTMENT OF HEALTH AND HUMAN SERVICES POLICY AND PROCEDURES		
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WORKPLACE HARASSMENT AND ABUSIVE CONDUCT		
<p><b>RATIONALE:</b> Utah's Department of Health and Human Services is committed to providing its employees, clients and customers with a safe and productive work environment, free from workplace harassment based on race, ethnicity, color, religion, sex, national origin, age, disability, sexual orientation, gender identity, or any other protected class. The purpose of this policy is to foster a diverse and equitable working environment free from workplace harassment and to comply with state and federal anti-discrimination laws.</p> <p><i>Related Policies, Applicable Standards, Statutes: R477-15, R477-16, Governor's Executive Order 2019-1, Office of Civil Rights Discriminatory Harassment Policy</i></p>		
Original Effective: July 1, 2022	Revision: October 24, 2022	Next Review Due: October 24, 2025

## I. DESCRIPTION

This workplace harassment and abusive conduct policy provides instruction on how to identify, prevent, investigate, and address harassment in the workplace. This policy supersedes any previous department policy governing this subject matter.

## II. DEFINITIONS

The following terms are defined for this policy as:

- A. **Abusive conduct:** Includes physical, verbal, or nonverbal conduct, such as discriminatory or derogatory remarks, insults, or epithets (descriptive word or phrase) made by an employee that a reasonable person would determine was intended to cause intimidation, humiliation, or unwarranted distress; exploits a known physical or psychological disability or results in substantial physical or psychological harm caused by intimidation, humiliation or unwarranted distress.
- B. **DHHS:** The Utah Department of Health and Human Services and any operational unit within.
- C. **DHRM:** Division of Human Resource Management within the Utah Department of Government Operations.

- D. **OU:** Operational units within DHHS, including divisions, offices or standalone operations whose director reports to the executive director, a deputy director, an assistant deputy director, or a division director.
- E. **Protected activity:** Opposition to discrimination or harassment, or participation in proceedings covered by the federal or state anti-discrimination statutes.
- F. **Supervisor:** an individual in a position that normally directs day to day job activity such as assigning work, approving time records, and considering leave requests.
- G. **Tangible employment action:** a significant change in employment status, such as dismissal, demotion, failure to promote, work reassignment, or a decision which changes benefits.
- H. **Workplace harassment:** Conduct that is unwelcome, pervasive, demeaning, ridiculing derisive, or coercive, and results in a hostile, offensive, or intimidating work environment; or that results in a tangible employment action against the harassed employee. Workplace harassment must be based on race, religion, national origin, color, sex, age, disability, pregnancy, sexual orientation, gender identity, or protected activity or class under state or federal law.

### III. POLICY

- A. DHHS prohibits workplace harassment and abusive conduct. DHHS employees shall comply with DHRM Rule R477-15 and R477-16, along with all other federal and state statutes, rules, standards, policies and procedures that prohibit workplace harassment and abusive conduct. Any violation of those statutes or rules is also a violation of this policy.
- B. DHHS employees shall complete respect in the workplace training, provided by DHRM, upon hire and at least every two years thereafter.
  - 1. Additionally, DHHS supervisors are required to complete respect in the workplace for supervisors training every two years.
- C. DHHS employees shall be free from retaliation for filing or participating in a workplace harassment and/or abusive conduct complaint.

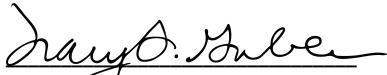
### IV. PROCEDURE

- A. DHHS employees shall follow DHRM Rule R477 -15 -3 to file a workplace harassment complaint.
- B. DHHS employees shall follow DHRM Rule R477-16-2 to file an abusive conduct complaint.
- C. DHHS executive director or designee shall:
  - 1. Ensure access to a complaint system for individuals consistent with rules issued by DHRM and the Equal Employment Opportunity Commission guidelines; and

2. Provide a means for all employees to complete required workplace harassment and abusive conduct prevention training provided by DHRM and other training as assigned by DHHS.
- D. All DHHS supervisors shall ensure their direct reports complete the workplace harassment prevention and abusive conduct training, and other training as assigned by DHHS that informs them of this policy. This shall occur upon hire and at least every two years.

## **V. EXCEPTIONS**

- A. This policy does not supersede any civil rights or other legal actions to which the employee is entitled. This includes the option of going directly to DHRM, Utah Antidiscrimination and Labor Division (UALD), and/or Equal Employment Opportunity Commission (EEOC).

  
Tracy S. Gruber

Utah Department of Health and Human Services Executive Director

**October 24, 2022**

Date