

The Idaho Department of Fish and Game considers the following document to be an agency guidance document for purposes of Idaho Executive Order 2020-002. The guidance document is not new law; it is the Department's interpretation or implementation of existing law.

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IDAHO DEPARTMENT OF FISH AND GAME

Respectful Workplace and Harassment POLICY NO.: HR-4.0

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POLICY STATEMENT

The Idaho Department of Fish and Game (Department) is committed to providing a safe and respectful work environment for its employees, vendors, contractors, visitors and other customers. The goal is to provide a workplace where employees can feel reasonably safe and where they are treated fairly, creating the freedom to focus on getting work done.

- A.** A respectful workplace supports the physical, psychological and social well-being of all employees. In a respectful workplace:
1. Employees are valued and communication is polite and courteous
 2. The dignity of each and every person is respected
 3. People are treated as they wish to be treated
 4. Disrespectful behaviors are not tolerated and are addressed by all employees
- B.** It is the policy of the Department that all employees have a right to work in an environment that is free from discriminatory harassment based on race, color, religion, sex, national origin, disability, age and genetic information. Sexual or other illegal or discriminatory harassment of any employee of the Department is prohibited by the policy of the Department. Additionally, harassing, bullying and/or discriminatory behavior that is not based on an individual's membership in a protected class (e.g. political affiliation, socio-economic factors, marital status, sexual orientation, etc.) but is inappropriate and/or disrespectful is a violation of policy. It is also against policy to participate in workplace bullying. Workplace bullying is the repeated mistreatment of one or more employees with intent to humiliate, intimidate and/or sabotage performance.
- C.** This policy applies to all employees of the Department at all levels in the organization, as well as to non-employee who have contact with employees during working hours. The Department prohibits any form of harassment and workplace bullying and will take immediate and appropriate action to prevent and to correct behavior that violates this policy. All employees are expected to treat their co-workers with courtesy, respect and dignity. Employees are encouraged to bring forward concerns related to this policy and are assured of non-retaliation. The Department will investigate and take corrective action whenever there is reason to believe that discrimination and/or harassment are present. The prohibitions of harassing behavior apply to peer relationships, as well as to employment relationships of a superior/subordinate nature. Harassment by nonemployees: suppliers, independent contractors, or customers is of equal concern and shall be investigated and all possible corrective action taken. Any employee, supervisor, or manager who is made aware of an alleged incident of sexual or other harassment shall bring the matter to proper resolution by taking action in accordance with the procedures in this policy. Managers and supervisors are especially charged with the responsibility of ensuring compliance with this policy and modeling appropriate behaviors. Employees are expected to refrain from conduct that may be reasonably considered offensive to others.



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D. General Information

1. All employees should avoid any action or conduct that might be viewed as violating the Department's expectations as it pertains to standards of a respectful workplace. Approval of, participation in or apparent acceptance of conduct constituting violations of a respectful workplace will be considered a violation of this policy.
2. If the Department determines that workplace harassment has occurred on the basis of sex, race, age, color, national origin, religion, or disability, corrective action will be taken. Depending upon the circumstances, this corrective action may include, but would not be limited to, verbal or written reprimand, suspension, demotion or dismissal.

a. Discrimination

Employment discrimination is unfair treatment or denial of normal privileges of employment based on race, national origin, color, sex, age, religion, or disability.

b. Harassment

Harassment is unwelcome physical or verbal conduct which denigrates or shows hostility or aversion toward an individual based on race, national origin, color, sex, age, religion, or disability. Harassment becomes unlawful when:

- 1) It has the purpose or effect of creating an intimidating, hostile, or offensive working environment.
- 2) It has the purpose or effect of unreasonably interfering with an individual's work performance.
- 3) It otherwise adversely affects an individual's employment opportunities.

E. Sexual Harassment

The Department recognizes that there is a difference between occasional compliments of a socially acceptable nature, and behavior that is not welcome, that is personally offensive, that lowers morale, and interferes with work effectiveness. Unwelcome sexual advances, requests for sexual favors, unwelcome sexual epithets, innuendoes, advances, references, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. Submission to such conduct is made an explicit or implicit 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 such individual.
3. Such conduct has the purpose or effect of unreasonable interference with an individual's work performance or creating an intimidating, hostile, or offensive working environment.



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F. Examples of sexual harassment include, but are not limited to:

1. Verbal:
 - a. Sexual innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, threats.
 - b. Using crude, offensive, or demeaning language
2. Nonverbal:
 - a. Calendars, pictures, any inappropriate object that can be clearly seen
 - b. Harassing and/or inappropriate messages sent through email, text message, social networking sites etc.
3. Physical:
 - a. Unnecessary and/or unwarranted touching.

G. Other Workplace Harassment and/or Discrimination

Discriminatory harassment based on race, color, religion, sex, national origin, disability, age and genetic information is conduct that denigrates or shows hostility or aversion toward an individual and includes, but is not limited to the following: epithets, slurs, negative stereotyping, or inappropriate jokes and comments.

H. Third-Party Harassment: Includes two types of situations

1. Non-Employees. The Department may also be responsible for the acts of non-employees, with respect to harassment of employees in the workplace, where the Department knows or should have known of the conduct and fails to take immediate and appropriate corrective action.
2. Employees. The Equal Employment Opportunity Commission (EEOC) defines third-party harassment as employees who themselves are not the target of harassment, but who either lose job benefits to others who submit to harassment or are not harassed themselves but must work in an atmosphere where such harassment is pervasive.

I. Bullying

1. Workplace bullying refers to repeated, unreasonable actions of individuals (or a group) directed towards an employee (or a group of employees), which is intended to humiliate, intimidate and/or sabotage performance.
2. Workplace bullying is behavior that harms, intimidates, offends, degrades or humiliates an employee, possibly in front of other employees, clients, or customers. Workplace bullying may cause the loss of trained and talented employees, reduce productivity and morale and create legal risks. Bullying examples include, but are not limited to:
 - a. Invalid criticism
 - b. Malicious gossip



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- c. Verbal abuse and profanity, humiliation, insults
- d. Being the target of practical jokes

J. Investigations

1. Investigation of a complaint will normally include conferring with the parties involved and any names or apparent witnesses. All employees shall be protected from coercion, intimidation, retaliation, interference, or discrimination for filing a complaint or assisting in an investigation.
2. If the investigation reveals that the complaint is valid, prompt attention and disciplinary action designed to stop the harassment or discrimination immediately and to prevent its recurrence will be taken.

K. Retaliation

Any type of retaliation against any complaining employee, any witness, or anyone involved in a complaint is strictly prohibited. The Department will follow up any complaint or investigation as appropriate to assure that no retaliation occurs. Employees should immediately report any retaliation under the complaint procedure set forth in this policy. The Department will not tolerate retaliation and will take prompt and immediate steps to eliminate retaliation.

L. Who is Protected

1. All employees have a right to complain about harassment without fear of retaliation. The Department will initiate a prompt investigation and, if evidence of harassment and/or discrimination is found, appropriate action to stop the harassment and/or discrimination will be taken.
2. The Department strives to be a fair and equitable place to work and will not knowingly tolerate any employee being retaliated against for voicing a complaint. Additionally, federal and state laws forbid retaliation against an employee who opposes harassment. The Idaho Human Rights Commission is the State agency that investigates complaints of unlawful discrimination, including harassment. The EEOC is the Federal agency that investigates complaints regarding unlawful discrimination, including harassment.

M. Procedure

1. Employees have the responsibility to bring any form of prohibited conduct to the attention of the Department immediately. Any employee who has a complaint of sexual or other discriminatory harassment should report the alleged act immediately to any supervisor, manager, Bureau Chief, Regional Supervisor or Human Resource Officer. Even if you don't find the conduct personally offensive, others in the workplace may be offended. Supervisors and managers are responsible for immediately contacting Human Resources.



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2. All complaints will be handled in a timely and confidential manner. A thorough and independent investigation will be conducted based on the employee's statement of what has occurred. Individuals involved in the complaint, including all witnesses, will be advised not to discuss the subject outside of the investigation. The Department will retain confidential documentation of all allegations and investigations and will take appropriate corrective action to remedy all violations of this policy. Allegations of harassment often involve sensitive disclosures. Confidentiality allows the complainant to feel free to come forward, protects reputations, ensures a fair and impartial investigation and limits disruption in the workplace.

N. An employee who believes he/she has been harassed should

1. Inform others when their behavior is offensive and unwelcome and ask the harasser to stop. *(Note: Employees are encouraged, but in no way required, to inform others when their conduct is offensive. This affords an opportunity for immediate resolution. Sincere apologies can go a long way toward preserving good work relations.)*
2. Report the incident immediately to his/her direct supervisor, or any manager, Bureau Chief, Regional Supervisor, and/or the Human Resource Officer in the most confidential and direct means possible.
3. The employee may elect to utilize the Department's Problem Solving Procedure for sexual harassment and other forms of discrimination. However, once a complaint of harassment has been received by the Human Resource Officer, the requirements outlined in this policy will also be implemented.
4. The employee may elect to file a complaint with the Idaho Human Rights Commission and/or the EEOC, rather than utilize this investigative process.

O. Supervisor's Role

1. Supervisors should foster a respectful work environment free of harassment and assure that employees are aware that victims of harassment are encouraged to come forward and are protected from retaliation. Supervisors are required to address and report harassment that they are aware is occurring, even if a complaint is not made.
2. If a complaint is brought to the supervisor's attention, the supervisor should immediately contact the Human Resource Officer (or a Deputy Director or Director, if the complaint involves the Human Resources Officer; or the Deputy AG, if the complaint involves the Director).



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P. Human Resources Role

1. Human Resources shall fully inform the complainant of his/her rights and will work with Legal Services to conduct a prompt, comprehensive and objective investigation of the complaint:
 - a. The complaining employee, the alleged offender, and any witnesses to the alleged conduct or victims of similar conduct that the employer has reason to believe may exist will be interviewed.
 - b. At the completion of the investigation, the resulting determination will be recorded and discussed with the complaining employee, the alleged offender and (where appropriate) others directly involved; however, details of any specific employment actions taken will not be discussed.

Q. Human Resources shall recommend a prompt and effective remedy

1. If it is determined that harassment did occur, disciplinary action (commensurate with the severity of the offense) against the offender will be recommended to management in accordance with the disciplinary policy; and the complainant will be informed that action was taken, but details regarding the action will not be shared.
2. Reasonable and appropriate action will be recommended to remedy the complainant's loss, if any, resulting from the harassment.
3. Safeguards, where possible, will be put in place to assure that no further harassment of the complainant occurs, whether by managers, co-workers or non-employees, and no form of retaliation against the complainant will be tolerated.

In addition, Human Resources will assure that employee notification postings, complying with both Federal and State laws, are visible in an area readily accessible by all staff; the Department will make this policy available for review through the WIRE. Human Resources will also ensure that employees are regularly made aware of the expectations of a respectful workplace. All new employees will be provided training and be required to review this policy as part of new employee orientation.