



Terms and Conditions for Employee Manual Clauses

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HARASSMENT

Example 1

[Company] intends to provide a work environment that is pleasant, healthful, comfortable, and free from intimidation, hostility or other offenses, which might interfere with work performance. Harassment of any sort – verbal, physical, visual will not be tolerated.

Harassment can take many forms. It may be, but is not limited to: words, signs, jokes, pranks, intimidation, physical contact, or violence. Harassment is not necessarily sexual in nature.

Sexually harassing conduct may include unwelcome sexual advances, requests for sexual favors, or any other verbal or physical contact of a sexual nature that prevents an individual from effectively performing the duties of their position or creates an intimidating, hostile or offensive working environment, or when such conduct is made a condition of employment or compensation, either implicitly or explicitly.

All [company] employees, and particularly managers, have a responsibility for keeping our work environment free of harassment. Any employee, who becomes aware of an incident of harassment whether by witnessing the incident or being told of it, must report it to their immediate manager or any management representative with whom they feel comfortable. When management becomes aware that harassment might exist, it is obligated by law to take prompt and appropriate action, whether or not the victim wants the company to do so.

Any incidents of harassment must be immediately reported to a manager or other management representative. Appropriate investigation and disciplinary action will be taken. All reports will be promptly investigated with due regard for the privacy of everyone involved. Any employee found to have harassed a fellow employee or subordinate will be subject to severe disciplinary action or possible discharge. [Company] will also take any additional action necessary to appropriately remedy the situation. No adverse employment action will be taken for any employee making a good faith report of alleged harassment.

[Company] accepts no liability for harassment of one employee by another employee. The individual who makes unwelcome advances, threats or in any way harasses another employee is personally liable for such actions and their consequences. [Company] will not provide legal, financial or any other assistance to an individual accused of harassment if a legal complaint is filed.

Example 2

[Company] looks upon harassment as a very serious transgression. If it should happen, a complete investigation and further dismissal of the perpetrator may result. Reports of harassment are taken very seriously at [company] and any reports are confidential.

② Quid pro quo sexual harassment is an act by the perpetrator in which he or she physically or verbally asks for sexual favors in exchange for workplace benefits from a subordinate, or punishes the subordinate for rejecting the offer.

② Hostile environment harassment is when the perpetrator through language or conduct, creates an intimidating or hostile working environment for other individuals.

If an employee feels another person while at work has harassed them, they are encouraged to report the incident to a manager or human resource representative. After the report is made, [company] will conduct a further investigation on the report. Disciplinary action and termination may result if an employee is found to have violated company policy.

Example 3

[Company] is committed to providing a work environment that is free of discrimination and unlawful harassment. All associates, male and female, are strictly prohibited from sexually harassing or making improper advances toward any other associate, guest or vendor. Actions, words, jokes or comments based on an individual's sex, race, ethnicity, age, religion or any other legally protected characteristic will not be tolerated.

Anyone who violates this policy could be subject to appropriate disciplinary action, up to and including immediate termination. If you believe you have been the victim of harassment, or know of another employee who has, report it immediately to your supervisor or the General Manager so that a thorough investigation can be started to address the situation.

Employees should feel free and sure to raise concerns and make reports without fear of reprisal.

Example 4

Harassment-Free Workplace Policy

[Company] strives to treat our team members as our most important asset. We expect our team members to observe the highest standards of conduct while on property. Our organization is committed to providing and maintaining a work environment that is free from discrimination, including harassment, on the basis of gender, color, race, ancestry, religion, national origin, age, disability, medical condition, marital status, sexual orientation or other group status. [Company] WILL NOT tolerate any form of harassment against any team member by anyone, including fellow team members, vendors, or guests. All [company] team members are expected to avoid any behavior or conduct that could be interpreted as harassment, and to notify management if they experience or witness any offensive behavior or conduct.

[Company] recognizes two forms of harassment; quid pro quo and hostile working environment. Definitions of these are as follows:

- ② Quid Pro Quo – occurs when victim is asked for sexual favors in exchange for beneficial treatment in the workplace, or is punished for rejecting the offer
- ② Hostile Working Environment – occurs when a intimidating or hostile working environment is created surrounding the victim through language or conduct

If any team member experiences or witnesses any conduct of this nature, [company] encourages and expects them to notify the Director of Human Resources, their supervisor, or their department head. Our company expects our team members to make their concerns known to management. All reports will be fully investigated by the company and confidentiality will be preserved to the extent the investigation permits. If any complaint is found to have merit, corrective action will be taken immediately. This may warrant disciplinary action up to and including the termination of the offender from their employment agreement with the company. Any team member who submits a complaint will be protected from retaliatory action by the company. If the

team member feels that they have been retaliated against they are to notify the Director of Human Resources, their supervisor, or their department head.

Example 5

[Company] is committed to providing a work environment that is free of discrimination and unlawful harassment. Actions, words, jokes or comments based on an individual's sex, race, ethnicity, age, religion or any other legally protected characteristic will not be tolerated.

If you believe that you have been the victim of harassment, or know of another employee who has, report it immediately. Employees can raise concerns and make reports without fear of reprisal.

Any supervisor who becomes aware of possible harassment should promptly advise their manager or the human resources department who will handle the matter in a timely and confidential manner.

Example 6

Harassment/Grievance/Complaint

We have a zero tolerance policy towards harassment of any kind. This includes sexually suggestive photographs, jokes, vulgar language, and/or creating in any way a hostile working environment. We will deal swiftly and confidentially with any complaints of harassment. The process for filling grievances and complaints is as follows:

- ② Employee should approach a member of the management team (including the general manager) about their concern or complaints
- ② Employee will then be asked to fill out an Investigation Consent form
- ② If the employee later decides to withdraw their complaint, they must fill out a Request For No Further Action form
- ② The management will promptly and thoroughly investigate all complaints (including informal complaints)
- ② Immediate corrective action will occur to effectively stop the harassment
- ② Provision will be made if necessary, to remedy victims for any harassment
- ② Preventative measures, such as formal sensitivity training classes, will be provided in order to inhibit future recurrences
- ② Complainant will be asked to fill out a Resolution of Complaint form in order to ensure their understanding and agreement of the measures taken by management to resolve their complaint

Example 7

[Company] is committed to a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits discriminatory practices, including harassment. Therefore, [company] expects that all relationships among persons in the workplace will be business-like and free of bias, prejudice and harassment.

Definitions of Harassment

Sexual harassment constitutes discrimination and is illegal under federal, state and local laws. For the purposes of this policy, sexual harassment is defined, as in the Equal Employment Opportunity Commission Guidelines, as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when, for example; (i) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (ii) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual or, (iii) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Sexual harassment may include a range of subtle or not so subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include, but are not limited to: unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess or sexual deficiencies; leering, catcalls or touching; insulting or obscene comments or gestures; display or circulation in the workplace of sexually suggestive objects or pictures; and other physical, verbal or visual conduct of a sexual nature. Sex-based harassment may also constitute discrimination if it is severe or pervasive and directed at employees because of their sex.

Harassment on the basis of any other protected characteristic is also strictly prohibited. Under this policy, harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, national origin, age, disability, pregnancy or any other characteristic protected by law or that of his/her relatives, friends or associates and that: (i) has the purpose or effect of creating an intimidating, hostile or offensive work environment; (ii) has the purpose or effect of unreasonably interfering with an individual's work performance; or (iii) otherwise adversely affects an individual's employment opportunities.