

SAMPLE POLICY

No Harassment

DISCLAIMER

This sample policy is not legal advice or a substitute for consultation with knowledgeable and qualified legal counsel.

Baker McKenzie assumes no responsibility or liability for the contents of this generic policy, the only purpose of which is to illustrate some of the issues pertaining to employee social media policies in the U.S.

Employee social media laws may vary based on jurisdiction. Federal, state, and/or local law may apply depending on the location of the company, its operations, and its employees. While these laws are often similar, their differences can be material. The following sample policy does not account for the differences in applicable federal, state, and/or local law. This sample policy also does not account for changes in legislation, judicial and administrative precedent, or other developments and/or interpretations of applicable law.

Additionally, what are considered "best practices" for Company A may not be "best practices" for Company B. To be effective, an employee social media policy should not be a "cookie cutter" or a "one size fits all" policy. It should be tailored to the organization, and account for the company's specific workforce, operations, and industry.

THIS SAMPLE POLICY SHOULD NOT BE RELIED ON OR IMPLEMENTED AS A LEGALLY-COMPLIANT POLICY WITHOUT CONSULTATION FROM LEGAL COUNSEL.

It is Company policy to treat all employees with respect and dignity and to maintain a working environment free from harassment. The Company maintains a strict policy of "zero-tolerance" with respect to unlawful employee harassment, including racial, color, religious, national origin, sexual, age, disability, genetic information, military status, or other harassment based on a legally-protected status.

SEXUAL HARASSMENT DEFINED

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

1. Submission to such conduct is made either an explicit or implicit condition of employment or is used as the basis for an employment decision affecting the harassed employee; or
2. The harassment is severe or pervasive such that it unreasonably interferes with an employee's work performance or creates an intimidating, hostile or offensive working environment.

Sexually harassing behavior may include sexual propositions, sexual innuendo, suggestive comments, sexually oriented kidding, teasing or practical jokes, jokes about gender-specific traits, obscene language or gestures, display of obscene printed or visual material, and physical contact such as patting, pinching, or brushing against another person's body.

OTHER HARASSMENT DEFINED

Harassment on the basis of race, color, religion, national origin, age, disability, genetic information, military status, or other legally-protected status is defined as unwelcome verbal or physical conduct, when:

1. Submission to such conduct is made either an explicit or implicit condition of employment or is used as the basis for an employment decision affecting the harassed employee; or
2. The harassment is severe or pervasive such that it unreasonably interferes with an employee's work performance or creates an intimidating, hostile or offensive working environment.

If you believe you have been harassed by any Company employee or by non-Company personnel on Company premises, or while on Company business, you should promptly report the facts of the incident(s) and name(s) of the individual(s) involved to your supervisor or the Human Resources Department. If the complaint involves someone in your direct line of supervision, then you may go to another supervisor or the Human Resources Department with the complaint. Supervisors who observe incidents of harassment or receive complaints of harassment must notify the Human Resources Department immediately.

Complaints of harassment are taken seriously and will be investigated promptly. Employees are required to cooperate in any investigation and there will be no retaliation against any person who reports an incident of harassment or participates in the investigation of a complaint. The Company will take appropriate action, up to and including termination of employment, to remedy violations of this policy.

If, after investigating any complaint of harassment or unlawful discrimination, the Company determines that an employee has knowingly provided false information regarding the complaint, disciplinary action may be taken against the individual who gave the false information up to and including termination of employment.

All information with regard to harassment investigations will be kept confidential and shared only with those who have a need to know.

IMPORTANT NOTICE TO ALL EMPLOYEES: Employees who have experienced conduct they believe is contrary to this policy have an obligation to take advantage of this complaint procedure. An employee's failure to fulfill this obligation could affect his or her rights in pursuing legal action.

If you have any questions about this policy, please ask your supervisor or contact the Human Resources Department.

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