



Board of Industrial Insurance Appeals Anti-Discrimination, Harassment, and Sexual Harassment Policy

This policy applies to all Board of Industrial Insurance Appeals (BIIA) employees, and contractors. For represented employees, the collective bargaining agreement will supersede any provisions of this policy with which it conflicts.

1. Purpose

The purpose of this policy is to confirm the BIIA's commitment to achieving inclusivity and respect in our work environment by ensuring that employees are treated respectfully and are free from discrimination and harassment, including sexual harassment.

2. Policy

Discrimination, harassment, and sexual harassment of any kind are prohibited by law. They will not be tolerated. It is the responsibility of all employees and contractors to foster and maintain a welcoming, inclusive, professional, and safe workplace.

Ensuring equal employment opportunity is a vital responsibility for all of us at the BIIA. Therefore it is a violation of policy to (1) discriminate in the provision of employment opportunities, benefits or privileges; (2) create discriminatory work conditions; or (3) use discriminatory evaluative standards in employment if the basis of that discriminatory treatment is, in whole or in part, based on membership in a protected class, or retaliation for assisting in the investigation of a complaint.

In addition to the conduct outlined in our respectful work environment policy, harassment based on a protected class is prohibited. Harassment is when, based on membership in a protected class, an employee must endure offensive conduct as a condition of continued employment or when the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile or abusive. Types of harassment that fall within this category include, but are not limited to the following:

- Sexual harassment
- Gender-based harassment
- Racial and/or ethnic harassment
- Age-based harassment
- Disability-based harassment
- Sexual orientation harassment
- National origin harassment
- Religion-based harassment

For example, with regard to sexual harassment, it is prohibited to harass a person (an applicant or employee) because of that person's sex, gender identity or gender expression. The BIIA will not tolerate sexual harassment of any kind. This includes unwelcome sexual advances, unwelcome requests for sexual favors or unwelcome other verbal or physical conduct of a sexual nature. Such behavior constitutes sexual harassment when it explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment.

Sexual harassment can occur in a variety of circumstances. The victim as well as the harasser may be any gender. The harasser can be the victim's supervisor, a supervisor in another area, a coworker, a contractor or other agent of the employer or a nonemployee such as a client or a customer. The victim does not have to be the person harassed, but could be anyone affected by the offensive conduct even if unintended by the perpetrator. Behaviors that may lead to sexual harassment can include, but are not limited to, gestures, innuendos, jokes or playful banter.

3. Directives

All employees regardless of position are responsible for:

- Reading and complying with this policy.
- Requesting an interpretation of the policy from their supervisor if they are unsure whether any of their behaviors or circumstances may not be in accordance with the policy.
- Treating all other employees in a manner consistent with this policy and without discrimination, harassment, or sexual harassment.
- Considering being an ally for those facing discrimination, harassment, and sexual harassment by speaking up when this behavior is observed and/or reporting any violations of this policy.
- Taking sexual harassment awareness and prevention training within six months of hire and at least once every three years.

In addition to the above, all supervisors and managers are responsible for:

- Providing, with appropriate assistance from the Human Resources Office (HR), interpretations to employees about potential breaches of the policy.
- Leading by example. Creating and maintaining a workplace free from discrimination, harassment and sexual harassment.
- Watching for signs and symptoms of violations of this policy, including changes in employee behavior and conduct, and being proactive in addressing them when noticed.
- Not condoning or ignoring violations of this policy, or giving employees the impression that they are.
- Documenting, reporting and responding in an appropriate and timely fashion to incidents of discrimination or harassment toward employees, applicants, or persons having business with the BIIA.
- Maintaining the confidentiality of all such reports to the extent provided/allowed by law.

- Taking sexual harassment awareness and prevention for supervisors training within six months of hire and at least once every three years.

The directives indicated here are not optional, and failure to follow them may lead to discipline, up to and including termination. In addition, these directives and the goals will be used in annual evaluations for supervisors as a specific competency required for satisfactory job performance. Supervisors will be expected to explain how they worked to comply, achieve and exceed the goals identified in this policy.

4. Reporting

We strongly encourage employees, applicants or others who have business with the BIIA who witness discrimination, harassment, sexual harassment or retaliation to report violations to any BIIA supervisor, manager, or the HR Manager. While we recognize that victims and bystanders who experience or witness this behavior may feel uncomfortable with reporting violations, reporting of this conduct minimizes future violations of this policy. We will promptly investigate allegations of discrimination, harassment, sexual harassment or retaliation. Where such allegations are substantiated, we will take appropriate corrective or disciplinary action. This process includes support to victims and bystanders.

Retaliation or attempted retaliation against employees, applicants or other persons having business with the BIIA who file a complaint or who participate in an investigation will not be tolerated.

The BIIA encourages employees with complaints alleging discrimination, harassment and/or retaliation to submit them as soon as possible after the alleged violation.

The BIIA has established Complaint Procedures for reporting discrimination, harassment, and sexual harassment complaints, and will ensure that all individuals are protected and provided relief from any form of discrimination or sexual harassment in the workplace. Pursuant to law, there are occasions that an agency must inform employees that it is under a legal obligation to respond to allegations of behaviors covered by this policy. The BIIA is committed to responding because it wants to promote an inclusive, respectful and safe culture.

5. Discussion and Disclosure

In accordance with state law, an employer in the state of Washington may not require an employee, as a condition of employment, to sign a nondisclosure agreement, waiver or other document that prevents the employee from disclosing sexual harassment or sexual assault occurring in the workplace, at work-related events or between employees, or between an employer and employee off the employment premises. Any document signed by an employee as a condition of employment that has this effect is void and unenforceable per RCW 49.44.210. Responses to public records requests will be in accordance with applicable disclosure laws including RCW 42.56.660.

In this section, the term “employee” does not include HR staff, supervisors or managers when they are expected to maintain confidentiality as part of their assigned job duties. It also does not include individuals who are notified and

obligated to participate in an open and ongoing investigation into alleged sexual harassment and asked to maintain confidentiality during that investigation.

6. Annual Review

The Executive Team will review this policy annually for changes and effectiveness. As part of this review, the BIIA will ensure that 100% of employees have met their sexual harassment training requirements.

7. Definitions

Discrimination: Unfavorable or unfair treatment of a person or class of persons in comparison to others who are not members of the protected class, or retaliation for complaints related to discrimination against a protected class.

Harassment: Verbal, nonverbal or physical conduct that threatens, intimidates, coerces, offends or taunts another person (including sexual, racial or ethnic slurs) that interferes with the employee's ability to perform their job.

Protected class: A person's religion, age, sex, status as a breastfeeding mother, marital status, race, color, creed, national origin, political affiliation, military status, status as an honorably discharged veteran, disabled veteran or Vietnam era veteran, sexual orientation, gender expression, gender identity, any real or perceived sensory, mental or physical disability, genetic information, the participation or lack of participation in union activities, or use of a trained dog guide or service animal by a person with a disability.

Sexual harassment: Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment when this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile or offensive work environment.

Retaliation: Adverse action(s) against individuals because they have reported instances of discrimination, harassment or allegations of such conduct, or participated in or have been witnesses in any procedure to address a complaint of discrimination or harassment.

Adopted this 24th day of March 2021.



LINDA L. WILLIAMS, Chairperson



ISABEL A. M. COLE, Member



JACK S. ENG, Member