



DOH
New York State
Department of Health
Bureau of Emergency Medical Services

POLICY STATEMENT

Supercedes/Updates: New

No. 00 - 11

Date: 10/03/00

Re: Sexual Harassment

Page 1 of 2

Purpose:

The intent of this policy is to advise individuals participating in Department of Health (DOH) approved courses and those working in the Emergency Medical Services field that they are entitled to an environment that is free from sexual harassment.

Policy:

DOH requires all course sponsors to develop and implement a policy on sexual harassment. DOH also encourages all EMS provider agencies to develop their own agency policy on sexual harassment.

Sexual harassment is not merely offensive but it is a form of discrimination in violation of Federal and State Law.¹

Definitions:

- Employer:** Includes any Emergency Medical Services provider agency, including but not limited to municipal entities, volunteer fire departments, volunteer ambulance corps, commercial, industrial and hospital provider agencies.
- Employee:** Any person, compensated or not, that is employed by or a volunteer for any EMS provider agency or course sponsor.
- Workplace:** Any location or vehicle that an employee is at in the course of their duties for the employer.
- Student:** Any person enrolled in a DOH approved EMS training course.
- Educational Setting:** Includes any location being used for EMS education. This definition extends to locations used for clinical and field training of EMS providers.
- Sexual Harassment:** Any unwanted verbal or physical advances, sexually explicit derogatory statements, or sexually discriminatory remarks made by someone in a workplace or educational setting which are offensive or objectionable to the recipient, cause the recipient discomfort or humiliation, or interfere with the recipient's job performance or educational progress.

¹ Title VII of the Civil Rights Act of 1964
Executive Order No. 19 Issued 5/31/83

It may include: Visual harassment; posters, magazines, calendars etc
Verbal harassment or abuse: repeated requests for dates, lewd comments sexually explicit jokes, whistling etc.
Written Harassment: Love poems, letters, graffiti
Offensive gestures
Subtle pressure for sexual activities
Unnecessary touching, patting, pinching or kissing.
Leering or ogling
Brushing up against another's body.
Promise of promotions, favorable performance evaluations or grades, etc in return for sexual favors
Demanding sexual favors accompanied by implied or overt threats to a person's job, promotion, performance evaluation, grade, etc.
Physical assault, rape.

Implementation:

All course sponsors shall, and all EMS provider agencies are encouraged to, develop a policy to address sexual harassment in their location.

These policies should include a notification to all employees and students that sexual harassment is a violation of law and is intolerable in either the educational or employment setting.

The policy statement should state that sexual harassment is considered a form of employee and/or student misconduct and that sanctions will be enforced against individuals engaging in sexual harassment and against supervisory, administrative or managerial personnel who knowingly allow such behavior to continue.

Policies should also include a procedure for the following:

- making a complaint of sexual harassment ;
- to whom complaints are to be made;
- in what form the complaint should be filed, and
- the procedure the sponsor/employer will follow in investigating the complaint.

The policy should provide for a subsequent review to determine if sexual harassment has been effectively stopped.

In addition to filing a complaint within the procedure of the workplace or course sponsor's policy or for agencies that do not have policies, individuals are also entitled to seek relief by filing a complaint with:

- New York State Division of Human Rights
- Federal Equal Employment Opportunity Commission
- U.S. Labor Department – Office of Civil Rights
- A court having appropriate jurisdiction

Once developed, the policy should be widely distributed by providing a copy of it to **all employees**, it should be included in all new employee and student orientations and publicized within the workplace or educational setting.

All employers developing policies should conduct appropriate training to instruct and sensitize all employees to the policy.