

HARASSMENT, ABUSE, VIOLENCE & DISCRIMINATION POLICY – To Comply with SB 6205

Effective July 1, 2021

CDM Caregiving Services (CDM) is committed to providing a workplace free of harassment, abuse, violence, and discrimination. CDM has zero tolerance for any form of harassment, discrimination, violence, or abuse in our workplace and will initiate immediate and corrective measures to ensure that the rights of each employee are preserved. This includes acts of harassment, abuse, violence, or discrimination committed by or against employees, clients, other third parties, such as client family/friends at the home of a client, on CDM properties, or while conducting CDM business.

CDM shall continue to consider any guidelines on violence in the workplace or in health care settings issued by the Department of Health, the Department of Social and Health Services, the Department of Labor and Industries, the Federal Occupational Safety and Health Administration, and the CDM/OPEIU Local 8 Labor Management Committee (LMC).

Complaints and cases of harassment, discrimination, violence or abuse will be dealt with promptly. An internal investigation usually begins immediately, depending on the severity of the complaint, but no less than five business days from when CDM was made aware of the complaint or allegation.

Any employee who feels he/she is being harassed, abused, or discriminated or threatened with violence by any CDM employee working within CDM or any individual that he/she has contact with while working for CDM, including clients or family/friends of clients, is to report any incident of harassment, abuse, violence, or discrimination to either their Client Care Supervisor, the Home Care Manager, or Human Resources. This report may be made either orally or in writing. Employees may also report the incident anonymously although this may make the investigation more difficult and delay resolution.

Because CDM Supervisors work directly with clients, are involved in and understand service delivery issues, including confidentiality laws, the Supervisor is best person to report instances of harassment, abuse, violence or discrimination from a client or client family/friend. We recommend all such client complaints be directed to the Client Care Supervisor. An employee may report the issue to the Home Care Manager or Human Resources.

Right to Leave the Workplace

CDM employees have the right to leave their worksite anytime they feel their safety is at immediate risk. Because of the vulnerable nature of the clients we serve, if a CDM employee leaves the worksite due to safety, they must inform their Client Care Supervisor immediately after removing themselves from the unsafe worksite. If an employee leaves the worksite based on a good faith belief that their safety is at

immediate risk and reports to their Client Care Supervisor immediately, the employee will not be disciplined for doing so nor be consider having 'abandoned' the client.

No Retaliation for Reporting

CDM employees will not be subjected to acts of retaliation for disclosing, challenging, reporting, testifying, or assisting in an investigation regarding allegations of harassment, abuse, violence, or discriminatory behavior made in good faith. If a client makes what is deemed to be a false report against an employee for reporting harassment, abuse, violence or discrimination from a client or client family/friend, this will be considered harassment, will be noted in the client file, and will be reported to subsequent employees who are assigned to the client.

Refusing an assignment

Employees will not be terminated or not offered future assignments for requesting reassignment due to alleged discrimination, abusive conduct, or client behavior documented in the client's plan of care as being specifically caused by or related to a disability which the client has.

Harassment, discrimination, violence, or abuse includes:

- Harassment is unwanted behavior that interferes with work of an employee, including sexual harassment which is unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact, or other verbal or physical conduct or communication of a sexual nature. This includes asking an employee out on date, leaving explicit material in view, sending suggestive or vulgar texts, or making sexual comments.
- Discrimination is an action based on someone's actual or perceived race, creed, color, national origin, citizenship or immigration status, gender, honorably discharged veteran or military status, sexual orientation, or the presence of any sensory, mental, or physical disability
- Examples of discrimination includes making slurs, jokes, or negative comments about one of the above-mentioned attributes a worker has or is perceived to have or refusing to allow an employee to work that has or is perceived to have one of the above mentioned attributes.
- Note: it is not considered discrimination for a client to refuse service from an employee based on gender preferences.

- Violence includes actual, attempted or threats of hitting, shoving, pinching, bumping, kicking, throwing things at employees, assault, including sexual assault, or physical harm including threats of use of weapons.
- Abusive conduct includes yelling, swearing, or screaming at employees; belittling, insulting, or degrading employees; or falsely accusing an employee of actions which would result in employment termination or making false accusations based on an employee making a good faith complaint about harassment, discrimination, violence, or abuse.

Challenging Behaviors

Some offensive behavior in clients may be due to a client's verified disability or cognitive impairment which results in such behavior. Examples of such behavior include hitting, swearing, using profanity, or making inappropriate comments. Behaviors specifically caused by or related to a disability that may be experienced as offensive or presenting a safety risk are not considered abuse, harassment, violence, or discriminatory for purposes of this policy if the behavior(s) is documented in the client's plan of care as being specifically caused by or related to a disability which the client has.

Prior to offering an assignment, CDM will inform employees of any such behaviors documented in the plan of care specifically caused by or related to a client's disability. Any behavior not listed in the plan of care specifically caused by or related to a client's disability which occurs will be evaluated for potential abuse, harassment, violence, or discrimination and will result in an internal investigation and appropriate action.

Caregivers Informed

When known, complaints or allegations are noted in client files. CDM uses a 'client service agreement' for clients who have a history of behaviors that have been reported by caregivers or other CDM employees. These 'client service agreements' contain the behaviors that are not acceptable, instructions for caregivers to report such behaviors if present, including leaving the worksite. CDM will provide a copy of any 'client service agreement' prior to assignment. CDM will inform caregivers of any complaints of harassment, abuse, violence or discrimination against a client or someone in a client's household prior to being assigned to the client. Refusal to accept the assignment based on complaints or 'client service agreement' is not subject to discipline.

Resources/places to go

EEOC – 800-669-4000

OSHA – 800-321-6742

National DV Hotline – 800-799-7233

Human Rights Commission – 360-753-6770 (WLAD claims)

HARASSMENT, ABUSE, VIOLENCE & DISCRIMINATION PROCEDURE – To Comply with SB 6205

Tracking

CDM has a current system for tracking incidents and issues. CDM will use its current incident reporting process to create a record of any reported incidents of discrimination or abusive conduct. Copies of incident reports that meet the criteria will be collected and compiled on an annual basis. The data will be kept for five years. Note – all incident reports are filed in client files and are therefore kept at least seven years after the termination of the client. For purposes of meeting the law, copies of reports meeting the criteria will be kept together for reporting and inspection purposes.

Data, including redacted copies of incident reports if needed, will be available to OPEIU Local 8 as the exclusive bargaining representative to meet SB 6205 data collection requirements

Coordination

CDM's current reporting policies include informing Case Management, Adult Protective Services, and law enforcement when appropriate. Case Managers are informed of issues as they arise, as required by our contract. Coordination with these entities as well as members of the care team is an integral part of the process.

Review

This policy was approved by OPEIU Local 8 on xx/xx/xxxx

This policy will be reviewed annually by the LMC and updated as needed.

The LMC will serve as the “No Harassment and No Discrimination” Committee for purposes of meeting the requirements of SB 6205 and will review anonymized aggregate data annually from reports of discrimination or abusive conduct as part of its policy review. This review will include frequency, causes of, and issues that contribute to incidents. The plan will be adjusted as necessary based on the annual review.

Dissemination

This policy will be posted in the Home Care office. CDM is working on posting it on our employee/payroll web site if possible. The Union will be informed when this posting is accomplished.

This policy will be translated into Spanish and Russian

This policy will be incorporated in New Employee Orientation and provided within 30 days of hire. Staff hired prior to having this policy placed into the New Employee Orientation will be sent a copy, with reminders to review. Staff will be available for clarification if needed. Employees will be sent a copy annually and if substantive changes are made.

Miscategorizations

Some behaviors may be due to verified disabilities or cognitive issues noted in the plan of care. If behaviors are miscategorized as falling under this category and should not have been, or vice versa, this will be reported to the LMC annually.

Client Input

The policies and procedures are long standing at CDM. Client input has been received throughout the years and has shaped the policies and procedures. Due to COVID restrictions, CDM has not been able to get clients to formally participate in the most recent process, although CDM will bring client input to the LMC as it is received.

s:\cdm\human resources\CDM Harassment Policy V1.docx