

<b>Policy Title: Equal Employment Opportunity and Affirmative Action</b>	<b>Policy Number: NATL.HR.003</b>
<b>Owner Department: Human Resources</b>	<b>Effective Date: 1/1/20</b>
<b>Custodian: Chair, National HR Policy Roundtable</b>	<b>Page: 1 of 12</b>

## 1.0 Policy Statement

Employment by Kaiser Permanente (KP) is based on merit, qualifications, and competence. Employees and applicants will not be discriminated against by managers, supervisors, coworkers or third parties on the basis of race, color, religion, sex (including pregnancy, childbirth, or related medical conditions, including childbearing capacity), gender identity, transgender, sex stereotyping, national origin, age, physical or mental disability, veteran status, sexual orientation, genetic information, or other status protected by applicable federal, state or local laws or by corporate policy. (See Protected Status by State Addenda.)

- 1.1** Additionally, KP strives to provide a work environment free of harassment and will not tolerate any kind of unlawful or otherwise prohibited harassment, including sexual harassment, of employees, applicants or third parties by managers, supervisors, coworkers or third parties. (See [Commitment to a Harassment-Free Work Environment NATL.HR.005](#), Commitment to a Harassment-Free Work Environment.)
- 1.2** This policy applies to all terms, conditions and privileges of employment including, but not necessarily limited to: recruitment, hiring, rates of pay and/or benefits, job assignments, promotion, training, transfer, and termination. Any violation of this policy may result in corrective/disciplinary action up to and including termination of employment.
- 1.3** KP policy, as well as applicable federal and state laws, prohibit retaliation, intimidation or reprisal against applicants and employees who file complaints and/or who cooperate with or participate in any procedures or investigations related to complaints of discrimination and/or harassment. Therefore, employees should object to discrimination and harassment prohibited by this policy and report violations without fear of reprisal or retaliation. If it is determined that an employee has committed acts of retaliation in response to the actual or perceived filing of a complaint or participation in the investigation of a complaint under this policy, that person will be subject to disciplinary action up to and including termination of employment.

## 2.0 Purpose

The purpose of this policy is to affirm KP's commitment to equal employment opportunities for all employees and applicants.

## 3.0 Scope/Coverage

This policy applies to all employees and applicants for employment with any of the following entities (collectively referred to as "Kaiser Permanente"):

- 3.1** Kaiser Foundation Health Plan, Inc. and Kaiser Foundation Hospitals (together, KFHP/H);

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- 3.2** KFHP/H’s subsidiaries;
- 3.3** The Permanente Medical Group, Inc. (TPMG) [NOTE: This policy does not apply to physicians, podiatrists, and Vice Presidents of TPMG, who are covered by separate TPMG policies]; and
- 3.4** Southern California Permanente Medical Group (SCPMG) [NOTE: This policy does not apply to physicians of SCPMG].

#### **4.0 Definitions**

n/a

#### **5.0 Provisions**

- 5.1** Responsibility
  - 5.1.1** All personnel having the authority to recruit, employ or discharge personnel or to effectively influence conditions of employment are responsible for complying with this policy in their respective areas of responsibility.
  - 5.1.2** Each local Human Resources Department is responsible for the facilitation and administration of the Affirmative Action Program, as well as the communication to all supervisors and managers of their responsibilities under the policy.
  - 5.1.3** Each supervisor or manager is responsible for being familiar with this policy and [Equal Employment Opportunity Internal Complaint Procedure NATL.HR.004](#), Equal Employment Opportunity Internal Complaint Procedure. Each supervisor is also held accountable for ensuring a work environment free of discrimination prohibited by this policy and prohibited harassment in accordance with [Commitment to a Harassment-Free Work Environment NATL.HR.005](#), Commitment to a Harassment-Free Work Environment.
- 5.2** Consistent with applicable federal and state laws, and KP policies, KP provides reasonable accommodation for disabled employees and applicants. Applicants and employees who need an accommodation can contact their local Human Resources representative and/or their manager.
- 5.3** Affirmative Action Programs are initiated and implemented to promote equal employment opportunity throughout the organization. Such programs include new and/or improved approaches to the effective recruitment, training, placement, and promotion of females, members of minority groups, disabled individuals including disabled veterans, veterans of the Vietnam era, and any other veterans who served on active duty during a war or in a campaign or expedition for which a campaign badge has been authorized. KP reaffirms its commitment to Equal Employment Opportunity and Affirmative Action on an annual basis.

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**5.4 KP as a Federal Contractor**

KP, as a contractor, will not discharge or in any other manner discriminate against employees or applicants because they have inquired about, discussed, or disclosed their own pay or the pay of another employee or applicant. However, employees who have access to the compensation information of other employees or applicants as a part of their essential job functions cannot disclose the pay of other employees or applicants to individuals who do not otherwise have access to compensation information, unless the disclosure is (a) in response to a formal complaint or charge, (b) in furtherance of an investigation, proceeding, hearing, or action, including an investigation conducted by the employer, or (c) consistent with the contractor’s legal duty to furnish information. 41 CFR 60-1.35(c)

**6.0 References/Appendices**

- 6.1** Intent of HR Policies
- 6.2** NATL.HR.004, Equal Employment Opportunity Internal Complaint Procedure
- 6.3** NATL.HR.005, Commitment to a Harassment-Free Work Environment
- 6.4** NATL.HR.027, Job Accommodation
- 6.5** Workplace Guidelines Pertaining to Transgender and Gender Nonconforming Employees and Physicians
- 6.6** Protected Status—California Addendum
- 6.7** Protected Status—Colorado Addendum
- 6.8** Protected Status—District of Columbia Addendum
- 6.9** Protected Status—Hawaii Addendum
- 6.10** Protected Status—Maryland Addendum
- 6.11** Protected Status—Oregon Addendum
- 6.12** Protected Status—Virginia Addendum
- 6.13** Protected Status—Washington Addendum

**7.0 Approval**

**Update approval 12/12/19**

In accordance with the charter of the National HR Policy Roundtable, this policy update was approved by the National HR Policy Roundtable members, as chaired by Shalesha Richardson.

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**Policy Revision History**

<b>Original Approvals</b>	<b>Update Approvals</b>	<b>Revision Approvals</b>
<b>Approval Date: n/a</b>	<b>Approval Date: 8/15/07; 12/7/07; 3/18/10; 1/1/12; 4/19/12; 11/29/12; 12/7/15; 3/1/16; 4/7/16; 3/30/17; 11/16/17; 8/29/19; 12/12/19</b>	<b>Approval Date: 5/21/08</b>
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### **Protected Status State Addenda**

#### **CALIFORNIA ADDENDUM**

Revised 1/1/20

#### **Protected Status**

In California, discrimination/harassment is prohibited on the basis of the following protected status:

- Race (inclusive of traits historically associated with race, including, but not limited to, hair texture and protective hairstyles. Protective hairstyles include, but is not limited to, such hairstyles as braids, locks, and twists.)
- Color
- Religion
- Religious creed
- Sex (including pregnancy, childbirth, or related medical conditions including childbearing capacity, and breastfeeding or medical conditions related to breastfeeding)
- Gender
- Gender identity, including the perception of gender identity
- Gender expression
- Transgender, including whether an individual is transitioning, or is perceived to be transitioning
- National origin
- Age
- Physical or mental disability
- Veteran status
- Military status
- Sexual orientation
- Sex stereotype
- Genetic information
- Ancestry
- Marital status
- Medical condition
- Request to accommodate disability or religious beliefs
- Other status protected by applicable federal, state, or local laws, or by corporate policy

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**COLORADO ADDENDUM**

Revised 11/16/17

**Protected Status**

In Colorado, discrimination/harassment is prohibited on the basis of the following protected status:

- Race
- Color
- Religion
- Sex (including pregnancy, childbirth, or related medical conditions, including childbearing capacity)
- Gender identity
- Transgender
- National origin
- Age
- Physical or mental disability
- Veteran status
- Sexual orientation
- Genetic information
- Ancestry
- Creed
- Other status protected by applicable federal, state, or local laws, or by corporate policy

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**DISTRICT OF COLUMBIA ADDENDUM**

Revised 11/16/17

**Protected Status**

In the District of Columbia, discrimination/harassment is prohibited on the basis of the following protected status:

- Race
- Color
- Religion
- Sex (including pregnancy, childbirth, or related medical conditions, including childbearing capacity)
- Gender identity
- Gender expression
- Transgender
- National origin
- Age
- Physical or mental disability
- Veteran status
- Sexual orientation
- Genetic information
- Personal appearance
- Familial responsibilities
- Family status
- Matriculation
- Political affiliation
- Other status protected by applicable federal, state, or local laws, or by corporate policy

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**HAWAII ADDENDUM**

Revised 8/29/19

**Protected Status**

In Hawaii, discrimination/harassment is prohibited on the basis of the following protected status:

- Race
- Sex (including pregnancy, childbirth, or related medical conditions, including childbearing capacity)
- Gender identity or expression
- Sexual orientation
- Age
- Religion
- Color
- Ancestry
- Physical or mental disability
- Marital status
- Arrest and court record
- Reproductive health decision
- Transgender
- National origin
- Veteran status
- Genetic information
- Assignment of income for child support obligations
- Breastfeeding
- Other status protected by applicable federal, state, or local laws, or by corporate policy



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**MARYLAND ADDENDUM**

Revised 11/16/17

**Protected Status**

In Maryland, discrimination/harassment is prohibited on the basis of the following protected status:

- Race
- Color
- Religion
- Sex (including pregnancy, childbirth, or related medical conditions, including childbearing capacity)
- Gender identity
- Transgender
- National origin
- Age (\*18 or older)
- Physical or mental disability
- Veteran status
- Sexual orientation
- Genetic information
- Marital status
- Other status protected by applicable federal, state, or local laws, or by corporate policy

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**OREGON ADDENDUM**

Revised 11/16/17

**Protected Status**

In Oregon, discrimination/harassment is prohibited on the basis of the following protected status:

- Race
- Color
- Religion
- Sex (including pregnancy, childbirth, or related medical conditions, including childbearing capacity)
- Gender identity
- Transgender
- National origin
- Age (\*18 or older)
- Physical or mental disability
- Veteran status
- Sexual orientation
- Genetic information
- Juvenile record that has been expunged
- Marital status
- Other status protected by applicable federal, state, or local laws, or by corporate policy

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**VIRGINIA ADDENDUM**

Revised 11/16/17

**Protected Status**

In Virginia, discrimination/harassment is prohibited on the basis of the following protected status:

- Race
- Color
- Religion
- Sex (including pregnancy, childbirth, or related medical conditions, including childbearing capacity)
- Gender identity
- Transgender
- National origin
- Age (\*18 or older)
- Physical or mental disability
- Veteran status
- Sexual orientation
- Genetic information
- Marital status
- Other status protected by applicable federal, state, or local laws, or by corporate policy

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**WASHINGTON ADDENDUM**

Revised 11/16/17

**Protected Status**

In Washington, discrimination/harassment is prohibited on the basis of the following protected status:

- Race
- Color
- Religion
- Sex (including pregnancy, childbirth, or related medical conditions, including childbearing capacity)
- Gender identity
- Transgender
- National origin
- Age (\*18 or older)
- Physical or mental disability
- Veteran status
- Sexual orientation
- Genetic information
- Creed
- Marital status
- Presence of any sensory, mental or physical disability
- Use of trained dog guide or service animal by a disabled person
- Other status protected by applicable federal, state, or local laws, or by corporate policy