**Section 5220.900 Harassment**

a) An employer has an affirmative duty to maintain a working environment free of harassment on the basis of national origin.

b) Ethnic slurs and other verbal or physical conduct relating to an individual's national origin constitute harassment when this conduct:

1) has the purpose or effect of creating an intimimating, hostile or offensive working environment;

2) has the purpose or effect of unreasonably interfering with an individual's work performance; or

3) otherwise adversely affects an individual's employment opportunities.

c) An employer is responsible for its acts and those of its agents and supervisory employees with respect to harassment on the basis of national origin regardless of whether the specific acts complained of were authorized or even forbidden by the employer and regardless of whether the employer knew or should have known of their occurrence. The Commission and the Department will examine the circumstances of the particular employment relationship and the job functions performed by the individual in determining whether an individual acts in either a supervisory or agency capacity.

d) With respect to conduct between fellow employees, an employer is responsible for acts of harassment, in the workplace on the basis of national origin, where the employer, its agents or supervisory employees, becomes aware of the conduct, and fails to take immediate and appropriate corrective action.

e) An employer may also be responsible for the acts of non-employees with respect to harassment of employees in the workplace on the basis of national origin, where the employer, its agents or supervisory employees, becomes aware of the conduct and fails to take immediate and appropriate corrective action. In reviewing these cases, the Commission and the Department will consider the extent of the employer's control and any other legal responsibility which the employer may have with respect to the conduct of such non-employees.