

# Harassment Free Workplace

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## 1.0 POLICY

It is the policy of the Town to maintain a workplace that is free from harassment and other behaviors that threaten the health, safety, productivity and well-being of its employees and others. This policy covers the unlawful harassment based on a person's protected status such as one's age, color, ethnicity, familiar status, gender, or sex, gender expression, gender identity, genetic information, marital status, mental or physical disability, military status, national origin, political affiliation, race, religion or sexual orientation. In addition, this policy prohibits workplace bullying regardless if it is based on a person's protected status.

## 2.0 PURPOSE

The policy establishes procedures to the help the Town maintain a workplace free from harassment and other unwelcome conduct. This policy establishes expectations of non-supervisory employee, supervisors and management officials and the Town Manager as it relates to preventing and correcting harassment in the workplace.

## 3.0 SCOPE

This policy applies to all Town employees.

## 4.0 DEFINITIONS

- **4.1 Bullying** – Repeated, unreasonable actions of individuals (or group) directed towards an employee (or group of employees) which intimidates and creates a risk to the physical and/or emotional health and safety of the employee(s). Bullying is unwanted offensive malicious behavior which undermines an individual or group through persistently negative attacks. There is typically an element of vindictiveness and the behavior is calculated to undermine, patronize, humiliate, intimidate or demean an employee.
- **4.2 Harassment** – Unlawful harassment includes unwelcome intimidation, ridicule, insults, comments, or physical conduct based on a person's protected status where:
  - (a) an employee's acceptance or rejection of such conduct explicitly or implicitly forms the basis for an employment decision affecting the employee; or
  - (b) the conduct is sufficiently severe or pervasive as to create a hostile work environment or alter the terms, conditions or privileges of the employee's employment.
- **4.3 Hostile Work Environment** - A hostile environment occurs when comments, conduct or actions of the employer, supervisors or co-workers is so severe or pervasive that it creates an unwelcome, intimidating, offensive work environment.
- **4.4 Ostracism** – Ostracism is being deliberately left out of a group by exclusion and rejection.
- **4.5 Retaliation** – Punishment of an employee for engaging in legally protected activity such as making a complaint of harassment or participating in workplace investigations. Retaliation can include employment actions such as dismissal, refusal to hire, promotion, discipline, salary reduction, job or shift reassignment and other

actions affecting employment such as threats, unjustified negative evaluations, unjustified negative references or increased surveillance.

## **5.0 ORGANIZATIONAL RULES**

- 5.1 Responsibilities of all employees:
  - A. Refrain from engaging in harassing, bullying, ostracizing or other unwelcome and offensive conduct.
  - B. Report harassment, bullying ostracism or other offensive conduct by employees or others in the workplace to the appropriate official within 24 hours or one business day.
  - C. Understand your rights and responsibilities under the Town's Harassment Free Workplace Policy.
  - D. Participate in periodic learning opportunities required under the Town's Harassment Free Workplace Policy.
  - E. Cooperate fully in any inquiry or investigation of alleged harassment.
  - F. Refrain from retaliating against any person for reporting harassment, or for assisting in any investigation of alleged harassment.
- 5.2 Responsibilities of the Town Manager, through his designee:
  - A. Ensure employees are aware of and have ready access to this policy.
  - B. Remind all employees periodically of their responsibilities under this policy.
  - C. Distribute this policy to all new employees hired by the Town.
  - D. Develop and deliver periodic learning opportunities for all employees concerning this policy and its requirements.
  - E. Receive reports of alleged violations of this policy, and direct further investigation into such reports, as appropriate and necessary.
  - F. Maintain a written record of reports made and actions taken pursuant to this policy. These records will be maintained in a secure location.
- 5.3 Responsibilities of all Supervisors and Managers:
  - A. Ensure a workplace free of harassment, bullying, ostracism or other offensive conduct.
  - B. Ensure the employees are aware of this policy and its requirements
  - C. Act promptly and effectively to stop harassing, hostile or abusive conduct or which they are aware.
  - D. Notify Human Resources of reported or observed harassing conduct within 24 hours or one business day.
  - E. Evaluate supervisors and managers in their supervisory chain on their performance under this policy.
- 5.4 Harassment (whether on-site or off-site) in the workplace undermines the integrity of the employment relationship, upsets morale and interferes with productivity. Harassment is unacceptable and will not be tolerated. Employees violating this policy will be subject to corrective action up to and including termination of employment. Examples of behaviors which will not be tolerated by the Town, vendors or contractors include, but are not limited to:
  - A. Harassing others
  - B. Bullying others
  - C. Retaliating against others
  - D. Creating a hostile work environment
  - E. Ostracizing others
  - F. Breaking the confidentiality of a harassment investigation; and
  - G. A supervisor or manager's failure to notify appropriate officials of reported or observed harassing conduct within 24 hours or one business day.

- 5.5 All reports of alleged harassment will be treated with discretion. However, confidentiality cannot be guaranteed as it is necessary to share information when conducting an investigation or taking appropriate steps to protect employees.
- 5.6 An accused employee may be placed on administrative leave while an investigation of alleged harassment occurs. The complainant should not be moved to another worksite or placed on administrative leave as it may appear to be retaliation for having brought a complaint.

## **6.0 PROCEDURES**

- 6.1 If an employee believes there is immediate danger to themselves or anyone else, then he or she should immediately dial 9-1-1 and request police assistance (central phone system must dial 9 first).
- 6.2 If no immediate danger exists, the employee should attempt to resolve the matter with the harasser. The employee should inform the harasser in a polite, but firm manner that the behavior is unwelcome and offensive, and that it must stop immediately.
- 6.3 If the employee is uncomfortable with addressing the harasser or if the offending behavior continues, then within 24 hours or one business day the employee must report the harassment to one of the following persons:
  - A. Any supervisor or manager in his supervisory chain;
  - B. Any member of Human Resources
  - C. The Town Manager
- 6.4 Any supervisor or manager who either observes harassment or receives a report of harassment must notify Human Resources within 24 hours or one business day.
- 6.5 The Human Resource Director will investigate all complaints of harassment.
  - A. At the conclusion of the investigation, the Human Resource Director will notify the complainant of the investigation's findings.
  - B. The Human Resource Director will consult with the Department Head of the complainant and together appropriate remedial action will be determined and communicated to the Town Manager, including any corrective action where fitting.
  - C. The Department Head of the harasser will issue any corrective action.
  - D. The Human Resource department will follow up with the complainant to ensure that no harassment continues and that he has not been retaliated against.

## **7.0 APPENDIX, APPENDICES**

None