

Town of Glastonbury

Administrative Policy No.: 2

Subject: **Respectful Workplace Policy - Including Sexual and Other Harassment Prevention**

Effective Date: **September 15, 2020**

Approved By: 

Richard J. Johnson, Town Manager

Purpose: This policy is established in support of the Town’s commitment to providing a work environment characterized by mutual trust, where every employee is treated, and treats others, with dignity, decency and respect.

Policy: Town of Glastonbury employees shall maintain a respectful work environment, in which all people are treated with dignity, and are free from intimidation, oppression and exploitation. Through employee education and enforcement of this policy, the Town seeks to prevent and correct violating behavior.

Every employee, regardless of position, is expected to comply with this policy and to take appropriate measures to ensure prohibited conduct does not occur. Supervisors are expected to create work environments that support respectful interactions with coworkers, clients, vendors, and others, and take prompt remedial action when behavior falls short of this goal. Complaints of policy violations are to be taken seriously, reported, and investigated promptly and thoroughly. Appropriate remedial action will be taken and may include disciplinary action up to and including termination of employment.

Procedure:

Definitions and Explanations

1. Prohibited Conduct

Prohibited conduct includes any mistreatment of others in the workplace, work-related situations, or outside the workplace that negatively impacts coworkers, working relationships, or the work itself (e.g., social events, social media). It includes both unlawful and lawful, but unacceptable, conduct.

- a. **Unlawful conduct** is mistreatment of a person based on one or more of the following legally-protected characteristics, including, but not limited to:

- Age
- Race or color
- Ethnicity, nationality, immigration status, citizenship or ancestry
- Gender, gender identity, gender expression, transgender status, or gender stereotypes
- Sex, sexual orientation, pregnancy/related medical conditions, childbirth, or breastfeeding
- Marital status
- Military or veteran status
- Physical or mental disability, medical condition, genetic information or characteristics (or those of a family member)
- Political views or activity
- Status as a victim of domestic violence, sexual assault or stalking,
- Reporting discrimination/harassment or participating in an investigation of such; or
- Any other basis prohibited under federal, state or local law

Unlawful, prohibited conduct may be classified as one or more of the following:

- Discrimination
- Harassment (including, but not limited to sexual harassment)
- Sexual harassment
- Retaliation

- i. Discrimination occurs when a person is treated less favorably than others because of their protected characteristic(s).

Examples: Refusing opportunities, benefits or privileges; or holding certain employees to different standards than others because of their race.

Discrimination can be difficult to identify, as it is often unintentional, sometimes even well-intentioned, and not meant to be harmful.

Example: Refusing to allow a pregnant employee perform certain tasks out of concern.

Supervisors shall ensure equitable treatment by applying non-discriminatory standards to all employees.

- ii. Harassment is a form of discrimination that may have a negative physical or emotional impact on the subject of the action. It can range from extreme

forms such as violence, threats or touching to less obvious behaviors such as ridiculing, teasing, or isolating. The conduct, directed at a specific person or group, annoys, alarms, threatens or intimidates. It causes distress, serves no legitimate purpose and may interfere with the work. As the following, non-exhaustive list shows, harassment may be visual, verbal or physical:

- Derogatory or insensitive jokes, pranks or comments
- Ridiculing or demeaning comments and stereotypes
- Slurs, epithets, insults or name-calling
- Staring, leering or rude gestures
- Innuendos or veiled threats
- Verbal or physical threats or assault
- Intentionally excluding someone from normal workplace conversations and making them feel unwelcome
- Sabotaging or refusing to share resources or information
- Displaying or sharing offensive images that are derogatory or demeaning, for example, posters, photos, cartoons, drawings, videos, screensavers, emails, or memes

Keep in Mind: Harassment may be perpetrated by anyone, regardless of position or level of authority; and harassment may take the form of any type of mistreatment and is not always based on sex.

“I was joking,” or “I didn’t mean it that way” are not defenses to allegations of harassment, as it is the perception of the person receiving the action and not the intention of the person committing the action that determines whether or not behavior is considered harassing.

Belonging to a protected group (see 1.a.) is not a defense against claims of harassment against members of that group.

Example: One’s ethnicity does not make it okay to tell jokes about his or her ethnicity or use ethnic slurs.

Conduct may be harassing even if it is not witnessed by the subject, but is witnessed by someone who finds the conduct offensive.

Examples: Using a racial slur among a group of non-racial minorities; deriding a religion among those who do not belong to that religion; telling a joke that negatively stereotypes women, in a group of men.

- iii. Sexual Harassment Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a

sexual nature that explicitly or implicitly enters into the employment environment when:

1. Submission to such conduct is made a term or condition of employment;
2. Submission to or rejection of such conduct is used as a basis for an employment decision affecting an individual; or
3. Such conduct has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

Keep in Mind: Sexual harassment can happen regardless of the individual's gender or sex, gender identity or sexual identity, gender expression or sexual expression, or gender orientation or sexual orientation. Sexual harassment can occur between same-sex individuals as well as between opposite-sex individuals and does not require that the harassing conduct be motivated by sexual desire.

Behavior That May Be Considered Sexual Harassment: Sexual harassment may take different forms. The following examples of sexual harassment are intended to be guidelines and are not exclusive when determining whether there has been a violation of this policy:

- Verbal sexual harassment includes innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, lewd remarks and threats; requests for any type of sexual favor (this includes repeated, unwelcome requests for dates); and verbal abuse or "kidding" that is oriented toward a prohibited form of harassment, including that which is sexual in nature and unwelcome.
- Nonverbal sexual harassment includes the distribution, display or discussion of any written or graphic material, including calendars, posters and cartoons that are sexually suggestive or show hostility toward an individual or group because of sex; suggestive or insulting sounds; leering; staring; whistling; obscene gestures; content in letters, notes, facsimiles, e-mails, photos, text messages, tweets and Internet postings; or other forms of communication that are sexual in nature and offensive.
- Physical sexual harassment includes unwelcome, unwanted physical contact, including touching, tickling, pinching, patting, brushing up against, hugging, cornering, kissing, fondling, and forced sexual intercourse or assault.

- iv. Retaliation occurs when someone penalizes another for reporting or assisting another to report a violation of this policy, or for participating in an investigation under this policy. Retaliation can also include any actions

meant to dissuade someone from making reports in the future. The Town strictly prohibits retaliation.

Keep in Mind: Retaliation may be committed by anyone, regardless of position, and may take the form of any type of mistreatment.

- b. **Unacceptable Conduct** is mistreatment of a person or persons that is not based on membership in a protected category (as described in 1.a., above), but is nonetheless disrespectful or harmful.
2. Whether prohibited by law or simply unacceptable, the Town will not tolerate mistreatment of any person, therefore, such behavior is prohibited. The Town reserves the right to take disciplinary and other remedial action in response to such conduct.

Reporting and Responding to Prohibited Conduct

1. Reporting

- a. **Employee** – Any employee who believes he or she has been the subject of mistreatment, or has witnessed, heard about, or suspects a violation of this policy, is expected to report the conduct so appropriate steps may be taken to remedy the situation. When possible, a complaint should include details of the incident(s) names of individuals involved, and names of any witnesses.

Employees who make complaints in good faith will be protected from retaliation (see 1. a. iv.), regardless of the outcome of any resulting inquiry.

To report potential violations of this policy, an employee may make verbal or written notice, in as timely a manner as possible, to any of the following:

- Any supervisor
- Any division director
- Any department director
- The Director of Human Resources (HR) or HR Programs Manager
- The Town Manager

Keep in Mind: Employees also have the option of filing a complaint with the Connecticut Commission on Human Rights and Opportunities (“CCHRO”) or with the Equal Employment Opportunity Commission (“EEOC”) within 300 days of any discrimination, harassment, or retaliation. Remedies available at the CCHRO include back pay, front pay, attorney’s fees, costs, cease and desist orders, pre- and post-judgment interest, emotional distress, and punitive damages (if the case is tried in court).

Administrative Policy #2

Replaces Policy Against Workplace Harassment, 2002 and Policy Against Sexual Harassment, 2002

- b. Supervisor - Supervisors (i.e., all managerial employees) have a unique obligation to maintain awareness of the work environment. Any observation or suspicion of mistreatment should be reported, even when concerning an area outside their immediate responsibility.

Supervisors may receive complaints of mistreatment occurring in any area of the organization, and should not make judgments as to the validity or severity of any claim.

Supervisors are required to timely report any observation, suspicion, or complaint of mistreatment to the Human Resources Director or designee, who will notify the Town Manager of the concern. As they deem appropriate, supervisors may also share the concern above their level, within their management chain.

Keep in Mind: Supervisors must protect the privacy of all concerned, so may not disclose this information with anyone who does not have a need to know.

It is never acceptable for a supervisor not to report a complaint, claim or suspicion of mistreatment. Supervisors are cautioned about this when qualifiers such as these, below, accompany information:

Examples: "I'm telling you this as a friend..." "I don't want you to do anything about this..." "I'm just venting..." "I want to get your opinion but don't want you to tell anyone..." "Just between you and me..."

- c. Supervisor, Director(s) and Human Resources - This group (as appropriate) will work collaboratively to address presenting concerns, which may include monitoring the environment, making inquiries, investigating and taking remedial action.

2. Investigating

- a. Not every potential violation of this policy warrants investigation, as often a simple reminder is all that is needed to correct problematic behavior. At other times, more extensive inquiry is necessary. When this is the case, the Director of Human Resources is responsible for timely, unbiased, thorough investigations, and recommendations for remedial action. When a team approach is beneficial, the Director of Human Resources will lead such efforts.
- b. Anonymity of those involved with the investigation and confidentiality of their interviews will be maintained to the greatest extent possible, but cannot be guaranteed as some information must be shared with those needed to remedy problematic behavior. Those participating in the investigation are asked to limit

discussions, to protect the integrity of the investigation and the confidentiality of those involved.

- c. Unless otherwise required by law, investigative notes will not be made part of any employee's Personnel File, including, but not limited to, the complainant, accused, or witnesses.
- d. Any employee asked to participate in an investigation must do so cooperatively and honestly.
- e. No employee will be subject to discipline for reporting behavior that violates this policy, regardless of the outcome of a resulting inquiry, unless the employee knowingly provides false information.
- f. No employee will be subject to retaliation for reporting behavior that violates this policy or for participating in an investigation (see 1. a. iv.). **Retaliating against any employee will result in disciplinary action up to and including termination of employment.**

3. Remediating

- a. The idea of remedial action is to stop problematic behavior and to prevent it from recurring. It may take many forms and sometimes a combination of them. Some examples include, a single conversation, a small group or department meeting, training/retraining, referral to the Employee Assistance Program, a process or schedule change, discipline, change of responsibilities, or termination of employment. The remedy(ies) selected will depend on the nature of the problem, prior conduct, and other pertinent factors.
- b. The Director of Human Resources will recommend remedial action to the applicable Department Director and the Town Manager.
- c. The Director of Human Resources will work collaboratively with members of the management team (as appropriate) to design and implement remedial action and monitor changes in the workplace.

Training

1. It is the responsibility of the Director of Human Resources to make available to the workforce, harassment prevention training that minimally meets the Connecticut Commission on Human Rights and Opportunities' regulations.
2. It is each supervisor's responsibility to ensure staff compliance with training attendance as requested by the Director of Human Resources or designee.

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