

## **TOWN OF WATERFORD**

### **DISCRIMINATORY HARASSMENT AND VIOLENCE PREVENTION POLICY**

#### **A. DISCRIMINATORY HARASSMENT**

The Town depends upon a work environment of tolerance and respect.

Discriminatory harassment in the workplace including, but not limited to, verbal slurs, negative stereotyping, overt hostility and the distribution of written or graphic material designed to attack someone based on their race, color, sex (including pregnancy, sexual harassment, sexual orientation, transgender status, gender identity or expression), genetic information, age, physical disability, learning disability, mental disability, intellectual disability, religion, national origin, citizenship status, ancestry, marital status, civil union status, veteran status, or any other class characteristics protected under applicable federal, state, or local law is prohibited.

The Town will respond promptly to complaints of discriminatory harassment in the workplace, and where it is determined that inappropriate conduct has occurred, we will act to eliminate the conduct and take any action necessary, including discipline where appropriate.

While this policy sets forth our goals of having a workplace that is free of any form of harassment, the policy is not designed or intended to limit the Town's authority to take disciplinary or remedial action for workplace conduct that the Town considers unacceptable, regardless of whether that conduct satisfies the definition of discriminatory harassment.

#### **I. DEFINITION OF DISCRIMINATORY HARASSMENT**

Discriminatory harassment, including, but not limited to sexual harassment, is a form of workplace harassment which adversely affects the employment relationship. Discriminatory harassment of employees occurring in the workplace or in other settings in which individuals of the Town may find themselves is prohibited by state and federal law. Discriminatory harassment refers to behavior that is not welcome by the individual, is personally offensive to him/her, and interferes with the ability of the individual to work effectively.

Sexual harassment is a form of illegal sex discrimination and is defined under law as: "Any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when:

- (1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- (2) Submission or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or

(3) Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offense work environment."

Men or women may be the victims of harassment, and victims may be members of the same protected class as harassers. Harassers need not be supervisors of victims; co-workers and/or peers may engage in harassment. The victim does not have to be the person at whom the unwelcome conduct is directed. The victim may be someone who is affected by the conduct, even when it is directed toward a third person, if the conduct creates an intimidating, hostile, or offensive working environment for the person or interferes with the person's work performance. The Town strictly prohibits discriminatory harassment.

Discriminatory harassment comes in many forms – verbal, non-verbal and physical. The following are some examples of conduct which, if unwelcome, may constitute discriminatory harassment depending upon the totality of the circumstances, including the severity of the conduct and its pervasiveness:

- Foul language of an offensive or sexual nature;
- Verbal abuse of a sexual nature;
- Propositions, jokes or language of a sexual nature;
- Pressure or requests for sexual favors, especially by a person in authority;
- Actual or attempted sexual assault or rape;
- Persistent following or stalking;
- Improperly leaning over a person or restricting another person's physical freedom;
- Teasing someone based on any protected class (e.g., religion, age, gender, etc.)
- Conversation or gossip with sexual overtones;
- Sending sexually suggestive self-photos (i.e. selfies) to co-workers via text message or other instant messaging "apps";
- Obscene or sexually aggressive gestures, such as hand gestures or other non-verbal motions of an offensive nature;
- Ethnic slurs;
- Inquiries into one's sexual experiences and/or preferences;
- Comments or threats regarding a person's protected class;
- Unwanted physical contact such as touching, hugging, kissing, stroking, fondling, patting, pinching, or repeated brushing up against another's body;
- Posting or distributing objects, pictures, cartoons, or other materials that are degrading of a person's sex, religion, age, disability or other protected class characteristics;
- Sending offensive or discriminatory messages or materials through the use of electronic communications (e.g., text messages, electronic mail, including the Internet, voice mail, social media, and facsimile);
- Staring at parts of a person's body;
- Microaggressions such as making jokes or comments based on past stereotypes, i.e., assuming women with children have to leave work early to take care of the children, but men with children do not.

## **II. INDIVIDUAL RESPONSIBILITIES FOR PREVENTING WORKPLACE HARASSMENT**

Each individual of the Town is personally responsible for:

- Ensuring that his/her conduct does not harass any other person with whom he/she comes in contact on the job, such as a resident, vendor or member of the general public;
- Cooperating in any investigation of alleged harassment by providing any information he/she possesses concerning the matter being investigated;
- Actively participating in efforts to prevent and eliminate harassment and to maintain a working environment free from such discrimination;
- Ensuring that an individual who files a harassment claim and/or cooperates in an investigation may do so without fear of retaliation or reprisal.

## **B. WORKPLACE VIOLENCE PREVENTION**

The Town seeks to have a workplace free of violence and the threat of violence. ***THERE WILL BE ZERO TOLERANCE OF ACTS OR THREATS OF VIOLENCE IN OUR WORKPLACE BY EMPLOYEES, RESIDENTS, VENDORS, MEMBERS OF THE GENERAL PUBLIC, AND/OR ANYONE WHO CONDUCTS BUSINESS WITH THE TOWN.***

It is the intent of the Town to provide a workplace which is free from physical attacks, harassment, property crimes, threats, or any other violent act(s). The Town has developed the following procedures and principles with regard to violence in the workplace. Each employee must be familiar with these policies and regulations.

### **I. DEFINITIONS OF “ACTS OF VIOLENCE” AND “THREATS OF VIOLENCE”**

1. Any act of physical violence including, but not limited to, pushing, shoving, punching, striking, pinching, biting, kicking, wrestling, slapping, or any other aggressive or unsolicited, unwanted contact between two parties. By their nature, physical attacks often involve breaking criminal laws.
2. Any actual threat of immediate or future harm, whether verbally, in writing or by an employee's conduct or physical gesturing.
3. Any implied threat, made either verbally or by an employee's conduct or physical gesturing towards an employee, his or her family, friends, associates or property.

4. Verbal abuse, including unwanted telephone calls or language by a party designed to damage or harm another.
5. Threatening with a weapon, dangerous instrument or item construed to be or utilized as a weapon which may include but are not limited to firearms, models, replicas, or an object whose outline represents a firearm, knives, mace, bats, ammunition, clubs, and other such items.

***POSSESSION OF ANY WEAPON OR DANGEROUS INSTRUMENT BY AN EMPLOYEE DURING WORK HOURS AND/OR ON TOWN OF WATERFORD PROPERTY IS STRICTLY FORBIDDEN AND IS GROUNDS FOR DISCIPLINE UP TO AND INCLUDING TERMINATION.***

6. Property crimes, sabotage, theft, and destruction including, but not limited to, the abuse or destruction of Town of Waterford property, tools, or equipment and/or the personal property of others in the workplace.
7. Harassing surveillance or stalking (following or watching someone).

## **II. DEFINITION OF "WORKPLACE"**

1. An employee's immediate and/or assigned work area.
2. All Town of Waterford property including buildings, grounds, vehicles and parking areas.
3. The area in which an employee is assigned to work whether or not this area is specifically located on Town of Waterford property.
4. Off duty conduct which spills over into the workplace, i.e., posting threatening or discriminatory statements about co-workers on social media.

## **III. INDIVIDUAL RESPONSIBILITIES FOR ADDRESSING WORKPLACE HARASSMENT**

It is the duty and obligation of all employees who either experience or observe any act or threat of violence in the workplace to immediately report such behavior in accordance with Section C of this policy. Failure to report such behavior may result in disciplinary action, up to and including termination, for the employee involved. If there is an immediate emergency, employees are authorized to call 911.

Employees may sometimes be involved in personal disputes with family members, neighbors, etc., that can escalate to the point where injunctions, restraining orders, and other court orders are sought. We request that employees include their work location and/or their residence in the order. We suggest that the employee inform his/her Department Head, the Human Resources Department and/or the First Selectman of the issuance of such an order and provide a description of the

individual cited in the order. Even in the case where an employee has not secured a court order but fears for his/her safety, we request that the employee notify the police department immediately, and inform their Supervisor and/or the First Selectman as soon as practicable.

**C. PROCEDURES FOR COMPLAINTS OF DISCRIMINATORY HARASSMENT OR WORKPLACE VIOLENCE**

1. **Complaint**. The Town has designated the Human Resources Director as the Equal Employment Opportunity (“EEO”)/Grievance Officer. If any individual believes he/she has been subjected to workplace harassment and/or violence, the individual should initiate a complaint by contacting the EEO/Grievance Officer as soon as possible. The individual should file the complaint promptly following any incident of alleged harassment and/or workplace violence. The longer the period of time between the event giving rise to the complaint and the filing, the more difficult it will be for the Town to reconstruct what occurred. The individual may be requested to write out his/her complaint to document the charge. False or malicious reporting may result in an investigation and appropriate discipline.

Note: Individuals do not have to go through the regular chain of reporting procedures when reporting harassment. Moreover, if the individual is uncomfortable contacting the EEO/Grievance Officer for any reason, the individual may contact the First Selectman. Individuals other than the EEO/Grievance Officer or First Selectman who are informed of potential discriminatory harassment or workplace violence are required to notify the EEO/Grievance Officer or First Selectman.

2. **Investigation**. Upon receipt of the complaint, the EEO/Grievance Officer or the First Selectman (or designee) will promptly conduct an investigation into the matter. The charged individual will be asked to respond to the complaint. Additional investigation will be made to the extent appropriate in each case. If, after the completion of this investigation, it is determined that there is reasonable cause for finding a violation of this policy, the Town will notify the complainant and the charged individual of the finding verbally. This process will be confidential to the extent consistent with an effective investigation, subject to the business needs of the Town.
3. **Decision**. After the investigation has been concluded, the Town will make a final decision. If the Town finds that the investigation substantiates the allegations in the complaint, the Town will discipline the charged individual. Disciplinary action will be appropriate to the offense and may include termination. The complainant will be notified of the disposition of the investigation.
4. **Retaliation**. Retaliation against an individual for filing a complaint of workplace harassment or violence and/or cooperating in an investigation of a harassment complaint and/or workplace violence complaint is against the law and/or this policy. The Town will take appropriate disciplinary action, up to and including termination, against employees who retaliate against those who object to and/or report harassment or violence, and/or who participate in an investigation.

**D. DISCIPLINE**

1. Each incident will be evaluated independently and a proper remedy will be provided based upon the nature of the offense, duration, totality of the circumstances, and past offenses. Depending upon the severity of the offense, remedies may range from an oral reprimand to immediate termination.
2. Incidents involving weapons or other dangerous instruments are grounds for immediate disciplinary action up to and including termination from employment.

***ANY QUESTIONS ON THIS POLICY SHOULD BE REFERRED TO THE EEO/  
GRIEVANCE OFFICE OR THE FIRST SELECTMAN***

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