

Sexual Harassment – Other forms of Harassment

Harassment of an employee by a supervisor or co-worker on the basis of sex or inclusion in a protected class under law creates a harmful working environment and is illegal under state and federal law. It is the policy of the City of Waterbury to maintain a working environment free from harassment, insults or intimidation on the basis of an employee's sex or inclusion in a protected class. While this policy specifically addresses sexual harassment, the City will not tolerate harassment on any other basis as well (see section B, below).

A. Sexual Harassment

Verbal or physical conduct by a supervisor or co-worker relating to an employee's sex which has the effect of creating an intimidating, hostile, or offensive work environment, unreasonably interfering with the employee's work performance, or adversely affecting the employee's employment opportunities is prohibited.

Sexual harassment is a violation of Title VII of the Civil Rights Act of 1964 as well as Connecticut General Statutes, Sec. 46a-60 (a) (8). Sexual harassment is generally defined under both state and federal law as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature where:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
2. Submission to 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 unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

Although not an exhaustive list, the following are examples of the type of conduct prohibited by the policy against sexual harassment:

1. Unwelcome sexual advances from a co-worker or supervisor, such as unwanted hugs, touches, or kisses;
2. Unwelcome attention of a sexual nature, such as degrading, suggestive or lewd remarks or noises;
3. Dirty jokes, derogatory or pornographic posters, cartoons, or drawings;
4. The threat or suggestion that continued employment advancement, assignment or earnings depend on whether or not the employee will submit to or tolerate harassment; and
5. Engaging in indecent exposure.

Retaliation against any employee for complaining about sexual harassment is prohibited under this policy and illegal under state and federal law. Violations of this policy will not be permitted and may result in discipline up to and including discharge from employment. Individuals who engage in acts of sexual harassment may also be subject to civil and criminal penalties.

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Procedures:

If any employee believes that he or she has been subjected to sexual harassment, they should immediately:

1. Make their unease and/or disapproval directly and immediately known to the harasser and direct them to stop their behavior.
2. Make a written record of the date, time, and nature of the incident(s) and the names of any witnesses; and
3. Report the incident to the employee's immediate supervisor. In the event that the employee is uncomfortable discussing the matter with the immediate supervisor, the employee should report the incident to the Director of Human Resource or any member of the Human Resource professional staff.

Supervisor Responsibility:

Supervisors must deal expeditiously and fairly with allegations of sexual harassment within their departments whether or not there has been a written or formal complaint.

- Need to be alert to any sexual harassment and responsible for maintaining a workplace free of harassment and to refrain from harassment at all times;
- Responsible for promptly referring reports or complaints of sexual harassment to the Director of Human Resource.
- Responsible for maintaining complete and thorough documentation of any reports or complaints of sexual harassment.
- The Director of Human Resource or designee will be responsible for the investigation of the reports or complaints of harassment;
- Appropriate disciplinary or other action will be taken based on the circumstances.

Supervisors who knowingly allow or tolerate sexual harassment are in violation of this policy and subject to disciplinary action.

All incidents of sexual harassment or inappropriate sexual conduct should be reported immediately regardless of their seriousness. To the extent permitted by law, the City will endeavor to keep such reports or complaints confidential, sharing them with others only on a need-to-know basis to enable their investigation and resolution. All reports or complaints of suspected sexual harassment will be investigated. While employees are strongly encouraged to utilize the City's internal complaint procedure, they are not limited to its use. Complaints may be filed directly with the regional office of

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the Connecticut Commission on Human Rights and Opportunities, 55 West Main Street, Suite 210, Waterbury, CT 06702 (Telephone number 203-805-6530, TDD number 203-805-6579) and/or the Equal Employment Opportunity Commission, Boston Area Office, John F. Kennedy Federal Building, Government Center, Room 475, Boston, MA 02203 (Telephone number 617-565-3200; TDD number 617-565-3204. Connecticut law requires that formal written complaints be filed with the Commission on Human Rights and Opportunities within 180 days of the date when the alleged harassment occurred. Remedies for sexual harassment include cease and desist orders, back pay, compensatory damages, hiring, promotion, or reinstatement.

B. Other Forms of Harassment

While this policy generally addresses only sexual harassment, other types of harassment also are prohibited by federal or state law, such as harassment on the basis of sexual orientation, race, color, religious creed, marital status, national origin, ancestry, present or past history or mental disorder, mental retardation, learning disability or physical disability or age.

Therefore, employees of the City should also report situations involving any of these other forms of harassment through the complaint and investigation procedure set forth above. Any questions should be directed to the Director of Human Resource. As with sexual harassment, employees may make inquiries of, or file complaints with, the Connecticut Commission on Human Rights and Opportunities or with the Equal Employment Opportunities Commission.

