

CATEGORY: Human Resources**EFFECTIVE DATE: January 1, 2021****SUB-CATEGORY:****LAST REVISED DATE: January 1, 2021****POLICY TITLE: EEO, Discrimination, Harassment Policy****AUTHOR: Janet Dufrene****SUMMARY**

The purpose is to promote a professional work environment that offers equal employment opportunities and prohibits discriminatory practices, including harassment.

GUIDELINES/PROCEDURES

The Town expects that all relationships among persons in the workplace, including employees, customers, vendors and suppliers will be business-like and free of bias, prejudice and harassment.

EQUAL OPPORTUNITY

Equal Employment Opportunity is a fundamental principle at the Town. Employment is based upon personal capabilities and qualifications without discrimination and applies to all procedures relating to recruitment and hiring, compensation, benefits, termination and all other terms and conditions of employment.

NON-DISCRIMINATION

The Town strongly believes that employees and applicants for employment should be treated fairly. Verbal, non-verbal or physical conduct that denigrates, intimidates, shows hostility, or aversion toward an individual because of his/her race, color, sex, religion, national origin, age, disability, alienage or citizenship status, marital status, creed, genetic predisposition or carrier status, sexual orientation or any other characteristic protected by law or that of his/her relatives, friends or associates, and that: (i) has the purpose or effect of creating an intimidating, hostile or offensive work environment; (ii) has the purpose or effect of unreasonably interfering with an individual's work performance; or (iii) otherwise adversely affects an individual's employment is strictly prohibited.

ANTI-HARASSMENT

Harassing conduct includes, but is not limited to: epithets, slurs, negative stereotyping, threatening, intimidating, or hostile acts, denigrating jokes, and display or circulation in the workplace of written or graphic material, including electronic communication, that denigrates or shows hostility or aversion toward an individual or group. Sexual harassment constitutes discrimination and is illegal under federal, state and local laws. For the purposes of this policy, sexual harassment is defined as in the Equal Employment Opportunity Commission Guidelines. Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. These behaviors may include, but are not limited to: unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess or sexual deficiencies; leering, catcalls or touching; insulting or obscene comments or gestures; display or circulation in the workplace of sexually suggestive objects or pictures including through electronic communication; and other physical, verbal or visual conduct of a sexual nature. Sex-based harassment that is, harassment not involving sexual activity or language (e.g., male manager yells only at female employees and not males) may also constitute discrimination if it is severe or pervasive and directed at employees because of their sex.

AMERICANS WITH DISABILITIES ACT (ADA)

The Town is committed to comply with all applicable provisions of the Americans with Disabilities Act ("ADA"). It is the Town's policy not to discriminate against any qualified employee or applicant because of disability so long as the employee can perform the essential functions of the job. Consistent with this policy of non-

discrimination, the Town will provide reasonable accommodations to a qualified individual with a disability, as defined by the ADA, who has made the Town aware of his/her disability, provided such accommodation does not constitute an undue hardship on the Town.

The Town prohibits retaliation against any individual who reports discrimination or harassment or participates in an investigation of such reports.

These policies apply to all applicants and employees, and prohibit harassment, discrimination and retaliation whether engaged in by fellow employees, by a supervisor or manager or by someone not directly connected to the Town. (e.g., an outside vendor, consultant or customer). Conduct prohibited by these policies is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings and business-related social events.

REPORTING AN INCIDENT OF HARASSMENT, DISCRIMINATION, OR RETALIATION

The Town strongly urges the reporting of all incidents of discrimination, harassment or retaliation, regardless of the offender's identity or position.

Individuals who believe they have experienced conduct which is contrary to Town policy should file their complaints with their immediate supervisor, the Town Clerk, the Mayor, or another supervisor. Individuals should not feel obligated to file the complaints with the immediate supervisor first before bringing the matter to the attention of another designated reporting agent. All complaints should be reported to the Mayor by the reporting agent who receives the report.

IMPORTANT NOTICE TO ALL EMPLOYEES

Employees who have experienced conduct believed contrary to this policy have an obligation to take advantage of this complaint procedure. An employee's failure to fulfill this obligation could affect his/her rights. Early reporting and intervention is the most effective method of resolving actual or perceived incidents of harassment. Therefore, while there is no fixed reporting period, the Town strongly urges prompt reporting of complaints so that rapid and corrective action can be taken. The Town will make every effort to stop alleged harassment before it becomes severe or pervasive but can only do so with the cooperation of its employees. The availability of this complaint procedure does not preclude individuals who believe they are being subjected to harassing conduct from promptly advising the offender that his/her behavior is unwelcome and requesting that it be discontinued.

Any reported allegations of harassment, discrimination or retaliation will be investigated promptly. Confidentiality will be maintained throughout the investigatory process to the extent consistent with adequate investigation and appropriate corrective action.

Responsive action for misconduct constituting harassment, discrimination or retaliation may include training, referral to counseling, monitoring of the offender and/or disciplinary action such as warning, reprimand, withholding of a promotion or pay increase, reduction of wages, demotion, reassignment, temporary suspension without pay or termination, as the Town determines appropriate.

These policies may not be used as a basis for excluding or separating individuals from participating in business or work-related activities to avoid allegations of harassment. The law and policies prohibit disparate treatment based on sex or any other protected characteristic, with regards to terms, conditions, privileges and perquisites of employment. The prohibitions against harassment, discrimination and retaliation are intended to complement and further these policies, not to form the basis of an exception to them.