



Haverhill

Human Resources Department, Room 306

Phone: (978) 374-2357 Fax: (978) 374-2343

Mary Carrington, HR Director – mcarrington@cityofhaverhill.com

Denise Proia, HR Technician – dproia@cityofhaverhill.com

Margaret Pfifferling, Benefits Supervisor – mpfifferling@cityofhaverhill.com

Equal Employment Opportunity, Anti-harassment, and Non-discrimination Policy **Notice to Employees and Managers regarding Workplace Responsibilities and the Rights of Fellow Employees**

Statement of Policy

It is the policy and practice of the City of Haverhill to provide and promote equal employment opportunities for all applicants and employees. The City of Haverhill is firmly committed to maintaining a workplace based on our collective values, which stress the quality of our products and services, the importance of teamwork, and the need for all employees to treat each other with dignity, fairness, and respect. Therefore, it is the responsibility of all employees to ensure that the concepts of equal employment opportunity, non-harassment, and non-discrimination are understood, abided by, and carried out by everyone.

A. *Prohibition of Discrimination and Harassment*

It is the policy of the City of Haverhill to hire, train, promote, compensate, and administer all employment practices without regard to race, color, sex, sexual orientation, age, veteran status, marital status, religion, medical condition, national origin, disability unrelated to the ability to perform essential job functions, or an account of membership in any protected category under federal, state, or local laws. Harassment of employees or applicants because they are members or affiliated with members of any of the foregoing protected groups is also prohibited and will not be tolerated. The City of Haverhill will take appropriate measure in response to any such incidents, which are reported. Every good faith effort will be taken by the City of Haverhill to fulfill the objectives of this policy.

The City of Haverhill believes that every employee has the right to work in an environment totally free of harassment and discriminatory conduct, joking, or epithets. Such behavior does not advance the purposes of the City of Haverhill; it is also morally wrong, and may subject the City of Haverhill to legal exposure in certain circumstances. Towards that end, the City of Haverhill's policy sets a standard of conduct that is higher than what federal, state, and local laws may require, as it forbids discriminatory or harassing conduct of the kind described in this policy even if the conduct does not rise to the level of a violation of applicable law. Consequently, any employee who engages in these types of prohibited conduct will be subject to disciplinary action, up to and including termination.

B. *Conduct Constituting Prohibited Sexual or Discriminatory Harassment*

Sexual harassment (due to one's gender) is one of the forms of harassment forbidden by this policy. The City of Haverhill prohibits certain sex-related conduct regardless of whether it amounts to unlawful sexual harassment, as such conduct is deemed to be inconsistent with the City of Haverhill's policy of promoting tolerance, respect, and dignity in the workplace.

For example, and without compiling an exhaustive list, the following are illustrative that the City of Haverhill condemns and prohibits under this policy regardless of whether the conduct is based on gender or results in an adverse employment action and regardless of whether the conduct is severe or pervasive enough to create an unlawful hostile environment:



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- * It is prohibited for any person to condition such as a certain salary or promotion on the granting of sexual favors or the establishment or continuance of a personal relationship, or to imply to an employee that an award of such a benefit is conditioned upon the granting of sexual favors or the establishment or continuance of a personal relationship;
- * It is also prohibited for any employee to state or imply that another employee's performance is attributable in whole or in part to the employee's sex or membership in any protected-group categories under federal, state, or local laws;
- * It is also prohibited for any employee to state or imply that a fellow employee's promotion in the hierarchy has resulted from the granting of a sexual favor or relationship; and
- * It is also prohibited for any person to engage in any type of conduct which has the effect of unreasonably interfering with another employee's work or creates an intimidating hostile, or offensive environment.

As an employee of the City of Haverhill, you should be aware that the issue of whether behavior constitutes harassment or discriminatory conduct might depend on how that behavior is viewed by the employee who is subjected to the behavior. Any employee who initiates or persists in such prohibited behavior assumes the risk of violating this policy in the event that the person who is the object of the behavior views it as offensive; accordingly, such as employee may be subject to discipline even if his or her conduct might not have been intended as offensive.

C. Conduct Constituting Sexual or Discriminatory Conduct, Joking, or Epithets

For example, and without compiling an exhaustive list, the following are illustrative of conduct that the City of Haverhill condemns and prohibits under this policy:

- It is prohibited for any employee to bring any item to the work premises for purposes of an offensive sexual or discriminatory joke or epithet;
- It is also prohibited for any employee to use the City of Haverhill property, bulletin boards, documents, or e-mail or voice mail systems for purposes of an offensive sexual or discriminatory joke or epithet;
- It is also prohibited for any employee to deface the City of Haverhill property or the personal property of any one else for purposes of an offensive sexual or discriminatory joke or epithet;
- It is also prohibited for any employee to utter or utilize any offensive sexual or discriminatory jokes or epithets at work, or when referring to or about any other person, be they an employee or a non-employee;
- It is also prohibited for any employee to harass anyone else due to their sex, sexual orientation race, color, ethnic background, age, national origin, religion, marital status, disability, or other protected-group status; and,
- It is also prohibited for any employee to bring to or display in the workplace any materials having an offensive content (such as pornography or due to a demeaning reference to another's protected-group status), or to circulate or disseminate such materials through the City of Haverhill's internal mail or e-mail systems.

D. Application of the Policy to Non-City of Haverhill Employees

The City of Haverhill's policy also applies to the dealings of any employee with non-employees such as customers, vendors, and members of the public. Furthermore, the policy also applies to individuals who do business with the City of Haverhill, who are present on the city's premises, or who interact with any employee of the Company while the employee is on-duty.



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E. Procedure Upon Occurrence of Prohibited Conduct

Employees who believe they have been subjected or exposed to discrimination or harassment prohibited by this policy have the right to have any such activity terminated immediately. Every employee has a role in preventing discrimination and harassment. Every employee must avoid any conduct that reasonably could be interpreted as discrimination or harassment under this policy, and every employee should indicate when another person's conduct in the workplace is unwelcome. In addition, every employee should endeavor to protect other employees from discrimination and harassment. Employees are expected and encouraged to inform others in the workplace whenever their conduct is unwelcome, offensive, inappropriate, or in poor taste. Therefore, employees are required to come forward promptly and report any problems pursuant to this policy before the alleged offending behavior becomes severe or pervasive. In addition, employees should come forward with complaints about alleged problems or violations of the City of Haverhill's policy at any time. Complaints need not be limited to someone who was the target of the alleged offending conduct. Anyone who has observed an alleged violation of the policy is also encouraged to report complaints to the City of Haverhill.

F. Reporting Procedures

If an employee experiences or witnesses any conduct that he or she believes is inconsistent with this policy, the City of Haverhill expects the employee to notify immediately one or more of the people designated below. The City of Haverhill has convenient and reliable mechanisms in place for reporting alleged violations of the policy. Complaints will be accepted in writing or orally. Complaints can be directed to multiple persons with the City of Haverhill, including:

- An employee's supervisor/department head
- The Human Resources Director; or
- Any member of management

All complaints shall be treated in a confidential manner to the extent possible. Upon receipt of a complaint, or in circumstances where the City of Haverhill becomes aware of alleged offending conduct. If the investigation leads to a determination that an individual engaged in conduct in violation of the City's policy, appropriate corrective action will be taken immediately, including the possible termination of the offending party. In investigating complaints under this policy, the City may impose discipline for inappropriate conduct that comes to the City's attention, without regard to whether the conduct constitutes a violation of law.

G. Prohibition On Retaliation

The City of Haverhill will not tolerate adverse treatment of any employee because he or she reports harassment or discrimination, or provides information related to such complaints. As this policy strictly prohibits retaliation of any form against anyone who complains of alleged violations of this policy, the prohibition against retaliation also applies to any employee involved in or cooperating with any investigation of alleged offending conduct under this policy. Thus, a supervisor is prohibited from making any personnel decision or taking any other adverse action against any employee because the employee complained or cooperated in good faith with an investigation of alleged conduct prohibited by this policy. Any acts or retaliation will be considered a violation of this policy, and corrective action will be taken immediately, including the possible termination of any individual who engages in retaliation of any form.