



POLICY AND PROCEDURE

Anti-Discrimination and Anti-Harassment Policy

DATE: APRIL 15, 2015

NUMBER: RESOLUTION 39-15

1.0 POLICY STATEMENT

It is the policy of the City of Riviera Beach to comply with all provisions of Title VII of the Civil Rights Act, the Americans with Disabilities Act, the Age Discrimination in Employment Act, the Genetic Information Non-Discrimination Act, and all applicable State, Federal and local laws prohibiting discrimination and harassment in the workplace. The City believes that each employee should be able to work in an environment free of discrimination and any form of harassment based on any protected category or characteristic including: race, color, military status, religion, age, sex, pregnancy, national origin, citizenship, disability, marital status, genetic information, gender identity or expression, sexual orientation, or any other category protected by applicable law. In addition, the City will not retaliate against any employee for making a good faith report of alleged harassment or discrimination.

2.0 PURPOSE OF THE POLICY

In order to provide a professional, productive and pleasant working environment, it is important that the City maintain an atmosphere characterized by mutual respect and dignity. This policy sets forth the parameters for maintaining the same. Accordingly, verbal or physical conduct by any employee which harasses, disrupts, or interferes with another's work performance or which creates an intimidating, offensive, discriminatory, or hostile work environment will not be tolerated.

3.0 AUTHORITY

The City Manager, Department Heads, and Supervisors have the authority to monitor and ensure that all employees comply with this Policy in accordance with the provisions of Title VII of the Civil Rights Act, the Americans with Disabilities Act, the Age Discrimination in Employment Act, the Genetic Information Non-Discrimination Act, and all applicable State, Federal and local laws prohibiting discrimination and harassment in the workplace.

4.0 APPLICABILITY

This Policy applies to all City of Riviera Beach employees, including appointed employees, general employees, public safety personnel, part-time, temporary, interns and volunteers. It also applies to elected officials.



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5.0 DEFINITIONS

- 1) Discrimination – To make a difference in treatment based upon one of the characteristics protected by applicable law.
- 2) Harassment - Consists of unwelcome conduct, whether verbal, physical, written, or visual, that is based upon a person's protected status, such as sex, sexual orientation, color, race, ancestry, religion, national origin, age, disability, marital, veteran, citizenship status, or any other status protected by applicable law. Harassment includes conduct that denigrates or shows hostility or aversion toward an individual because of the employee's protected status.
- 3) Sexual Harassment - Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when the:
 - a. submission to the conduct is an explicit or implicit term or condition of employment,
 - b. submission to or rejection of the conduct is used as the basis for employment decisions, or
 - c. conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

6.0 PROCEDURE

A. Examples of Conduct

Each employee and supervisor has a responsibility to maintain the workplace free of any form of discrimination, sexual harassment and any other harassment based upon any characteristics stated above or otherwise protected by applicable law. No supervisor is to threaten or insinuate, either explicitly or implicitly, that any employee's refusal or willingness to submit to sexual advances will affect the employee's terms or conditions of employment. Other harassing or offensive conduct in the workplace, whether committed by supervisors, non-supervisory employees or non-employees, or elected officials, is also prohibited. Such conduct may include, but is not limited to, the following:

1. Sexual flirtations, touching, advances or propositions;
2. Verbal abuse of a sexual nature or based on a protected category;
3. Physical contact, pinching, patting, brushing against another's body, blocking movements, hitting, pushing or punching;
4. Graphic or suggestive comments about an individual's dress or body;
5. Degrading words to describe an individual based on a protected category;
6. The display in the workplace of sexually suggestive objects or pictures;
7. The display in the workplace of objects or pictures that tend to denigrate a person's protected characteristic;
8. Spreading gossip about a person because of that person's protected characteristic;



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9. Unwanted comments, serious or humorous directed at an individual or about an individual which refers or relates to the employee's protected characteristic;
10. Making unwanted suggestive telephone calls to an individual on the basis or because of that person's protected characteristic;
11. Writing unwanted suggestive letters, e-mails, or text messages, denigrating an individual because of one of the above-mentioned protected characteristics;
12. Any comments referencing an individual's protected characteristic in employment practices that is of a derogatory or denigrating nature.

It is important to note that conduct of these types, although they may be welcome between or among some participants, may be offensive or intimidating to other employees or third parties who are exposed to the conduct, but are not the object of the harassment.

B. Reporting

Actions or words that constitute discrimination or unwelcome harassment of employees by anyone, including non-employees or elected officials, in the workplace are not acceptable and must be reported to Management immediately. Management includes: the immediate supervisor, any Department Head, the Human Resources Director, the City Attorney, or the City Manager. Each supervisor and Department Head is responsible for making sure that all employees within the employee's area of responsibility are aware of this policy, for ensuring that personnel decisions are made in accordance with this policy, and consulting with the Human Resource Department when improper behavior is observed or reported.

Employees who believe they have been harassed or discriminated against should inform the person engaging in such behavior that such conduct is unwelcome and must stop. Should the employee feel uncomfortable directly confronting the alleged harasser, the employee may choose to skip to the next step by immediately notifying Management. Any employee, who has a complaint of discrimination or harassment at work by anyone, including supervisors, elected officials, co-workers, or visitors, must immediately report the employee's complaint to the immediate supervisor, any Department Head, the Human Resources Director, the City Attorney, or the City Manager. If for any reason, the alleged discrimination or harassment cannot be reported to the immediate supervisor or a Department Head, or the employee reasonably believes such report would be ineffectual, the employee must report the matter directly to the Human Resources Director, the City Attorney, or City Manager. Supervisors, Department Heads, and the City Manager shall immediately notify the Human Resources Director upon receipt of reports or complaints of discrimination or harassment. However, if the Human Resources Director or an elected official is the subject of the complaint, the City Attorney and the City Manager shall be immediately notified.

All such complaints will be investigated in a timely and in as impartial and confidential manner as possible under Florida and applicable law. Investigation by the City, however, does not toll or alter the time for filing a charge with the Equal Employment Opportunity Commission. The investigation of a complaint will normally include conferring with the parties involved and any named or apparent witnesses.



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All employees shall be protected from coercion, intimidation, retaliation, interference or discrimination for filing a complaint or assisting in an investigation. Any employee engaging in conduct designed to retaliate or interfere with another employee's reporting of a complaint shall be subject to appropriate disciplinary action, up to and including termination.

If a violation is found to exist, appropriate disciplinary action will be taken, up to and including termination. If a violation is found to exist regarding an elected official, the findings shall be reviewed by the City Attorney who will assist in formulating a resolution. A non-employee who subjects an employee to discriminatory conduct or harassment in the workplace may be reported to the Police Department. Other action may be taken as appropriate or allowed by law.

C. Department Heads/Managers/Supervisors Responsibilities

- 1) Report to the Human Resources Department any questions, concerns or complaints raised by employees concerning discrimination or harassment, and assist in addressing and resolving such questions, concerns, or complaints in a timely and equitable manner.
- 2) Report to the City Attorney and City Manager any questions, concerns or complaints raised by employees concerning discrimination or harassment by the Human Resources Director or an elected official.
- 3) Ensure all personnel decisions are based on business needs, merit, qualifications and abilities of employees.
- 4) Educate employees on proper workplace behavior and enforce appropriate rules.

D. Human Resources Department Responsibilities

- 1) Provide counsel to supervisors and employees on questions, concerns, complaints or procedures related to discrimination or harassment.
- 2) Promptly and confidentially investigate any formal or informal discrimination or harassment complaints and take appropriate action to resolve questions, concerns or complaints raised by employees.
- 3) Communicate with concerned or complaining employees about the status and results of investigation and actions towards resolution of the issue.
- 4) Provide regular opportunities for training to employees regarding Prevention of Harassment and Discrimination in the Workplace.



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E. Employee Responsibilities

- 1) Report any questions or concerns regarding discrimination or harassment issues to **the immediate supervisor, any Department Head, the Human Resources Director, the City Attorney, or the City Manager.**
- 2) Employees can raise concerns and make complaints under this Policy without fear of reprisal.
- 3) Treat each other with mutual respect and dignity.

Departmental Sponsor: Human Resources

Policy Review Date: April 2018

References: N/A

Departments Affected: All Departments

Approved By: CITY COUNCIL, APRIL 15, 2015 CITY COUNCIL MEETING