



# Town of Mendon

## ANTI-HARASSMENT AND ANTI-DISCRIMINATION POLICY

### **I. Purpose and Scope**

The purpose of this policy is to define the Town's Anti-Harassment and Anti-Discrimination Policy. This policy applies to all Town employees.

Discrimination in employment based on various protected classes is prohibited by law. The Town will not discriminate against employees or applicants for employment based on any class or category protected by law, including, but not limited to: race, color, religion, national origin, ancestry, genetics, age, disability, pregnancy, sex, gender, gender identity, sexual orientation, and active military or veteran status, or based on an employee's objecting to or reporting unlawful discrimination or harassment, or otherwise engaging in activities to protect their related legal rights. This means that the Town will not take action or make decisions related to the employment of an individual based on any protected class, including hiring, promotions, disciplinary action, separations, or terms and conditions of employment. Any employee who believes discrimination has occurred should make a report to the Town, or make a complaint, as outlined in this policy.

### **II. General Policy Regarding Harassment in the Workplace**

Massachusetts General Law Ch. 151B, s.4 prohibits sexual and other harassment in the workplace.

Employees and applicants for employment with the Town of Mendon have a right to be free from all forms of harassment. Harassment includes behavior that is personally offensive, lowers morale and interferes with work effectiveness. It also undermines the integrity of the employment relationship and will not be tolerated and may be subject to corrective action up to and including termination. Moreover, as a part of the overall nondiscrimination policy, as stipulated by State and Federal law, the Town of Mendon prohibits all forms of harassment.

Harassment is a form of employment discrimination that violates State and Federal law. Harassment is unwelcome conduct that is based on race, color, religion, religious creed, sex (including pregnancy), sexual orientation, national origin, ancestry, age (40 or older), disability, genetic information, military service or any other category protected under applicable Federal, State or local law. Harassment becomes unlawful where 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile or abusive. Anti-discrimination laws also prohibit harassment against individuals in retaliation for filing a discrimination charge, testifying or

participating in any way in an investigation, proceeding or lawsuit under these laws; or opposing employment practices that they reasonably believe discriminate against individuals, in violation of these laws.

Petty slights, annoyances, and isolated incidents (unless extremely serious) will not rise to the level of illegality. To be unlawful, the conduct must create a work environment that would be intimidating, hostile, or offensive to reasonable people.

Offensive conduct may include, but is not limited to offensive jokes, slurs, epithets or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, and interference with work performance. Harassment can occur in a variety of circumstance, including, but not limited to the following:

- The harasser can be the victim's supervisor, a supervisor in another area, and agent of the employer, a co-worker, or a non-employee.
- The victim does not have to be the person harassed, but can be anyone affected by the offensive conduct.
- Unlawful harassment may occur without economic injury to or discharge of, the victim.

Unwelcome harassing conduct will not be tolerated. Employees are encouraged to inform the harasser directly that the conduct is unwelcome and must stop. Employees should also report harassment to Human Resources to prevent escalation.

Individuals who are victimized by harassment, sexual harassment or discrimination have statutory remedies, which include filing a complaint with an administrative agency and/or the courts, both on a state and federal level. The Town has developed this policy to familiarize employees with applicable legal guidelines.

This policy affords those who feel they are victims of harassment or discrimination with a procedure for making the Town aware of the problem and allowing it to attempt to remedy the situation. It is the policy of the Town to promptly investigate all complaints of harassment or discrimination. When it has been determined that inappropriate conduct has occurred, the Town will act promptly to eliminate such conduct and impose any necessary corrective action, including disciplinary action where appropriate.

An individual written copy of this policy shall be provided annually to all Town employees and to all new employees at the time of hire/orientation. A confidential acknowledgement sheet shall be completed, signed and placed in each employees personnel file.

### **III. Definition of Sexual Harassment**

- A. M.G.L. ch. 151B, s.1 (18) defines sexual harassment as sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
1. Submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions; or
  2. Such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment; or
  3. Discrimination on the basis of sex.
- B. Sexual harassment is not limited to prohibited conduct by a male towards a female or by a supervisor towards one of lower rank.
1. Men and women may be the victims of sexual harassment, and a woman as well as a man may be the harasser.
  2. The harasser does not have to be the victim's supervisor. [S]he may also be an agent of the supervisor, a supervisory employee who does not supervise the victim, a non-supervisory employee (coworker), or, in some circumstances, even a non-employee.
  3. The harasser may, but need not, be the same sex and have the same sexual orientation as the victim.
- C. The victim does not have to be the person at whom the unwelcome sexual conduct is directed. [S]he may also be someone who is affected by such conduct when it is directed toward another person. For example, the sexual harassment of one employee may create an intimidating, hostile, or offensive working environment for another coworker or interfere with the coworker's work performance. The belief that such interference has occurred must be objectively reasonable.
- D. Sexual harassment does not depend on the victim's having suffered an actual economic injury as a result of the harasser's conduct. For example, improper sexual advances which do not result in the loss of a promotion by the victim or the discharge of the victim may, nonetheless, constitute sexual harassment where they interfere with the victim's work or create a harmful or offensive work environment. The belief that such interference occurred must be objectively reasonable.

### **IV. Examples of Sexual Harassment**

While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct which if unwelcome, may

constitute sexual harassment depending upon the totality of the circumstances including the severity of the conduct and its pervasiveness:

- A. Demanding sexual favors accompanied by direct or overt threats concerning one's job, performance evaluation, promotion, salary increases, increased benefits, or continued employment.
- B. Engaging in reprisals (not granting promotions, assigning undesirable tasks, making negative statements about the victim's personal or work conduct, etc.), as a result of an individual's refusing to engage in social/sexual behavior.
- C. Contact with any sexual part of a coworker's body (e.g., touching, patting or pinching).
- D. Touching any nonsexual part of the body (e.g., shoulder, etc.) after that person has verbally or otherwise indicated that such touching is unwanted.
- E. Refusing to take action or to enforce disciplinary measures against a person who has been sexually harassing another staff member or otherwise condoning such behavior.
- F. Continuing to ask a person to socialize after work when that person has verbally or in writing indicated no interest in such activities.
- G. Displaying sexually suggestive pictures, objects, cartoons or posters after being told they are offensive.
- H. Subtle pressure for sexual activities; e.g., continuing to write suggestive notes or letters after being informed they are unwelcome.
- I. Verbal harassment or abuse; e.g., referring to or calling a person an endearing, demeaning or sexualized term, or making reference to a person's physical characteristic (e.g., pregnancy) when that person has verbally or in writing indicated to the harasser or the department [s]he does not wish to be addressed or referred to in that manner.
- J. Leering (i.e., prolonged staring) at a person's body or whistling.
- K. Language of a sexual nature in another's presence or conduct, even if not directed to said individual, once it is known that [s]he objects; such as sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life, comments about an individual's body, comments about an individual's sexual activity, deficiencies, or prowess.
- L. Inquiries into one's sexual experience or discussion of one's sexual activities, after it is known that the individual does not welcome such inquiries or discussions.

## **V. Responsibilities of All Employees**

Each employee is personally responsible for:

1. Ensuring that [s]he does not harass or discriminate against any other employee, applicant for employment, or other individual, either in the workplace or at a work-related activity;
2. Informing any individual that their words or actions are unwelcome and offensive, when any type of harassment or discrimination is encountered;
3. Immediately reporting acts of harassment or discrimination;
4. Cooperating in the investigation of complaints of alleged harassment or discrimination by providing any information [s]he possesses concerning the matters being investigated; and
5. Otherwise cooperating with the Town's efforts to prevent and eliminate any form of harassment or discrimination and to maintain a working environment free from such unlawful activity.

## **VI. Complaints**

The Town is committed to maintaining a productive work environment free from discrimination, including harassment. It will not tolerate harassment of employees by anyone, including members of the public. Harassment will not be tolerated in Town buildings, on Town property or in other settings in which employees may find themselves in connection with their employment. Any employee found to have engaged in harassment or discrimination, in violation of this policy, is subject to disciplinary action up to and including termination of employment.

Retaliation against employees for reporting or complaining of discrimination, harassment, or sexual harassment (or for supporting an employee in making such a report or complaint, or for cooperating in the investigation of a report or complaint) is unlawful and will not be tolerated.

It is the responsibility of all employees of the Town to ensure that we work in an environment that is free from discrimination and harassment. If you are concerned about something, you may talk about it with your supervisor or with Human Resources. If, after discussion of the behavior in question, either party believes that this Policy may have been violated, then that party must proceed with the reporting procedure.

## **VII. Reporting Procedures**

Any employee who believes [s]he has been the victim of harassment, discrimination, sexual harassment, or retaliation shall report this fact, either orally or in writing, as soon as possible to his/her supervisor or directly to Tanya Bureau in Human Resources at Town

Hall, 20 Main Street, Mendon (508) 603-9958. If that is difficult for any reason, under the circumstances, you may talk with the Town Administrator.

An investigation of all complaints will be undertaken immediately. If the Town learns that an employee has engaged in behavior that could be in violation of this policy, the Town will conduct an investigation regardless of whether or not the victim files a complaint and corrective action will be taken when warranted. No person will be subject to any form of retaliation for filing a complaint or cooperating in its investigation. Information will be handled with the highest degree of confidentiality possible under the circumstances and with due regard for the rights and wishes of all parties. To the extent that the Town is permitted to do so by law, the Town will inform the person filing the Complaint regarding resolution of the Complaint once the investigation is completed.

After an investigation, any employee who is found by the Town, depending upon the circumstances of the situation to have harassed another in the workplace will be subject to appropriate discipline up to and including termination.

In addition, if any employee believes that he or she has been subjected to discrimination, harassment, sexual harassment or retaliation in violation of law, he or she also may file a formal complaint with the appropriate federal or state government agencies, including the United States Equal Employment Opportunity Commission (EEOC) (800-669-4000) and the Massachusetts Commission Against Discrimination (MCAD) (617-994-6000). The contact information for those offices is provided below:

United States Equal Employment Opportunity Commission (EEOC)  
John F. Kennedy Federal Building  
Government Center  
Room 475  
Boston, MA 02203  
800-669-4000

Massachusetts Commission Against Discrimination (MCAD)	
Boston Office:	Worcester Office:
One Ashburton Place, Rm 601	484 Main Street, Rm 320
Boston, MA 02108	Worcester, MA 01608
(617) 994-6000	(508) 453-9630

## **VIII. Acknowledgement**

Massachusetts Fair Employment Practices Act, Chapter 151B requires employers to provide all employees an individual written copy of the policy against sexual harassment annually. It also requires that new employees be provided with a copy at the beginning of employment. The attached acknowledgement form is provided to ensure compliance.

**Town of Mendon  
Acknowledgement Form**

**(Please complete and return to Human Resources)**

This is to certify that I have been provided an individual copy of the Town of Mendon's Anti-Harassment and Anti-Discrimination Policy (which includes the Sexual Harassment Policy).

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Employee Name (Please print)

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Signature

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Date