

HEAT & FROST INSULATORS & ALLIED WORKERS LOCAL 6
POLICY AGAINST SEXUAL HARASSMENT
(6 Pages)

Introduction

Heat & Frost Insulators & Allied Workers Local 6 (“Local 6”) is committed to creating and maintaining a work and union environment in which individuals are treated fairly and with dignity, decency, respect, and in accordance with all applicable law. Through enforcement of this policy and by education of Individuals, Local 6 strives to prevent inappropriate conduct that could be considered sexual harassment. In addition, Local 6 is committed to correcting any inappropriate conduct, including disciplining those who violate this policy, where practical.

1. Scope

All employees, members, supervisors, foremen, stewards, union officers, vendors, visitors, regardless of position (hereafter “Individuals”), are intended to be covered by, and are expected to comply with, this policy and to take appropriate measures to ensure that prohibited conduct does not occur.

While this policy sets forth Local 6’s goals of promoting a workplace that is free of unlawful harassment, it is not designed or intended to expand Local 6’s liability or extend or limit local 6’s authority to discipline or take remedial action for workplace or union related conduct which it deems unacceptable, regardless of whether that conduct satisfies the definition of unlawful sexual harassment. Where Local 6 is able, it will take immediate and proportionate corrective action when it determines that inappropriate conduct has occurred as, left unchecked, it may lead to unlawful sexual harassment.

This policy applies, to the extent lawful and practical, to all work and union-related settings and activities, both inside and outside the workplace and union property, and includes related functions where the workplace or union environment is affected. This policy may extend to a covered Individual’s activity on social networking websites such as Instagram, Facebook, Twitter, Snapchat, and LinkedIn. Mistreatment on social media can carry the weight of any other workplace or union interaction. Local 6 urges all Individuals to be wary of their social media connections with each other. Local 6 reminds all Individuals to be responsible and appropriate in their social media when it can affect workplace or union related interactions.

This policy also extends to Local 6’s real and other property, including but not limited to its buildings, offices, automobiles, telephones and cell phones, Wi-Fi and internet connections, copy machines, computers, and computer applications, such as email and internet access, which may not be used to engage in conduct that violates this policy.

2. Sexual Harassment

It is against this policy to engage in harassment based on gender, including offensive conduct that is sexual in nature, and that is based on sexual orientation or gender identity/identification. Any hostile conduct based on such categories is forbidden by this policy regardless of whether the individual engaged in harassment and the individual being harassed are of the same or different genders.

Unwelcome sexual advances, requests for sexual favors, and other physical, visual, verbal and nonverbal conduct of a sexual nature constitute sexual harassment when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an Individual's employment or membership in Local 6.
- Submission to or rejection of such conduct by an individual is used as the basis for employment or membership decisions affecting such individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working or union environment.

Under these definitions, direct or implied requests by a supervisor, manager, foreman, union office or steward for sexual favors in exchange for actual or promised job or membership benefits such as favorable reviews, referrals, salary increases, promotions, increased benefits, or continued employment or membership may constitute sexual harassment.

The definition of sexual harassment is broad. Unwelcome sexually-oriented conduct, whether intended or not, that has the effect of creating a work or union environment that is hostile, offensive, intimidating or humiliating to either male or female workers may constitute 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, where caused by an Individual or other person who has a relationship with Local 6 may be considered to be sexual harassment, including but not limited to:

- Unwelcome sexual flirtations, advances, demands, pressures, propositions or requests for sexual acts or favors;
- Offering employment or union benefits, such as favorable performance reviews, salary increases, promotions, increased benefits, or continued employment, in exchange for sexual favors;
- Making or threatening reprisals after a negative response to sexual advances;
- Offensive physical contact such as unwanted patting, grabbing, pinching, brushing against another's body, or impeding or blocking movement;
- Offensive visual conduct, including leering, making sexual gestures, the display of offensive sexually-suggestive objects or pictures, cartoons or posters;
- Offensively suggestive or obscene letters, notes or invitations;
- Offensive sexually-oriented verbal comments, name-calling, whistling, epithets, slurs, teasing or jokes;
- Continued or repeated verbal abuse of a sexual nature;
- Graphic, degrading, or other sexual comments, mockery, ridicule, insults or put-downs; and
- Texting, sending picture messages, or otherwise communicating inappropriately via cell phones, smart phones, over the internet, using social media, e.g., Facebook, Snapchat, Twitter, LinkedIn, Instagram, and the like.

Determining whether conduct may be sexual harassment is dependent upon the totality of the circumstances including welcomeness, severity, and pervasiveness.

3. *Individual Responsibility*

All Individuals are responsible for ensuring that the workplace and union is free from unwelcome conduct that is prohibited by this policy. Individuals are expected to avoid any behavior or conduct that could reasonably be interpreted or perceived as prohibited under this policy. No Individual is exempt from the requirements of this policy.

4. *Reporting Procedures*

Common workplace or union-based responses by those who experience sexual harassment are to avoid the harasser, deny or downplay the gravity of the situation, or attempt to ignore, forget, or endure the behavior. Local 6 urges Individuals to instead, speak up and report any sexual harassment. This applies whether the harassment is by any Individual or person who has a relationship with Local 6 which enables Local 6 to exercise some control over the individual's conduct in places and activities that relate to our environments and workplaces. This reporting system applies to Individuals who have *experienced* harassment, and Individuals who have *observed* harassment. Prompt reporting of sexual harassment is in the best interest of each Individual and Local 6 and is essential to a fair, timely, and thorough investigation.

Individuals subjected to sexual harassment are encouraged to directly inform the offending person(s) that such conduct is offensive and must stop, if they are comfortable in so doing. No person so informed shall engage in any retaliation whatsoever. If, however, the Individual does not wish to communicate directly with the alleged harasser(s), or if direct communication has been ineffective, then that Individual is encouraged and expected to immediately contact:

Business Manager, **James R. Lister**; or

Business Agent, **Jeffrey W. Saliba**.

At 303 Freeport Street, Boston, MA 02122, telephone (617) 436-4666

JimLister@insulators6.org or JeffSaliba@insulators6.org

Although reports may be made verbally, Individuals are encouraged to make any reports of sexual harassment in writing, as doing so will assist in and expediate the investigation process.

5. *Management and Steward Responsibility*

Any supervisor or person in a management position who has witnessed, heard, heard of, or otherwise been made aware of conduct that is or may be inconsistent with this policy or who receives a report of conduct, from any source whatsoever, that is inconsistent with this policy **must** report the matter immediately to Local 6's Business Manager, James R. Lister, or Local 6's Business Agent, Jeffrey W. Saliba. All union stewards are mandatory reporters. As such, all union stewards shall immediately report any and all instances that may constitute a violation of this policy.

6. *Investigation and Corrective/Remedial Action*

All reports of sexual harassment received pursuant to this policy will be promptly investigated in as confidential, timely, impartial, and thorough manner as possible and in accordance with the requirements of applicable law. Local 6 recognizes that allegations of sexual harassment and retaliation can be extremely sensitive. However, certain circumstances may require Local 6 to disclose such information to conduct a full and fair investigation or for other legitimate legal or business reasons. The person conducting the investigation will only involve those individuals necessary to complete the investigation. The steps to be taken during the investigation cannot be fixed in advance but will vary depending upon the nature of the allegations. The investigation will generally begin with a private interview with the complaining person or person feeling harassed (if different) and the person alleged to have committed the misconduct. It may extend to witnesses of the alleged misconduct. It is the responsibility of every Individual to cooperate fully with an investigation.

When the investigation is completed, Local 6 will, to the extent appropriate, inform the person feeling harassed and the person alleged to have committed the misconduct of the results of the investigation. Any report or other writings that are generated in the course of the investigation are Local 6's property and will not be shared with those who have been interviewed as part of the investigation.

Based upon the findings of the investigation, prompt and appropriate action will be taken to address any policy violations. This may include disciplinary action, up to and including fines and/or suspension of membership, regardless of the job positions of the parties involved. Corrective action may range from counseling to grievance filing, arbitration, formal charges and fines or suspension where lawful. If the person who engaged in inappropriate conduct is not a Local 6 employee or member, then Local 6 will take whatever corrective action is reasonable and appropriate under the circumstances, including referring the complaining person to agencies listed below.

Corrective action taken will be proportionate to the offensiveness of the conduct. For example, sexual assault or a demand for sexual favors in return for a promotion may result in termination, where appropriate and lawful; the continued use of derogatory gender-based language after an initial warning may result in a suspension, where appropriate and lawful; and the first instance of telling a sexist joke may warrant counseling. Remedial action, such as training or re-training, may be in order as well.

Local 6 might conclude, depending on the investigation and findings, that no violation of the policy occurred or that a conclusion cannot be reached as to whether a violation has occurred. In any event, Local 6 will take steps to ensure that the individuals involved are reminded of this policy and Local 6's commitment to a harassment-free work environment. Those involved in an investigation may also be cautioned about retaliation.

7. *Retaliation*

No hardship, loss of benefit or adverse employment action may be imposed on an Individual for complaining about or filing a good-faith complaint of sexual harassment. Further, Individuals may not be harmed in any way for cooperating with or otherwise participating in the

investigation of a complaint. Retaliation is a serious violation of this policy and should be reported immediately.

If an Individual believes that retaliation has occurred against any person, then the Individual is encouraged to immediately report it through the means described above under “Reporting Procedures.” Anyone who is found to have retaliated against a person for complaining about or reporting potential sexual harassment, or for cooperating or otherwise participating in an investigation, will be subject to discipline, up to and including suspension of membership, and a demand that an employer corrects the workplace and ensures a workplace free of sexual harassment.

In addition to the above, Individuals may file a formal complaint with either or both of the government agencies set forth below. Using Local 6’s complaint process does not prohibit Individuals from filing a complaint with these agencies. Each of the agencies has a 300-day time period for filing a claim, but your filing-time has legal consequences, and no one should delay complaining.

United States Equal Employment Opportunity Commission (“EEOC”)

Visit: <https://www.eeoc.gov/>

John F. Kennedy Federal Building

475 Government Center

Boston, MA 02203-0506

(617) 565-3200

(800) 669-4000

The Massachusetts Commission Against Discrimination (“MCAD”)

Visit: <https://www.mass.gov/orgs/massachusetts-commission-against-discrimination>

One Ashburton Place, Suite 601

Boston, MA 02108

(617) 994-6000

or

484 Main Street, Room 320

Worcester, MA 01608

(508) 453-9630

Demello International Center

128 Union Street, Suite 206

New Bedford, MA 02740

(774) 510-5801

or

436 Dwight Street, Room 220

Springfield, MA 01103

(413) 739-2145

In Rhode Island

Visit: <http://www.richr.ri.gov/>

Rhode Island Commission for Human Rights

180 Westminster Street, 3rd Floor

Providence, RI 02903

Tel.: (401) 222-2661

Fax: (401) 222-2616

TTY (Relay RI): (401) 222-2664

In Connecticut

Visit: <https://www.ct.gov/chro/site/default.asp>
Connecticut Commission for Human Rights (Central Office)
450 Columbus Boulevard
Hartford, CT 06103-1835
Toll Free: 800-477-5737
Tel.: (860) 541-3400
TDD: (860) 541-3459

In New Hampshire

Visit: <https://www.nh.gov/hrc/>
New Hampshire Commission for Human Rights
2 Industrial Park Drive, Bldg. One
Concord, NH 03301
Tel.: (603) 271-2767
Fax: (603) 271-6339
humanrights@nh.gov

In Maine

Visit: <https://www.maine.gov/mhrc/>
Maine Human Rights Commission
#51 State House Station (mailing address)
19 Union Street (physical address)
Augusta, ME 04330
Tel.: (207) 624-6290
Fax: (207) 624-8729

In Vermont

Visit: <https://hrc.vermont.gov>
Vermont Human Rights Commission
14-16 Baldwin Street
Montpelier, VT 05633-6301
Toll Free VT: 800-416-2010
Tel.: 802-828-1625
Fax: 802-828-2481
Email: human.rights@vermont.gov