

HEAT & FROST INSULATORS & ALLIED WORKERS LOCAL 6 POLICY AGAINST UNLAWFUL HARASSMENT

(5 Pages)

Introduction

Heat & Frost Insulators & Allied Workers Local 6 (“Local 6”) is committed to creating and maintaining a work environment in which employees are treated fairly and with dignity, decency, respect, and in accord with all applicable law. Through enforcement of this policy and by education of employees and members, Local 6 strives to prevent inappropriate conduct that could be considered unlawful harassment, which implicates one of the following protected characteristics: race, color, religion, gender, national origin, age, disability/handicap, ancestry, genetic information, pregnancy, veteran status, marital status, military service, sexual orientation, genetics/genetic information, gender identity/expression, or any other protected category under state or federal law. Local 6 is committed to seeing that any inappropriate conduct is corrected, 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 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 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 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. Unlawful Harassment

Engaging in verbal, non-verbal, physical or electronic conduct, to include actions, writings, or comments, based on an individual’s race, color, religion, gender, national origin,

age, disability/handicap, ancestry, pregnancy, veteran status, marital status, military service, sexual orientation, genetics, genetic information, gender identity/expression, or any other legally protected category, whether it is intended or not, that is unwelcome and has the effect of creating a workplace or union environment that is hostile, offensive, intimidating, or humiliating to Individuals or other persons may constitute unlawful harassment.

While it is not always easy to identify precisely what conduct constitutes unlawful harassment, the following are some examples of conduct, if caused by an Individual or other person who has a relationship with Local 6, may be considered to be unlawful harassment, e.g., slurs, epithets, derogatory remarks or comments, threats, hostile physical conduct, intimidating acts, unwelcome jokes, teasing, display or circulation of offensive printed, visual or electronic materials, or other similar conduct that implicates one of the protected categories. It also extends to unwelcome voicemail messages, emails, texts, graphics, downloaded material, and websites involving one of the protected categories. This can include conduct via texting, sending picture messages, or otherwise communicating inappropriately via cell phones, smartphones, over the internet, using social media, and the like. Determining whether conduct may be in violation of this policy or unlawful 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 environment are 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

Local 6 urges Individuals to speak up and report any harassment or violation of this policy. This applies whether the harassment is by an Individual or any person who has a relationship with Local 6 which enables Local 6 to exercise some control over an individual's conduct in places and activities that relate to our work or union environment. This reporting system applies to Individuals who have *experienced* harassment, and Individuals who have *observed* harassment. Prompt reporting of harassment is in the best interest of all Individuals and Local 6 and is essential to a fair, timely, thorough investigation, and remedy.

Individuals subjected to 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 the 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 harassment in writing, as doing so will assist in and expediate the investigation process.

5. *Management and Steward Responsibility*

Any union officer, steward, 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 harassment received pursuant to this policy will be promptly investigated in as confidential, timely, impartial, and thorough a manner as possible and in accordance with the requirements of applicable law. Local 6 recognizes that allegations of 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, a nationality-based slur may result in a warning, training, charges, and a fine; continued utterances after an initial warning may result in a membership suspension and a demand that an employer correct the workplace and ensure a workplace free of harassment. 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 or other action may be imposed on a person for complaining about or filing a good-faith complaint of unlawful 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 anyone, 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 an Individual for complaining about or reporting potential unlawful harassment, or for cooperating or otherwise participating in an investigation, will be subject to discipline, up to and including membership suspension.

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, Room320
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