

BOSTON WATER AND SEWER COMMISSION

**POLICY AGAINST
HARASSMENT AND DISCRIMINATION**



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BOSTON WATER AND SEWER COMMISSION

Policy Against Harassment and Discrimination

I. Introduction

The Boston Water and Sewer Commission (“the Commission”) is committed to providing a safe working environment that promotes equal employment opportunities, regardless of race, color, religious creed, national origin, sex, sexual orientation, gender identity, age, ancestry, disability (actual or perceived), active military or veteran status, genetic information, or any other class protected by state or federal law. It is the Commission’s goal to prevent discrimination and harassment through ongoing staff awareness and policy dissemination. It shall be a violation of this policy for any Commission employee to discriminate against, harass, bully, intimidate, threaten, insult, retaliate against, or otherwise engage in any conduct, whether verbal or physical, against another employee on the basis of any protected class status.

Harassment is a form of discrimination, and sexual harassment is a form of harassment. The Commission takes allegations of discrimination, harassment, and sexual harassment very seriously and will respond promptly to such allegations. Further, it is a violation of this policy to retaliate against an individual who has complained of, or who has cooperated in an investigation of, alleged discrimination, harassment, or any other violation of this policy. If the Commission finds that an individual has violated this policy (or the law), the Commission will act promptly to eliminate the conduct and to impose appropriate corrective measures, including disciplinary action up to and including termination.

While this policy sets forth the Commission’s goals of promoting and maintaining a workplace that is free of unlawful discrimination, harassment, sexual harassment, and retaliation, this policy is not designed or intended to limit the Commission’s authority to discipline or take remedial action for workplace conduct that the Commission determines to be unacceptable, whether or not such conduct constitutes a violation of the law.

II. Definitions

A. Discrimination

Unlawful discrimination is the unfavorable, unfair, or unwelcome treatment of a person based on race, color, religious creed, national origin, sex, sexual orientation, gender identity, age, ancestry, disability (actual or perceived), active military or veteran status, genetic information, or any other class protected by state or federal law. Discriminatory conduct may include decisions regarding hiring, promotion, demotion or transfer, discharge, pay, benefits, training, classification, and any other aspects of employment, when made on the basis of a protected classification.

- Religious discrimination may include the failure to reasonably accommodate an employee’s religious practices where the accommodation does not impose an undue hardship on the employer.

- Disability discrimination may include the failure to reasonably accommodate an otherwise qualified person with a disability.

B. Harassment

Workplace harassment is conduct that degrades or shows hostility toward an individual because of his or her protected classification, with (1) the purpose or effect of unreasonably interfering with the individual's employment status or workplace conditions; or (2) the purpose or effect of creating a hostile, intimidating, or offensive working environment.

- Verbal harassment may include the use of epithets (nicknames and slang terms), derogatory or suggestive comments, propositioning, jokes or slurs, including graphic verbal commentaries about an individual's body, or that identify a person on the basis of his or her protected classification. Verbal harassment may include comments on appearance, or stories that tend to disparage those of a protected classification.
- Physical harassment may include assault, touching, impeding or blocking movement, grabbing, and patting, leering, making express or implied job-related threats in return for submission to physical acts, mimicking, taunting, or any physical interference with normal work or movement.

C. Sexual Harassment

Massachusetts law defines sexual harassment as sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:

- 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
- 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.

Under these definitions, direct or implied requests by a supervisor for sexual favors in exchange for actual or promised job benefits such as favorable reviews, salary increases, promotions, increased benefits, or continued employment constitutes sexual harassment.

The legal definition of sexual harassment is broad and in addition to the above examples, other sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating a work place environment that is hostile, offensive, intimidating, or humiliating to male or female employees 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 which, if unwelcome, may constitute

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

- Unwelcome sexual advances—whether they involve physical touching or not;
- Sexual epithets, jokes, written or oral references to sexual conduct; gossip regarding one’s sex life; comment on an individual’s body; comment on an individual’s sexual activity, deficiencies, or prowess;
- Displaying sexually suggestive objects, pictures, or cartoons, whether in print or electronic form;
- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- Inquiries into one’s sexual experiences; and
- Discussion of one’s sexual activities.

All employees should take special note that, as stated above, retaliation either against an individual who has complained about sexual harassment, or against individuals who have cooperated with an investigation of a sexual harassment complaint, is unlawful and will not be tolerated by the Commission.

D. Retaliation

Retaliation means taking adverse action against someone because that individual has engaged in legally protected activity, such as filing a complaint of harassment or discrimination, or cooperating with the investigation of a complaint of harassment or discrimination.

III. Complaints

If any employee believes that he or she has been subjected to discrimination or harassment, the employee has the right to file a complaint with the Commission. This may be done in writing or orally.

If you would like to file a complaint, you may do so by contacting your supervisor, or any of the following:

Janet Mahoney M
Deputy General Counsel-Labor Relations
980 Harrison Avenue
Boston, MA 02119
(617) 989-7340

Hussein Dayib
Director of Organizational Diversity
980 Harrison Avenue
Boston, MA 02119
(617) 989-7362

These persons are also available to discuss any concerns you may have, and to provide information to you about our policy on sexual harassment and our complaint process.

IV. Investigations and Disciplinary Action

The Commission will promptly investigate all complaints or reports of discrimination, harassment, or other violations of this policy. Such investigation will include interviews with the person making the complaint or report, and may also include interview with other employees or individuals who may have relevant information.

If it is determined that a violation of this policy has occurred, the Commission will act promptly to eliminate the offending conduct and, where appropriate, impose disciplinary action up to and including termination.

V. State and Federal Remedies

In addition to the above, if you believe that you have been subjected to unlawful discrimination, harassment, sexual harassment, or retaliation, you may file a formal complaint with either or both of the government agencies listed below. Using the Commission's internal complaint process does not prohibit you from filing a complaint with these agencies. Each has a 300-day time period for filing a claim.

Massachusetts Commission Against Discrimination (MCAD)
One Ashburton Place, Room 601
Boston, MA 02108
(617) 994-6000

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

VI. Effective Date of Policy

Policy approved and adopted by the Commissioners at a meeting of the Board on July 21, 1993.

Policy revised and adopted by the Commissioners at a meeting of the Board on November 21, 1996.

Policy revised and adopted by the Commissioners at a meeting of the Board on February 24, 2014.

This policy shall become effective on the date indicated and shall remain in effect until amended or rescinded by a vote of the Commissioners of the Boston Water and Sewer Commission.