

IRON WORKERS LOCAL 7'S
POLICY AGAINST SEXUAL AND OTHER HARASSMENT
(HEREAFTER "POLICY")
(6 Pages)

Introduction

The Administration of the Iron Workers Local 7 ("Organization") is committed to creating and maintaining an environment and Union in which members, employees, vendors, and other visitors are treated fairly and with dignity, decency, respect, and in accord with all applicable law and this Policy, free from harassment. Through enforcement of this Policy and by education of Members, employees, and others the Organization 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, 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 (hereafter "Protected Categories"). In addition, the Organization is committed to seeing that any inappropriate conduct is corrected, including disciplining those who violate this Policy, where practical. In this document, the term "harassment" includes a violation of this Policy. Examples of prohibited verbal and nonverbal prohibited behavior includes slurs or other derogatory comments, objects, pictures, cartoons, or demeaning gestures connected to one's membership in a Protected Category.

1. Scope

The Organization, by way of this Policy, does not assume any obligation or duty that regards wrongful harassment or discrimination on a jobsite owed by an employer that is also signatory to a labor agreement with this Organization acting as bargaining representative of such employer's employees. This Policy does not supersede, replace, or supplement any such employer's obligations or duties governing the jobsites. Such employers, and their employees, should not rely on this Policy as the policy governing the worksite or otherwise sufficient to satisfy such employer's, nor any other jobsite employer's, jobsite obligations and duties to obtain, provide, and enforce its own anti-harassment and anti-discrimination policies and training to ensure their jobsites remain free from harassment or discrimination.

This Policy applies only to the Organization's own employees, Members -including apprentices and probationary Members, and visitors to the Organization's premises regardless of elected or other position (collectively hereafter "Individuals"). All are expected to comply with this Policy and to take appropriate measures to ensure that conduct prohibited by this Policy does not occur.

Further, any retaliation against an individual who has complained about harassment or retaliation against individuals for cooperating with an investigation of an harassment complaint is similarly unlawful, violates this Policy, and will not be tolerated. To achieve our goal of ensuring that this Organization and its premises (its physical and electronic environment(s), including its off-premises functions) (hereafter "Premises") are and remain free from harassment, the conduct that is described in this Policy will not be tolerated. Below, we provide a procedure by which inappropriate conduct will be dealt with, if encountered by any individual and how to report any violation of this Policy, especially to relate a complaint.

Because the Organization takes allegations of harassment seriously, we will respond promptly to complaints of discrimination, and we will act promptly in an effort to eliminate inappropriate conduct and impose such corrective action as is necessary, including disciplinary action where appropriate.

Please note that while this Policy sets forth our goals of promoting an Organization and Premises that are free of harassment, the Policy is not designed or intended to limit our authority to discipline or take remedial action for conduct which we deem unacceptable, regardless of whether that conduct satisfies the legal threshold definition of harassment. That is, some conduct may not be unlawful, but may still be unacceptable, and the Organization may act against such conduct, especially where it violates this Policy.

This Policy applies, to the extent lawful and practical, to all the Organization's functions and its Premises' settings and activities, both inside and outside the workplace and Premises, and includes related functions where the workplace or the Organization's environment is affected. This policy may extend to an Individual's activity on social media and networking websites such as Instagram, Facebook, Twitter, Snapchat, LinkedIn, WhatsApp, and etc. Mistreatment on social media can carry the weight of any other workplace, the Premises, or the Organization. The Organization urges all Individuals to be wary of their social media connections with each other. The Organization reminds all Individuals to act responsibly and appropriately in their social media communications when it can affect the Organization's and its Premises related interactions.

This Policy also extends to the Organization's real and other property, including but not limited to its buildings, offices, automobiles, telephones and cell phones, wifi and other internet connections, copy machines, computers, other office supplies and equipment, and computer applications, such as emails, texts, 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, participation in Union Membership and its related activities, and participation in other Premises' activities, for example Iron Worker meetings, functions, and Premises visits;
- 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 environment or the Union's and Organization's environment.

Under these definitions, direct or implied requests by a supervisor, Union Officer, co-Member, manager, or foreman for sexual favors in exchange for actual or promised job or Organization benefits such as favorable reviews, salary increases, promotions, advancements, increased benefits, or continued employment or participation in any of our programs, 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 Individuals 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 the Organization 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 Organizational benefits, such as favorable performance reviews, membership, salary increases, promotions, increased benefits, or continued employment or participation in Organizational programs, 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 or instant messages, or otherwise communicating inappropriately via cell phones, smartphones, 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 Organization and its Premises are free from unwelcome conduct that is prohibited by this Policy. Individuals are expected to avoid any behavior or conduct, verbal and non-verbal, that could reasonably be interpreted or perceived as prohibited under this Policy. No Individual is exempt from the requirements of this Policy.

4. *Complaints of Harassment/Reporting Procedures*

If any person believes that he or she has been subjected to any harassment the person has the right to file a complaint with our Organization. This may be done in writing or orally. But, complaints should be made as soon as possible.

The Organization urges Individuals to speak up and report any harassment and conduct an Individual believes violates this Policy. This applies whether the harassment is by an Individual or any person who has a relationship with the Organization. Speaking up helps us all. It also enables the Organization to exercise some control over an individual's conduct in places and activities that relate to our Organization, its work or environment or the Premises. 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 the Organization and is essential to a fair, timely, thorough investigation and remedy.

Individuals subjected to harassment are encouraged to complain to:

Michael Doucette, or
Financial Secretary/Treasurer
mdoucette@iwlocal7.org

Michael Hess,
Business Manager
mhess@iwlocal7.org

195 Old Colony Ave.
South Boston, MA 02127
(617) 268-0707

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

5. *Managers, Supervisors, & Instructors Responsibilities*

Any manager, supervisor, full-time Union Officer, and person engaged as a Union Steward who has witnessed, heard, heard of, or otherwise becomes aware of conduct that is or may be inconsistent with or in violation of this Policy or who receives a report of such conduct, from any source whatsoever, that is inconsistent with or in violation of this Policy ***must*** report the matter immediately to William Hurley, FS/T or Michael Hess, BM. All are mandatory reporters. As such, all shall immediately report any and all instances that may constitute a violation of this Policy. Failure to report such violation(s) or engaging in any violation may result in disciplinary action.

6. *Investigation and Corrective/Remedial Action*

All reports of sexual or other 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. The Organization recognizes that allegations of sexual or other harassment and retaliation can be extremely sensitive. However, certain circumstances may require the Organization 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, the Organization 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 the Organization'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 from employment or Membership, from an Organization program regardless of the job or Union positions of the parties involved. Corrective action may range from counseling to formal charges and fines or suspension or termination where lawful. If the person who engaged in inappropriate conduct is not a person subject to the control or influence of the Organization, then the Organization will take whatever corrective action is reasonable and appropriate under the circumstances, including referring the complaining person to agencies listed below or removing the offending person from the Premises.

Corrective action 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 or employment or Membership, where appropriate and lawful; the continued use of derogatory gender-based language after an initial warning may result in a suspension (if severe even termination or Membership suspension), where appropriate and lawful; and the first instance of telling a sexist joke may warrant counseling or termination. Remedial action, such as training or re-training, may be in order as well.

The Organization 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, the Organization will take steps to ensure that the individuals involved are reminded of this Policy and the Organization's commitment to a harassment-free work environment on the Premises in in this Organization. Those involved in an investigation may also be cautioned about retaliation.

7. Retaliation

No hardship, loss of Membership benefit or adverse employment or any adverse action may be imposed on an Individual by this Organization for a person's complaining about or filing a good-faith complaint of sexual or other 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 fines or

suspension from Membership or from employment where applicable, in an effort to correct the environment and ensures an Organization free of sexual or other harassment.

In addition to the above, Individuals may file a formal complaint with either or both of the applicable government agencies set forth below. Using the Organization's complaint process does not prohibit Individuals from filing a complaint with these agencies. Each agency below has different and short deadlines to file a claim (e.g., currently, EEOC 180-days or 300-days in MA). Laws can change, and deadlines to file a claim have legal consequences. No one should delay complaining.

United States Equal Employment Opportunity Commission ("EEOC") <https://www.eeoc.gov/>
John F. Kennedy Federal Building
15 New Sudbury Street, Room 475
Boston, MA 02203-0506
(800) 669-4000

The **Massachusetts** Commission Against Discrimination ("MCAD")
<https://www.mass.gov/orgs/massachusetts-commission-against-discrimination>
One Ashburton Place, Room 601 or 484 Main Street, Room 320
Boston, MA 02108 Worcester, MA 01608
(617) 994-6000 (508) 453-9630
or 436 Dwight Street, Room 220
Springfield, MA 01103
(413) 739-2145

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

Maine: <https://www.maine.gov/mhrc/>
Maine Human Rights Commission
#51 State House Station
19 Union Street
Augusta, Maine 04333
Tel. (207) 624.6290
Fax: 207.624.8729

Vermont: Vermont Human Rights Commission <https://hrc.vermont.gov/>
14-16 Baldwin Street
Montpelier, VT 05633-6301
802-828-2480 (voice)
802-828-2481 (fax)
human.rights@vermont.gov.