

SEXUAL HARASSMENT

WILL NOT BE TOLERATED



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This represents the organizational policy of the City of Walker concerning sexual harassment. Any questions concerning the context or content of this policy should be discussed with your department head, Human Resources, Chief of Operations, or the Mayor.

It is the belief of the City of Walker that its employees are the primary means by which the goals and objectives of the municipality will be met. All employees of the City of Walker must understand its position on sexual harassment. Unwelcome sexual advances, requests for sexual favors, and other verbal, physical, or inappropriate conduct of a sexual nature constitute sexual harassment when the conduct explicitly or implicitly affects an individual's employment or the holding of office, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment and shall not be tolerated.

Sexual harassment and discrimination in the workplace are prohibited by federal law through the Civil Rights Act of 1964 and by state law through La. R.S. 23:301 *et seq.* These laws prohibit both *quid pro quo* harassment, which arises when consent to sexual demands is made an express or implied condition of employment, and hostile work environment harassment, which arises when the workplace is permeated with discriminatory intimidation, ridicule or insult that is sufficiently severe or pervasive to alter the conditions of the victim's employment and create an abusive working environment.

Sexual harassment may be defined as unsolicited, offensive behavior that inappropriately asserts sexuality over employees including but not limited to the following:

- a) *Verbal*: Sexual innuendos, suggestive comments, threats, sexual humor;
- b) *Non-Verbal*: Leering, whistling, obscene, gestures, showing inappropriate images; and
- c) *Physical*: Touching, brushing the body, coerced sexual activity, assault, impeding egress or passage.

Sexual harassment and discrimination in the workplace shall not be tolerated and the City of Walker will take appropriate action to end any such harassment and/or prevent the recurrence of any such misconduct.

If a person's behavior makes an employee uncomfortable, the employee should feel free to immediately advise the person that, in the employee's opinion, the behavior is inappropriate, and that the employee would like it stopped.

Any employee of the City of Walker may file a complaint of sexual harassment. Any employee who believes he or she has been subjected to unlawful sexual harassment or has been retaliated against for reporting such activities or assisting in a related investigation of such activities, must report the alleged act immediately or as soon as possible to their immediate supervisor or department manager. It is not necessary for an employee to complain to an offending supervisor in order to report sexual harassment. If, for whatever reason, the employee does not feel that the persons named in this paragraph are suitable persons to whom to report the incident, the employee should contact Human Resources.

Whether or not a particular incident is sexual harassment requires a complete factual investigation, and the City of Walker will conduct such investigations on all complaints in a manner so as not to cause any serious effect on innocent employees who either file a complaint and/or may be the subject of a filed complaint. In all instances, a prompt and thorough investigation will take place, giving careful consideration to protect the rights and dignity of all persons involved.

It is mandatory that *all parties* to an allegation of sexual harassment participate in the investigation of the incident, and cooperation in the investigation of claims of harassment is an express element of each employee's employment. The City of Walker will take those steps it feels necessary to resolve the problem, which may include verbal or written reprimand, suspension, or termination. Actions taken on the complaint shall be documented.

The City of Walker will investigate by gathering information, in as confidential a manner as possible, given the need to investigate the complaint, from all concerned parties, and it will not retaliate against any employee as a result of reports of alleged harassment or cooperation with any investigation. The City of Walker may consult its legal representative for assistance in determining whether conduct that has occurred does in fact constitute sexual harassment. The City of Walker may also make subsequent inquiries from time to time to ensure offensive conduct does not resume and/or that the subject of such harassment has not suffered any retaliation.

No retaliation of any kind will be tolerated because an employee in good faith reports an incident of suspected harassment. The supervisor, or other person to whom the complaint was made, will work to establish mutually agreed upon safeguards against retaliation while attempting to mediate any sexual harassment complaint.

Any employee, manager, or supervisor found by the City of Walker to have unlawfully sexually harassed, or unlawfully retaliated against, another employee will be subject to appropriate discipline, up to and including termination. If any employee, manager, or supervisor is found by the City of Walker to have intentionally made a false allegation of sexual harassment, that individual will be subject to appropriate discipline, up to and including termination.

Regardless of the outcome of the investigation by the City of Walker, a complainant may pursue a claim under state and/or federal law.

The provisions of this section effectively replace any and all previous policies for reporting sexual harassment in the workplace, including Ordinance #09-1998-01 and Ordinance 05-2011.