



CITY OF WESTLAKE

1001 BOB HARDEY DRIVE · PO BOX 700 · WESTLAKE, LA 70669-0700

PHONE (337) 433-0691 · FAX (337) 433-9350

TELECOM DEVICE FOR THE DEAF (337) 494-1247

"WE ARE WESTLAKE OUR TIME IS NOW"

RULE 28: HARASSMENT POLICY

28.0 It is the policy of the City of Westlake to provide all employees and volunteers with a workplace that is safe, comfortable and free of harassment. It is our policy to prohibit all forms of harassment at work, including harassment based on age, race, color, religion, sex, sexual orientation, national origin, disability or veteran status. All employees are responsible for complying with the policy against Workplace Harassment.

28.1 Any employee who engages in harassment on the basis of race, sex, gender, religion, color, age, disability, national origin, or sexual orientation; who permits employees under his/her supervision to engage in such harassment; or who retaliates or permits retaliation against an employee who reports such harassment is guilty of misconduct and shall be subject to remedial action which may include the imposition of discipline or termination of employment.

28.2 SEXUAL HARASSMENT

This represents the organizational policy of the City of Westlake concerning sexual harassment. Any questions concerning the context or content of this policy should be discussed with your department head or the Mayor.

It is the belief of the City of Westlake that its employees are the primary means by which the goals and objective of the municipality will be met. All employees of the City of Westlake must understand its position on harassment. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal, physical, or inappropriate conduct of a sexual nature 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.

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 created 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 Westlake 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 Westlake 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 the City Clerk (337) 433-0691 or cityclerk@cityofwestlake.com. 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 person to whom to report the incident, the employee should contact the mayor.

Whether or not particular incident is sexual harassment requires a complete factual investigation, and the City 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 with the City. The City will take those steps it feels necessary to resolve the problem, which may include verbal or written reprimand, suspension or termination.

The City 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 may consult its legal representative for assistance in determining whether conduct that has occurred does in fact constitute sexual harassment. The City 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 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 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, a complainant may pursue a claim under state and/or federal law.

- 28.3** Harassment, on the basis of protected classifications other than sexual harassment, includes slurs and other verbal or physical conduct relating to an individual's race, color, religion, sex, gender, ages, disability, national origin, or being a member of another protected classification. Harassment is defined as behavior which has the purpose or effect of creating an intimidating, hostile, or offensive working environment, or has the purpose or effect of unreasonably interfering with an individual's work performance, or otherwise adversely affects an individual's employment opportunities.

A. Other forms of harassment at work are strictly prohibited, whether committed by employees (management

or non-management), vendors, citizens, or volunteers. Under this policy, managers, or supervisors cannot threaten or imply that giving into or rejecting sexual advances will influence any decision regarding your employment.

- B. Other forms of harassment by an employee will result in disciplinary action up to and including dismissal, and may lead to personal legal and financial liability. You are encouraged to report your complaint if you believe you have been subjected to any form of harassment at work or during a work related activity.

C. Complaints of other forms of harassment at work will be promptly and carefully investigated. Under this policy, your department head or supervisor cannot retaliate or try to harm you in any way if you choose to file a harassment complaint.

D. If you have concerns about harassment at work by anyone, including managers, supervisors, co-employees, guests, citizens, volunteers or visitors, you should immediately bring those concerns to your Department Head's or supervisor's attention or may contact ANY Department Head or supervisor with whom you feel comfortable discussing the situation.

E. If possible, you should bring your concerns to the attention of your immediate department head or supervisor. However, if unwelcome behavior involves a department head or supervisor to whom you directly or indirectly report, you can also seek help from any other department head, human resources (City Clerk), or any other supervisor of the City of Westlake.

F. The investigation may include interviews with all persons having direct knowledge of the unwelcome behavior, including the person who made the complaint, the person accused of other harassment, and other potential witnesses.

G. Your privacy and the privacy of the person accused of other harassment will, to the extent possible, be kept strictly confidential.

H. At the conclusion of the investigation, the investigator will review the findings with the person(s) who made the complaint. If the investigation reveals that the complaint is factual, appropriate corrective action will be taken to prevent the harassment from occurring again, up to and including discharge of any employees believed to be guilty of sexual harassment. In any case, particularly in situations where the facts uncovered during the investigation are inconclusive or unclear, management will ensure that all parties are reacquainted with the policy prohibiting sexual or other harassment at work.

MANDATORY TRAINING REQUIREMENTS - R.S. 42:343

Each public servant shall receive a minimum of one hour of education and training on preventing sexual harassment during each full calendar year of his public employment or term of office, as the case may be.

An agency head shall require supervisors and any persons designated by the agency to accept or investigate a complaint of sexual harassment in this agency to receive additional education and training.

The education and training may be received either in person or via the internet through training and education materials approved by the public servant's agency head.

Each agency head shall ensure that each public servant in the agency is notified of the agency's policy against sexual harassment and the mandatory training requirement on preventing sexual harassment. The agency head, or his designee, shall be responsible for maintaining records of compliance of each public servant in the agency with the mandatory training requirement. Each public servant's record of compliance shall be a public record and available to the public in accordance with the Public Records Law.

Each agency head shall ensure that its policy against sexual harassment and its complaint procedure is prominently posted on its website or, if the agency does not have a website, that a notice on how to obtain the information is posted in conspicuous location in each of the agency's offices.

Local government entities may complete a training course request form on the State Civil Service website at:

<https://www.civilservice.louisiana.gov/Divisions/Training/PreventingSexualHarassment.aspx>

MANDATORY REPORTS - R.S. 42:344

Each agency head shall compile an annual report by February first of each year containing information from the previous calendar year regarding his agency's compliance, including:

- The number and percentage of public servants in his agency who have completed the training requirements;
- The number of sexual harassment complaints received by his agency;
- The number of complaints which resulted in a finding that sexual harassment occurred;
- The number of complaints in which the finding of sexual harassment resulted in discipline or corrective action; and
- The amount of time it took to resolve each complaint.

The reports shall be public record and available to the public in the manner provided by the Public Records Law.

Local government entities can find an example report on the Louisiana Municipal Association's website at:

<https://www.lma.org/LMA/Publications/Legal Documents/LMA/Publications/Legal Assistance.aspx?hkey+23fb60cf-1ce2-43c5-9abe-9f6a77382596b>

EEOC REQUIREMENTS

It is unlawful to harass an applicant or employee because of that person's sex. Harassment can include "sexual harassment" or unwelcome advances, requests for sexual favors, and other verbal or physical harassment of sexual nature.

Harassment does not have to be sexual in nature, however, and can include offensive remarks about a person's sex. For example, it is illegal to harass a woman by making offensive comments about women in general.

Both victim and the harasser can either a woman or a man, and the victim and harasser can be the same sex.

Although the law doesn't prohibit simple teasing, offhand comments, or isolated incidents that are not very serious, harassment is illegal when it is so frequent or severe that it creates a hostile or offensive work environment or when it results in an adverse employment decision (such as a victim being fired or demoted).

The harasser can be the victim's supervisor, a supervisor in another area, a co-worker, or someone who is not an employee of the employer, such as a client or customer.

Additional resources and guidance are available on links on the EEOC's website at:

https://www.eeoc.gov/laws/types/sexual_harassment.cfm