

Anti-Discrimination and Anti-Harassment Policy and Complaint Procedure for the Texas Gulf Coast Area Labor Federation and its Labor Assemblies

Approved by the Executive Board of the Texas Gulf Coast Area Labor Federation

May 22, 2017

Policy Statement

The Texas Gulf Coast Area Labor Federation (TGCALF) is committed to providing all its employees with a workplace free from discrimination and harassment. The TGCALF does not discriminate against or allow harassment of any employee because of the employee's race, ethnicity, religion, color, sex, age, national origin, sexual orientation, disability, gender identity or expression, ancestry, pregnancy, or any other basis prohibited by law, or based on the employee's protected activity under the antidiscrimination statutes (that is, opposition to prohibited discrimination or participation in the statutory complaint process).

The TGCALF reaffirms that it will not tolerate discrimination or harassment in any form. This prohibition covers any discrimination or harassment in the workplace, regardless of whether the discrimination or harassment is committed by a supervisor, officer, co-worker or non-employee, such as a vendor, consultant, employee or officer of an affiliate, or invitee to a TGCALF-sponsored activity, event, or meeting or the same by its Labor Assemblies.

Definitions

A. Discrimination

It is discrimination for an employer to base any decision regarding the terms or conditions of employment on an employee's race, ethnicity, religion, color, sex, age, national origin, sexual orientation, disability, gender identity or expression, ancestry, pregnancy, or any other characteristic protected by law.

B. Harassment

Harassment consists of unwelcome verbal, visual, or physical conduct that is based on another person's race, ethnicity, religion, color, sex, age, national origin, sexual orientation, disability, gender identity or expression, ancestry, pregnancy, or any other characteristic protected by law. It may include, but is not limited to, actions such as use of epithets, slurs, negative stereotyping, jokes, or threatening, intimidating or hostile acts that relate to sex, race, ethnicity, age, disability, or other protected categories. Harassment may also include written or graphic material that denigrates or shows hostility toward an individual or group based on protected characteristics, whether that material is sent by email, placed on walls, bulletin boards, computer screens or other devices, or elsewhere on the premises or circulated in the workplace.

Unwelcome conduct can constitute harassment if:

- It has the purpose or effect of unreasonably interfering with an individual's work performance;
- Creates an intimidating, hostile, or offensive working environment; or

- Submission to the conduct is made either explicitly or implicitly a term or condition of an individual's employment.

C. Sexual Harassment

Sexual harassment can involve unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature. It can involve conduct by a person of either gender toward a person of the same or opposite gender.

The following is only a partial list of sexually harassing conduct:

- Explicit sexual propositions
- Offering employment benefits in exchange for sexual favors
- Making threats or retaliating after a negative response to sexual advances
- Sexual innuendo or sexually suggestive or sexually degrading comments about a person's body, sex life, sexual prowess, or sexual deficiencies
- Sexually oriented jokes, derogatory comments, epithets, slurs, or catcalls
- Obscene language, letters, notes, or invitations (including by email)
- Physical contact such as touching or impeding movements
- Conduct such as leering or making sexual gestures
- Displaying or distributing pornography or other sexually suggestive objects, pictures, cartoons, or posters (including by email or viewed or shared on a work computer or other device)
- Sexual content in text messages

Unwelcome sexual conduct can constitute harassment if:

- It has the purpose or effect of unreasonably interfering with an individual's work performance;
- Creates an intimidating, hostile, or offensive working environment;
- Submission to the conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
- Submission to or rejection of the conduct by an individual is used as the basis for tangible employment actions taken toward her or him.

Complaint and Investigation Procedure

As a means of ensuring a workplace that is free from discrimination and harassment, the TGCALF has established a formal procedure for the handling of discrimination or harassment complaints. This procedure is intended to supplement – not to replace or supersede – the other procedures available to employees under any applicable collective bargaining agreement, Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or any other applicable federal, state, or municipal fair employment practices law, or otherwise.

A. General Principles

The TGCALF strongly encourages you to come forward with a complaint at the earliest possible point. You should not wait to report harassment until it becomes severe and pervasive. The Federation is committed to stopping discrimination and harassment even if the conduct has not risen to the level of a violation of law.

If you feel comfortable doing so, you should respond to the discriminatory or harassing conduct in a way that demonstrates that the conduct is unwelcome. However, you are not required to complain directly to the offending individual.

Efforts will be made to investigate and resolve complaints promptly, thoroughly and impartially, and in as confidential a manner as is possible consistent with proper investigation of the complaint.

If a person is accused of discrimination or harassment, he or she shall not play any role in administering or making decisions under this procedure.

If an individual is determined to have engaged in discrimination or harassment, appropriate corrective action will be taken promptly, and appropriate sanctions will be imposed, up to and including termination.

There will be no retaliation or other adverse action taken against an individual who makes a complaint, reports an incident of apparent discrimination or harassment, or who provides information in the course of the investigation of such a complaint or report. Any such retaliation can also be the subject of a complaint under this procedure. If retaliation in fact occurred, prompt and appropriate corrective action will be taken and appropriate sanctions imposed, up to and including termination.

B. Procedure

The procedure for dealing with complaints of discrimination or harassment is as follows:

1. If you believe that you have been the target of discrimination or harassment, the TGCALF encourages you to report the alleged incident(s) as soon after the incident occurs as possible to Designee Linda Morales, or any supervisor or manager. If the person accused of discrimination or harassment is the designee, you may submit your complaint to another officer, manager, or supervisor of the designee to handle the complaint.

You are not required under this procedure to complain directly to the offending individual.

It is the responsibility of any manager or supervisor who receives a complaint to inform the Designee of the allegations so that a prompt investigation may be conducted.

2. Complainant shall provide Designee with a description of the alleged discrimination or harassment in as much detail as possible, including description of what occurred and the dates, times, and places of the incident(s). Complainant also should provide the names of

individuals who he or she believes have information relevant to the investigation. The Designee may request that this information be provided in writing.

3. Where appropriate and possible, the Designee may attempt to resolve the matter informally.
4. If informal efforts are not appropriate or successful, the Designee will conduct an investigation to determine whether or not discrimination or harassment has occurred.
5. During the course of the investigation, the Designee will inform the individual alleged to have engaged in discrimination or harassment of the complaint, and will give her or him the opportunity to respond to the allegations and to submit the names of individuals who she or he believes have information relevant to the investigation.
6. The investigation may include meeting with the complainant, the accused, and other individuals who may have relevant information. Relevant documents may also be reviewed. The investigation will be conducted promptly, thoroughly and impartially, and in as confidential a manner as is possible consistent with proper investigation of the complaint.
7. If necessary, the Designee will take steps to ensure that discrimination or harassment does not occur during the period of investigation.
8. At the conclusion of the investigation, the Designee shall make a determination of whether discrimination or harassment occurred.
9. If the investigation establishes that discrimination or harassment has occurred, the TGCALF Executive Board will take prompt and appropriate action. This may include corrective action designed to end and to remedy the discrimination or harassment and to prevent it from reoccurring. Action may include imposition of discipline on the discriminator/harasser, ranging from reprimand to discharge if that person is an employee. If the discriminator/harasser is an employee or officer of an affiliate, the TGCALF Executive Board may inform the affiliate, including the affiliate's international, of the investigation and findings and request further disciplinary actions be taken by those entities. If the discriminator/harasser is a delegate to the TGCALF or one of its Labor Assemblies or otherwise would be subject to disciplinary procedures under the TGCALF Constitution or Bylaws or the Rules Governing AFL-CIO State Central Bodies/AFL-CIO Area Labor Councils and Central Labor Councils, those disciplinary procedures may be invoked. If the discriminator/harasser is an employee of a vendor, consultant, or any other employing entity, the TGCALF Executive Board may inform that employing entity of the investigation and findings and request further disciplinary actions be taken by that entity. The TGCALF Executive Board will take all possible steps to ensure that the complainant is no longer subject to the discrimination or harassment.

10. The TGCALF Executive Board will inform both the complainant and the accused of the outcome of the investigation and in general terms of any measures taken to correct the discrimination or harassment.

11. If the investigation establishes that discrimination or harassment has occurred, the Designee will ensure that the discrimination or harassment has not resumed and that neither the complainant nor any other individual has been subjected to any retaliation for having complained of the discrimination or harassment, reported an incident of apparent discrimination or harassment, or provided information during the investigation.

This policy and procedure applies to all employees.

If you have any questions about this policy and procedure or if you want additional information concerning complaints of discrimination or harassment, the TGCALF encourages you to contact the Designee.

If you believe you are the target of discrimination or harassment, you also may have a right to file a charge under Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or other applicable federal, state, or municipal fair employment practices law. There are deadlines for filing charges of discrimination or harassment with the EEOC or state or municipal fair employment practices agencies. Those deadlines generally run from the last date of discrimination or harassment, not from the date the complaint to the Designee is resolved. Contact the EEOC or other applicable state or municipal fair employment practices agency if you want more information about filing deadlines.

If you have any questions or issues with the response to your complaint, you may contact the National AFL-CIO Governance Director or staff. Nothing in this Policy, however, shall create an employment relationship between the AFL-CIO and employees of the TGCALF.