

## **Texas Gulf Coast Area Labor Federation Code of Conduct**

Adopted by the Texas Gulf Coast Area Labor Federation Executive Board

Adopted May 22, 2017 and Updated November 21, 2019

### **Purpose**

To build power for working people the Texas Gulf Coast Area Labor Federation (TGCALF) seeks to build a bigger, bolder, and more inclusive labor movement. As one step towards that vision we recognize that all parts of Texas' workforce must feel they have a home in the House of Labor. Therefore, we commit ourselves to providing an environment free of discrimination and harassment, regardless of an individual's race, ethnicity, religion, color, sex, age, national origin, sexual orientation, disability, gender identity or expression, ancestry, pregnancy, or any other characteristic prohibited by law. As such, the TGCALF will not tolerate discriminatory, harassing, or otherwise unacceptable behavior in the workplace or at any of its activities, events, or meetings even if the conduct has not risen to the level of a violation of law. It adopts the following Code of Conduct and expects everyone in the workplace and those that participate in any of its activities, events, or meetings or those organized by its Labor Assemblies to abide by it. This Code of Conduct does not apply to matters that are covered by the TGCALF's Antidiscrimination and Anti-Harassment Policy and Complaint Procedure.

### **Definitions**

#### **A. Discrimination**

It is discrimination to make any decision or judgment 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.

#### **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, 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 of the activity, event, or meeting.

#### **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.

## **Expected Behavior**

The TGCALF expects everyone in the workplace and all participants in TGCALF activities, events, or meetings to conform to the following Code of Conduct:

- Respect others and their views
- Recognize and value individual differences
- Be sure you do not engage in aggressive, bullying, or intimidating behavior
- Do not engage in discriminatory or harassing behavior

## **Unacceptable Behavior**

The TGCALF is a democratic institution that values open and vigorous discussion of the issues facing working people and the labor movement. This Code of Conduct is not intended to restrict free and open debate, but rather is concerned with preventing unacceptable behavior, as detailed below. Unacceptable behavior includes, but is not limited to, the following:

- Discriminatory or harassing speech or actions, including cyberbullying or cyberharassment, in the workplace or by any participant at a TGCALF activity, event, or meeting, including all related activities or one-on-one communications surrounding the TGCALF activity, event, or meeting
- Harmful or offensive verbal or written comments or visual images related to race, ethnicity, religion, color, sex, age, national origin, sexual orientation, disability, gender identity or expression, ancestry, pregnancy, or any other characteristic protected by law
- Inappropriate use of nudity and/or sexual images in work or public spaces
- Bullying or stalking
- Harassing photography or recording
- Uninvited sexual attention or contact
- Physical assault (including uninvited touching or groping)
- Real or implied threat of physical harm

## **Preventive Action**

To foster the expected behavior and prevent the unacceptable behavior, the Area Labor Federation and its Assemblies will take pro-active actions including but not limited to:

- Train all staff when hired and annually thereafter.
- Orient new Officers and Executive Board members to the policy and code of conduct.
- Train delegate body annually.
- Distribute the policy and code of conduct annually, and require staff, officers, executive board members and delegates to sign indicating they have received and read them
- Include a reference to the policy and code of conduct in the oath delegates take when they are sworn in.
- Regularly announce and emphasize our values and the Code of Conduct at meetings.

### **If Subject to Unacceptable Behavior**

Prior to the start of any large TGCALF activity, event, or meeting, attendees will be informed of this Code of Conduct, and an TGCALF staff person to whom complaints may be directed will be identified for all attendees. If the TGCALF activity, event, or meeting is recurring, notification of the Code of Conduct and identification of the designated staff person will occur yearly, or as necessary when the designated staff person changes.

If you are subject to what you believe is unacceptable behavior under this Code of Conduct, or witness such behavior, please inform the designated TGCALF staff person immediately. If that staff person is not available, you may inform any other TGCALF staff person or leader, who will work with the designated staff person to respond to the complaint.

The TGCALF takes these complaints seriously, and may, at its discretion, take action that it deems appropriate upon assessing the situation. Possible responses may include a warning to or expulsion of the alleged offender from the TGCALF activity, event, or meeting. Additionally, where appropriate, the TGCALF may inform the alleged offender's affiliate or employing entity of the offending behavior and complaint, or initiate disciplinary proceedings for those that hold a position subject to discipline by the TGCALF or under its Rules Governing AFL-CIO State Central Bodies/AFL-CIO Area Labor Councils and Central Labor Councils. If needed or requested, TGCALF staff will help complainants contact security or local law enforcement, provide escorts, or otherwise assist complainants experiencing unacceptable behavior to feel safe for the duration of the activity, event, or meeting.

Any TGCALF staff person who is subject to unacceptable behavior should contact Samantha Connolly, AFL-CIO Director of Human Resources.

Any complaint brought to TGCALF staff attention will be treated confidentially to the extent possible to properly assess the situation. The TGCALF will take all appropriate steps to ensure that the complainant is no longer subject to the unacceptable behavior.

The TGCALF will not tolerate retaliation against any individual who complains of unacceptable behavior under this Code of Conduct. It will take every step necessary and appropriate to ensure that retaliation does not occur, and if it believes that retaliation has occurred, the TGCALF will take immediate action to stop the retaliation.

This Code of Conduct shall be binding upon each AFL-CIO State Federation, Area Labor Federation, and Central Labor Council and their workplaces, activities, events, and meetings, to the following extent:

If you have any questions or issues with the response to your complaint, you may contact the AFL-CIO Governance Director or staff at the national AFL-CIO.

## **Process For Handling Complaints:**

### **A. General Principles**

The TGCALF strongly encourages you to come forward with a complaint at the earliest possible point.

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.

### **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 Code of Conduct Designee Linda Morales, or any supervisor or manager. You should not wait to report harassment until it becomes severe and pervasive. The TGCALF President may assign a Code of Conduct Designee for each Labor Assembly. 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 Officer, manager or supervisor who receives a complaint to inform the Designee of the allegations so that a prompt investigation may be conducted.

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.

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. As soon as practicable, the Designee will conduct an investigation to determine whether or not discrimination or harassment has occurred. 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.
4. 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.
5. The investigation may include meeting with the complainant, the accused, and other individuals who may have relevant information. Relevant documents may also be reviewed.
6. Throughout the process, the Code of Conduct Designee shall keep the ALF President and Executive Director fully informed. The Designee will also speak with the complainant at different time intervals to ensure he or she is comfortable at work and that the harassment is not continuing in any way during the investigation. If necessary, the Designee will take steps to ensure that discrimination or harassment or retaliation does not occur during the period of investigation.
7. At the conclusion of the investigation, the Designee shall make an assessment of whether discrimination or harassment occurred based on a sound, unbiased determination based on the facts. The designee will report these findings along with recommended next steps designed to end and to remedy the discrimination or harassment and to prevent it from reoccurring in writing to the ALF President and Executive Director. Remedies may include one or more of the following:
  - i. Informal resolution of the matter, where appropriate and possible
  - ii. Code of Conduct Webinar
  - iii. Attend Culture Shift Training
  - iv. Attend New Officer Training
  - v. Imposition of discipline on the discriminator/harasser, ranging from reprimand to discharge if that person is an employee
  - vi. Removal from current position if applicable and necessary
  - vii. Other remedy, as appropriate

8. If the investigation establishes that discrimination or harassment has occurred, the Designee will ask the accuser to formally file written charges against the accused, consistent with the ALF Constitution.
9. Upon receipt of the charges properly filed, the ALF President shall present the charges, the results of the investigation, and recommended corrective steps to the Executive Board at its next meeting, and the Executive Board shall determine by majority vote whether or not the charges merit a hearing.
10. If a hearing is determined to be appropriate, the accused shall be notified, by receipted registered or certified mail within seven (7) days after the charge(s) have been reviewed by the Executive Board. The accused shall be provided a copy of the charge(s) not less than thirty days in advance of the scheduled hearing date. The Executive Board, by two-thirds (2/3) vote may suspend or expel any delegate or affiliated organization or remove any officer or board member found guilty of the charge(s). By majority vote, the Executive Board may initiate appropriate disciplinary action short of suspension or expulsion. Both the accused and the charging party shall be accorded full opportunity to be heard and to present evidence.
11. If the discriminator/harasser is an employee or officer of an affiliate, the TGCALF President will inform the affiliate, potentially including the affiliate's international, of the investigation and findings and request the recommended remedies 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 President may inform that employing entity of the investigation and findings and request further disciplinary actions be taken by that entity.
12. The TGCALF President 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.
13. If the investigation establishes that discrimination or harassment has occurred, the Designee will monitor the parties to 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.

14. If asking the individual's union, Labor Assembly, or vendor, consultant, or any other employing entity does not result in promptly ending and remedying the discrimination or harassment and preventing it from reoccurring, the TGCALF Executive Board will take further corrective steps based on the originally recommended remedies.
15. In all complaints, the ALF Executive Director and Designee will keep an official log of the incident, supporting documentation, and resolution.
16. The decision of the Executive Board under Section 3 or Section 4 shall be reported to the next delegate body meeting of the ALF and shall be final and binding unless appealed as hereinafter provided. Should either party seek appeal of the decision, the appeals process laid in out in Article IX of the ALF Constitution shall apply.

This policy and procedure applies to all ALF and Labor Assembly employees, Officers, Chairpeople, Board members, or members participating in any activities organized by the ALF or its Labor Assemblies.

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 a State Federation, TGCALF, or Central Labor Council, or attendee of any AFL-CIO activity, event, or meeting.