

General Order No. 33
Dated: February 1, 2007
Supersedes General Order No. 33
Dated: June 15, 1992

**CITY OF RICHMOND
GENERAL ORDER
NO. 33
Effective Date: February 1, 2007**

Subject: Policy Against Workplace Harassment

**CITY OF RICHMOND
POLICY AGAINST WORKPLACE HARASSMENT**

POLICY

The City of Richmond maintains a NO TOLERANCE policy regarding harassment based on a protected trait or retaliation against any employee or City contractor. This no tolerance policy is more comprehensive than the standard required by law. Any form of harassment or retaliation as defined by this policy will be considered a violation of work rules and subject the offending employee to disciplinary action up to and including dismissal.

It is the policy of the City of Richmond that job applicants, employees and persons providing services to the City under a contract (“contractors”) shall be treated with dignity and respect in the workplace. The City prohibits harassment against an applicant, employee or contractor on the basis of race, religious creed, color, national origin, ancestry, physical disability, medical condition, mental disability, marital status, sex (including pregnancy, childbirth and related medical conditions), sexual orientation, gender identity, age or veteran status, or any other characteristic protected by federal, state or local law.

Applicants, employees and contractors are protected under this policy from harassment that is perpetrated by a City elected official, appointed official, employee or non-employee. Further, applicants, employees and contractors are protected from harassment in the workplace and work-related settings. Harassment of third parties by our employees is also prohibited.

Employees who violate this policy shall be subject to firm disciplinary action up to and including dismissal.

HARASSMENT DEFINED

Harassment under this policy is defined as unwelcome verbal, physical or visual conduct which is based on a protected trait of another. Examples of harassment prohibited by this policy include the following types of conduct when based upon one of the traits listed above:

- Verbal Conduct: Making or using derogatory comments, negative stereotypes, slurs, epithets, or jokes, or other offensive language, comments or discussion;
- Physical Conduct: Assaulting, touching, impeding or blocking movement, making derogatory gestures, or other threatening, intimidating or hostile acts; or
- Visual Conduct: Display of offensive posters, pictures, drawings, graffiti, e-mail, letters, or other written or graphic material.

Sexual harassment is one form of prohibited workplace harassment. It includes unwelcome conduct of a sexual nature, unwelcome conduct directed at gender, or unwelcome conduct based on pregnancy, childbirth or related medical conditions. Examples of the types of sexually harassing conduct that are prohibited by this policy include but are not limited to:

- Sexual advances or flirtation;
- Offering employment benefits in exchange for sexual favors;
- Making or threatening retaliation after a negative response to sexual advances;
- Stalking;
- Sexual jokes, commentary, discussion, questions, teasing or innuendo;
- Obscene or vulgar gestures, posters, pictures, e-mails, letters or other written or graphic material;
- Touching of a sexual nature including brushing against another's body, blocking or impeding another's movements, pinching, patting, rubbing, battery or molestation;
- Threatening, intimidating or hostile acts targeted at only one gender, even if the content is not sexual;
- Derogatory comments based on gender; and
- Workplace favoritism arising from a romantic or sexual relationship between employees.

Sexual harassment can occur between employees of the opposite or same sex. It is unlawful for males to sexually harass females or other males, and for females to sexually harass males or other females.

The City of Richmond will determine what constitutes workplace harassment under this policy based on the facts and circumstances of each situation.

REPORTING AND INVESTIGATION PROCEDURE

Any applicant, employee or contractor who believes he or she has been subjected to harassment is encouraged to tell the harasser to stop his/her unwanted behavior.

Any employee or contractor who has been harassed should immediately report the harassment to his or her supervisor. However, if the supervisor is the source of the problem or if there is some other reason why reporting the situation to the supervisor is not feasible, the employee or contractor should immediately report the harassment to the Division Manager or Department Head. If neither of these reporting options is satisfactory to the employee or contractor, complaints or reports of harassment may be directed to the City's Human Resources Personnel Officer. If the complaint involves the Human Resources Office, it should be reported to the City Attorney's Office.

Employees and contractors should not wait until a situation becomes severe or pervasive or impairs their work performance before reporting harassment. The City's goal is to prevent harassment and, if it does occur, to stop it at the earliest opportunity.

Whenever the City is made aware of a complaint or report of harassment under this policy, the City will conduct an immediate, thorough and objective investigation of the situation. Cooperation with such investigations is required of all employees. Upon completion of the investigation, the complainant will receive a summary of the investigation and the actions being taken to remedy any harassment that has occurred. However, the specifics of another employee's disciplinary actions will not be revealed.

In addition to the foregoing methods of complaint, an applicant, employee or contractor may choose to file a harassment complaint with the California Department of Fair Employment and Housing or the federal Equal Employment Opportunity Commission. Contact information for these agencies is available from the Human Resources Personnel Officer.

RETALIATION IS PROHIBITED

The City of Richmond strictly prohibits retaliation against any applicant, employee or contractor who complains of harassment or discrimination or participates in any manner in an investigation into workplace harassment. Examples of retaliation prohibited by this policy include the following:

- Disciplining a complainant or rejecting a complainant for employment because it is believed the allegation of harassment is untrue or the allegation of harassment is not supported by subsequent findings of an investigation;
- Subjecting complainants or witnesses to materially adverse employment decisions because of their participation in a workplace harassment complaint or investigation;
- Ostracizing or demonstrating hostility to a complainant or witnesses because of their participation in a workplace harassment complaint or investigation.

If the City finds that any employee, including a supervisor or manager, has engaged in retaliation, he or she shall be subject to firm disciplinary action up to and including dismissal.

PREVENTION

Supervisory and managerial employees are charged with the responsibility of taking steps to prevent harassment and retaliation from occurring in the workplace. Failure to take appropriate action to prevent and/or correct harassment or retaliation shall be deemed a violation of this policy and shall subject the offender to disciplinary action up to and including dismissal.

DISTRIBUTION

This policy will be distributed to all City employees and provided to all new employees on initial hire. It will also be provided to all elected and appointed officials and provided to new officials as they are appointed or elected.

AUTHORIZATION

William Lindsay
City Manager

Date