



# DEPARTMENT OF EMPLOYEE RELATIONS

## City of Milwaukee Anti-Harassment Policy

— Summary —

It is the policy of the City of Milwaukee to provide a work environment that is free from sexual harassment and harassment or discrimination based upon age, race, national origin, disability, creed (religion), color, marital status, ancestry, sexual orientation, gender identity or expression, arrest record, conviction record, military forces service; the use or non-use of lawful products off the employer's premises during non-working hours; declining to attend a meeting or to participate in any communication about religious matters or political matters; and genetic testing. These categories are protected under Section 703 of Title VII of the 1964 Civil Rights Act, as amended, the State of Wisconsin Fair Employment Relations Act and City of Milwaukee Code of Ordinances, Chapter 109.

Description

Revised January 2011

### City of Milwaukee Anti-Harassment Policy

#### Policy and Definition

It is the policy of the City of Milwaukee to provide a work environment that is free of harassment.

#### Sexual Harassment Defined

Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute harassment when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of employment;
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

The following are examples of sexual harassment:

- Verbal: Sexual innuendo, suggestive comments, jokes about gender specific traits, personal questions about an employee's social or sexual life, sexual propositions;
- Nonverbal: Suggestive or insulting noises, leering, making obscene gestures, displaying sexually explicit materials, indecently exposing oneself, engaging in voyeurism; and
- Physical: Any unwelcome touching including but not limited to pinching, caressing, coercing; sexual relations or sexual assault.

Sexual harassment by any staff member, manager, supervisor, or non-employee will not be tolerated. All staff members are expected to comply with this policy and to take appropriate measures to ensure that such conduct does not occur.

## **Harassment Based Upon Other Protected Categories**

Harassment based upon any of the other categories listed above is also illegal and will not be tolerated. Such harassment includes different treatment in terms of conditions of employment, hiring, promotion, assignment, discipline, and discharge because of any of the protected categories listed in the “summary” above. Harassment may also include, but is not limited to, ethnic slurs and other verbal or physical conduct when the conduct: (1) has the purpose or effect of creating an intimidating, hostile, or offensive working environment; (2) has the purpose or effect of unreasonably interfering with an individual's work performance; or (3) otherwise adversely affects an individual's employment opportunities.

In addition to the above categories protected by law, the City of Milwaukee has a zero tolerance policy regarding workplace violence. Workplace violence includes, but is not limited to threats by employees at any level, harassment, intimidation, or bullying. There is no justification for actions that are abusive or intolerant. All must treat others with dignity and respect. Those employees whose unacceptable behavior continues will not be tolerated and will face discipline, including removal from their positions.

## **Sexual Harassment Complaint Procedure**

Any employee who believes he or she has been the victim of harassment, including, but not limited to sexual harassment, should immediately inform his or her supervisor, department manager or the Office of Diversity staff DER staff in Room 706 of City Hall. These parties will provide confidential assistance to individuals in an attempt to resolve issues of sexual harassment or other types of harassment. In all cases, efforts should be made to resolve and correct sexual harassment or other types of harassment issues prior to the filing of a complaint. If an employee wishes to file a complaint, he or she may do so through DER or a Complaint Intake Advisor who is elected by each department's EEO Committee.

Investigation of harassment complaints will begin with a signed, written statement by the complainant, and will include interviewing the parties involved in the complaint and any witnesses. Retaliation against an employee who has filed a complaint or has assisted in an investigation is strictly prohibited.

Complaints will be investigated in a timely and confidential manner. In no event will information concerning a complaint be released to or discussed with anyone who is not involved with the investigation. The purpose of this provision is to protect the confidentiality of the complainant, to encourage the reporting of incidents of sexual harassment or other types of harassment, and to protect the reputation of an employee wrongfully accused of sexual harassment.

If an investigation reveals that a harassment complaint is valid, supervisors and the department head will take immediate action to stop the harassment, to prevent its recurrence and to discipline an employee they find guilty. Disciplinary action may include a verbal or written warning, suspension or discharge. Complainants should understand that they might have to testify in legal proceedings if their charge of sexual harassment or other type of harassment results in a disciplinary action being taken against another individual.

Any employee who feels that he or she has been subjected to sexual harassment or other type of harassment should contact his or her supervisor, the departmental Complaint Intake Advisor or Rebecca Reyes Duke, Human Resources Compliance Officer at 286-6210. Complaint forms and other information are available on the web at: [www.milwaukee.gov/der](http://www.milwaukee.gov/der) or in person at the Department of Employee Relations, Room 706, City Hall.