



## HARASSMENT-FREE WORKPLACE POLICY

### Harassment Prohibited

Harassment of City employees on the basis of sex, race, age, religion, color, national origin, ancestry, disability, medical condition, marital status, sexual orientation, gender identity or other protected category is prohibited and unlawful. Harassment consists of unwelcome visual, verbal, or physical conduct engaged in on account of a person's actual or perceived membership in a protected category. Harassment of employees, applicants, or persons providing services to the City by contract, whether by employees or non-employees, is prohibited. This policy applies to all employees and agents of the City, including supervisory and non-supervisory employees.

### Sexual Harassment

Sexual harassment is illegal under federal and state law. Federal law defines sexual harassment as unsolicited and unwelcome sexual advances, requests for sexual favors and other verbal, physical, visual or written conduct of a sexual nature directed to persons of the same or opposite sex when:

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

State law defines sexual harassment as unwanted sexual advances or verbal, visual, or physical conduct of a sexual nature. These are some examples of sexual harassment:

- requests for sexual favors or unwanted sexual advances;
- offering employment benefits in exchange for sexual favors;
- making or threatening reprisals after a negative response to sexual advances;
- verbal harassment (e.g., graphic comments, derogatory comments, suggestive or obscene letters or telephone calls);
- physical harassment (e.g., assault, impeding or blocking movement, gestures or any physical interference with normal work or movements); or
- visual forms of harassment (e.g., leering, derogatory or sexually explicit posters, letters, poems, emails, graffiti, cartoons, computer screen savers or drawings).

### Retaliation Prohibited

Retaliation against an individual who reports harassment, files a complaint of harassment or who otherwise opposes or who assists in the investigation of a complaint is also prohibited.

### Responsibility for Responding to and Reporting Harassment, Discrimination and Retaliation

All employees are encouraged to report harassing, discriminatory, or retaliatory behavior, whether directed at themselves or at co-workers. Supervisory employees are required to take corrective action if employees are subjected to harassment, discrimination or retaliation on the basis of a protected category.

If a complaint of harassment is made to a supervisor, the supervisor must immediately report it to the department's Equal Employment Opportunity (EEO) officer or personnel officer. Any supervisor who receives a complaint of harassment and fails to report it may be subject to disciplinary action. Departments are required to report all complaints of harassment, discrimination, and retaliation to the Human Resources Director within five days of becoming aware of such complaints. Departments are responsible for ensuring that all employees have knowledge of and periodic training regarding this policy.

### **Complaint Procedures**

Any employee who believes he or she has been harassed in violation of this policy should promptly report the facts of the incident and the individuals involved. To file a complaint of harassment, the employee should contact any of the following:

- the employee's supervisor or other superior;
- the department's EEO officer or Human Resources officer;
- the City's EEO Division in the Department of Human Resources located at 1 So. Van Ness Ave., 4<sup>th</sup> Flr., San Francisco, CA 94103;
- the Harassment Helpline at (415) 557-4900 or (415) 557-4810 (TTY); or
- the MTA EEO Division at (415) 701-4407 (MTA employees only)

The Human Resources Director is responsible for the investigation and resolution of all discrimination complaints, except those involving the Municipal Transportation Agency (MTA), which shall be investigated and resolved by the MTA. If the Human Resources Director determines that harassment or discrimination has occurred, the City will take appropriate remedial action.

The U.S. Equal Employment Opportunity Commission (EEOC) and the California Department of Fair Employment and Housing (DFEH) also investigate and prosecute complaints of harassment and discrimination in employment. Employees who believe that they have been harassed or discriminated against may file a complaint with either of these agencies using the following contact information:

- EEOC: 1-800-669-4000 or TTY 1-800-669-6820; or online at [www.eeoc.gov](http://www.eeoc.gov)
- DFEH: 1-800-884-1684 or TTY 1-800-700-2320; or online at [www.dfeh.ca.gov](http://www.dfeh.ca.gov)

Remedies available through these agencies include hiring or reinstatement, back pay or promotion, fines or damages for emotional distress, and changes in the policies or practices of the employer.

### **Discipline**

Any employee, supervisor or agent of the City found to have engaged in unlawful harassment, discrimination or retaliation may be subject to disciplinary action, up to and including termination. An employee may be subject to discipline for engaging in harassing conduct that does not meet the definition of harassment under federal and state law, but that, if repeated or allowed to continue, might meet that definition.

Para mayor información sobre el hostigamiento en el trabajo: 415-557-4900.

**如欲索取更多資料或要舉報在工作場所受到騷擾,可致電415-557-4900**