



TOWN OF MIAMI LAKES

Administrative Order #: 05-01.2

Effective: 05/24/2018

Title: Employee Anti-Discrimination and/or Harassment Policy

AUTHORITY:

Town Manager or his designee

SUPERSEDES:

Administrative Order 05-01

STATEMENT OF POLICY:

The purpose of this directive is to set forth the Town of Miami Lakes' (the "Town") policy as it relates to employee discrimination and/or harassment, including sexual harassment (hereinafter referred to generally as "harassment").

APPLICABILITY

The provisions of this directive apply to all personnel working for the Town, either directly or through a contractual relationship. The term "employee" as used in this policy shall apply to all contractual personnel, direct employees, elected officials, and volunteers of the Town.

IN GENERAL

It is the policy of the Town that all employees enjoy a work environment free from discrimination and/or harassment. Discrimination and harassment are forms of misconduct that undermine the integrity of the employment relationship, lower morale, and interfere with work effectiveness. This directive applies equally to any discrimination or harassment based on race, gender, national origin, religion, age, disability or any other legally protected status. Discrimination and harassment are illegal and will not be tolerated.

No employee should be subjected to derogatory verbal or non-verbal references regarding his or her race, gender, national origin, religion, age, disability, or any other legally protected status. No employee, male or female should be subjected to unsolicited, offensive, and unwelcome sexual overtures or conduct (verbal or physical). The Town will not tolerate any sexually related conduct by an employee, vendor, volunteer, or elected official, which harasses, disrupts, embarrasses, intimidates, offends or threatens another person. Any employee, vendor, volunteer or elected official who sexually harasses another person during work hours, while on Town property, and/or while conducting Town business shall be subject to strict disciplinary measures.

Conduct prohibited by this policy is unacceptable in the workplace and in any work-related setting outside the workplace such as during business trips, business meetings, community events, workshops, focus groups, and business-related social events.

It is the responsibility of all supervisors and employees to ensure that discrimination and/or harassment does not take place. At a minimum, supervisory personnel are required to inform all employees of this directive and to immediately correct any problems that may arise.

Supervisors are responsible for maintaining a work environment that is free from discrimination and/or harassment, as well as any other conduct that creates a hostile work environment for any individual.

The Town recognizes that invalid, unfounded or false accusations of discrimination and/or harassment can have serious effects on innocent individuals. Therefore, the Town Manager, as confidentially as possible, and, if appropriate, the Town Attorney, shall investigate any and all complaints of discrimination and/or harassment to determine the most appropriate disposition. Each and every complaint or allegation of discrimination or harassment shall be reported to the Town Manager.

Harassment and discrimination participants fall into three categories: the alleged offender, the alleged victim and any witnesses. Any of the three can be found in violation of this directive. Violation of this directive includes participating in discriminatory and/or harassing practices, permitting subordinate employees to engage in such practices, filing false charges or malicious complaints, or retaliating against employees who report instances of discrimination and/or harassment. This directive constitutes a zero tolerance" policy. Appropriate disciplinary action shall be taken against any and all individuals who violate this directive, which disciplinary action may include immediate termination from performing services for the Town or, if a direct employee or volunteer, termination of the relationship with the Town.

EXAMPLES OF DISCRIMINATION AND/OR HARASSMENT

- Referring to a woman as girl, doll, babe, honey, sweetheart, etc.
- Referring to a man as boy, hunk, babe, honey, sweetheart, etc.
- Asking unwelcome questions about sexual history or practices, racial, ethnic or religious issues.
- Referring to individuals in protected classes in a derogatory or disparaging manner.
- Displaying visuals which may be degrading to an employee's race, ethnicity, national origin, age, disability or religious beliefs.
- Telling racial, religious or other discriminatory jokes or stories.
- Offensive or unwelcome sexual flirtations, advances, propositions or threats, or giving unwanted gifts.



- Verbal innuendos or jokes of sexual nature, graphic or degrading verbal comments about an individual or his/her appearance.
- Displaying sexually suggestive objects, pictures or gestures.
- Suggestive or insulting sounds, leering or winking, whistling, blowing kisses, licking lips, including sexual gestures with hand or through body movements.
- Any offensive or abusive physical contact, including touching, pinching, brushing the body or sexual assault.
- The display of offensive or demeaning objects or materials or threats via e-mail, text messages, voice messages, or mobile phone images.

DEFINITION OF SEXUAL HARASSMENT

Sexual harassment refers to unwelcome behavior of a sexual nature that is personally offensive, deliberate and repeated. It includes sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. Such harassment may be verbal, nonverbal or physical, and is illegal when:

1. Submission to such conduct is made implicitly either 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 the individual; and/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 work environment.

Sexual harassment does not refer to occasional compliments of a socially acceptable nature. It refers to behavior which is not welcome, which is personally offensive, which debilitates morale, and which interferes with work effectiveness. Some behavior that may be acceptable in social settings is not appropriate in the work place and is considered insulting and demeaning to the victim. In addition, no one should imply, joke about, or threaten that an applicant or individual's employment, assignment, compensation, advancement, career development or any other term or condition of employment is subject to submission or acquiescence to sexual harassment.



COMPLAINT PROCEDURE

The following procedures should be followed when an employee thinks he or she is the victim of discrimination and/or harassment.

Step 1. Anyone who believes that he or she may have been subjected to discrimination and/or harassment should, whenever reasonably possible, first inform the offending party that such behavior is offensive and will not be tolerated.

Step 2.

An employee who believes that he or she is the victim of sexual harassment or that he/she is being unreasonably interfered with by such conduct, is required to promptly report the conduct to with any of the following individuals: The Town Manager, the Human Resources representative, or the employee's supervisor or department head. The complaint may be in writing or verbal. It is helpful, but not required, to provide a written record of the date, time and nature of the incident(s) and the names of any witnesses

Step 3.

In instances where the allegation of discrimination or harassment is leveled at the Town Manager, the complaint should be submitted to the Human Resources representative. The Human Resources representative shall promptly report the complaint to the Town Attorney.

Step 4.

If an employee notifies a supervisor or Human Resources representative of such a problem, they shall notify the Town Manager immediately of the situation and shall provide a copy of any written complaint submitted by the employee.

COMPLAINT INVESTIGATION

Complaints will be investigated by the Human Resources representative and/or the Town Manager in a confidential and timely a manner and in accordance with the Public Records Act, Section 119.07, Florida Statutes. Information concerning an active complaint will not be released by the Town to third parties or to anyone within the Town who is not directly involved in the investigation, except as may otherwise be required by law or by a court of competent jurisdiction. The purpose of this provision is to protect the confidentiality of an employee who files a complaint, to encourage the reporting of all instances, and to protect the reputation of any employee charged with discrimination and/or harassment.

All participants involved in an investigation are expected to maintain their involvement in or discussion of the investigation confidential, except insofar as disclosure is required in obtaining or being represented by legal counsel. ***The failure to abide by this confidentiality requirement constitutes a violation of this directive.***



Disciplinary action taken as a result of discrimination or harassment will become part of the personnel file of the offending employee and is subject to disclosure pursuant to the Public Records Act.

The investigation of a complaint will normally include conferring with the parties involved and any named or apparent witnesses. Tape-recorded statements may be taken of any or all the individuals involved. All employees will be guaranteed fair and impartial treatment, and shall be protected from coercion, intimidation, interference or discrimination for filing a complaint or participating in an investigation.

A determination will be made as to whether a complaint is sustained, not sustained or unsubstantiated. A complaint is sustained when there is sufficient evidence presented to reasonably establish that the allegations or charges made are true. A complaint is not sustained when there is sufficient evidence presented to reasonably determine that the allegations or charges made are not true. Finally, a complaint is unsubstantiated when there is insufficient evidence presented to reasonably determine whether the allegations or charges are true or false. Generally, the unsupported yet contradicting assertions of an alleged victim and an alleged offender will result in a finding that the complaint is unsubstantiated.

If a complaint is sustained, the offender will be subject to disciplinary action which may include termination from employment or removal from assignment to work for the Town. Each supervisor is under a continuing duty to take immediate remedial action to stop or prevent discrimination and/or harassment. If the supervisor fails to take such action, and the misconduct was known, or should have been known, to him or her, the supervisor in question shall also be subject to disciplinary action, which may include termination from employment or removal from assignment to work for the Town.

Even if the investigation fails to disclose existence of any discrimination or harassment, the Town reserves the right to nonetheless take action. Such action may include counseling, a reminder of the Town's directive, or a written warning. Additional mandatory training will be provided if, in the Town's discretion, such training is necessary.

FOLLOW UP

Once an investigation has been concluded, the Town will continue to monitor the employees involved in discrimination or harassment complaints to ensure that no future incidents of discrimination or harassment occur.

RETALIATION

The policy prohibits retaliation against employees who bring complaints of discrimination and/or harassment or who assist in investigating such complaints. Any employee bringing a complaint of discrimination or harassment or assist in the investigation will not be adversely affected in terms and conditions of employment. Nor shall any employee take action act against a complainant that is intended to discourage the complaint. Retaliation could result in disciplinary action, up to and including termination.




CONCLUSION

The Town is dedicated to maintaining a working environment that is free of discrimination and/or harassment and is based on professionalism. It is expected that all employees will continue to act responsibly in fulfilling the Town's commitment to working in an environment totally free of discrimination and/or sexual harassment. To that end, it is also expected that employees will prudently avail themselves of the mechanisms provided by this directive.



Alex Rey
Town Manager



Date



ACKNOWLEDGEMENT

I understand that the Town of Miami Lakes will not tolerate harassment and/or discrimination of any kind. I understand that if I experience harassment or observe it, I have the obligation to report it immediately. I also understand that harassment and violations of this policy can be the basis for disciplinary action up to and including termination.

By signing below, the employee acknowledges receiving and understanding the Town of Miami Lakes' Employee Discrimination and Harassment Policy.

Signature

Employee Name: _____

Date: _____

