



TOWN OF WARE MASSACHUSETTS 01082

I. Introduction

It is the goal of the Town of Ware to promote a workplace that is free of discriminatory harassment (“harassment”) of any type, including sexual harassment. Discriminatory harassment consists of unwelcome conduct, whether verbal or physical, that is based on a characteristic protected by law, such as gender, race, color, national origin, ancestry, religion, age, handicap or disability, genetics, active military or veteran status, sexual orientation, or participation in discrimination complaint-related activities (retaliation). The Town of Ware will not tolerate harassing conduct that affects employment conditions, that interferes unreasonably with an individual’s performance, or that creates an intimidating, hostile, or offensive work environment.

Harassment of employees occurring in the workplace, in connection with work-related travel, and/or work-sponsored events will not be tolerated by the Town. Further, any retaliation against an individual who has complained about harassment or retaliation against individuals for cooperating with an investigation of harassment complaint is similarly unlawful and will not be tolerated.

Because the Town of Ware takes allegations of harassment seriously, we will respond promptly to complaints of harassment. Where it is determined that inappropriate conduct has occurred, we will act promptly to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action where appropriate.

Please note that while this policy sets forth our goals of promoting a workplace that is free of harassment, the policy is not designed or intended to limit our authority to discipline or take remedial action for workplace conduct which we deem unacceptable, regardless of whether that conduct satisfies the definition of harassment.

II. Definitions

“Harassment” means unwelcome and severe or pervasive conduct, whether verbal or physical, that is based on a characteristic protected by law (such as age, gender, race, religion, etc.) Harassment includes, but is not limited to:

Display or circulation of written materials or pictures that are degrading to a person or group as previously described and which is based on a characteristic protected by law.

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Verbal abuse, slurs, derogatory comments, or insults about, directed at, or made in the presence of an individual or group as previously described and which is based on a characteristic protected by law.

“Sexual harassment” is unlawful. “Sexual harassment” means sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:

- (A) submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment;
- (B) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual
- (C) such advice, requests or conduct have the purpose of effect of unreasonably interfering with an individual’s work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment.

Under these definitions, direct or implied request by a supervisor for sexual favors in exchange for actual or promised job benefits such as favorable reviews, salary increases, promotion, increased benefits, or continued employment constitutes sexual harassment.

The definition of sexual harassment is broad and in addition to the above examples, sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating work place environment that is hostile, offensive, intimidating or humiliating to male or female workers may also constitute sexual harassment.

While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct which if unwelcome, may constitute sexual harassment depending upon the totality of the circumstances including the severity of the conduct and its pervasiveness:

- Unwelcome sexual advances – whether they involve physical touching or not;
- Sexual epithets jokes, written or oral references to sexual conduct, gossip regarding one’s sex life, comment on and individual’s body, comment about an individual’s sexual activity deficiencies, or prowess;
- Displaying sexually suggestive objects, pictures, cartoons;
- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- Inquiries into one’s sexual experiences; and,
- Discussion of one’s sexual activities.

All employees should take special note that, as stated above, retaliation against an individual who has complained about sexual harassment, and retaliation against individuals for cooperating with an investigation of sexual harassment complaint is unlawful and will not be tolerated by the Town.

III. Complaints of Procedures

All employees, managers, and supervisors of the Town share responsibility for avoiding, discouraging and reporting any form of discriminatory harassment. The primary responsibility for ensuring proper investigation and resolution of harassment complaints rests with the Town Manager or his designee, who will administer the policy and procedures described herein.

If any of our employees believes that he or she has been subjected to discriminatory harassment, the employee has the right to file a complaint with the Town of Ware. This may be done in writing or orally. In addition, residents, visitors, applicants, vendors, contractors, their agents and employees, or other third parties who believe they have been subjected to discriminatory harassment by a Town employee may also file a complaint with our organization using the procedures described herein. Furthermore, employees may also file a complaint if they have been subjected to harassment from residents, visitors, applicants, vendors, contractors, their agents and employees or any other third parties in the workplace, while performing work-related duties or during other work-related activities.

Prompt reporting of harassment is in the best interest of our organization and is essential to a fair, timely and thorough investigation. Accordingly, complaints should be filed as soon as possible following the incident(s) at issue. If you would like to file a complaint, you may do so by contacting the Town Manager at 413-967-9648 x100 or writing to, Town Manager, Town of Ware, Town Hall, 126 Main St., Ware, MA. 01082. . The Town Manager is also available to discuss any concerns you may have and to provide information to you about our policy on harassment and our complaint process.

IV. Harassment Complaint Investigation

When we receive the complaint, the Board of Selectmen, or their agent, will promptly investigate the allegation in a fair and expeditious manner. The investigation will be conducted in such way as to maintain confidentiality to the extent practicable under the circumstances. Our investigation will include a private interview with the person filing the complaint and with witnesses. We will also interview the person alleged to have committed sexual harassment. The complainant, the person alleged to have committed harassment, and all witnesses are required to fully cooperate with all aspects of an investigation. In order to maintain the integrity of the investigation process, other persons may not be permitted to participate in the complaint investigation unless approved by the Town Manager or designee. When we have completed our investigation, we will, to the extent appropriate inform the person filing the complaint and the person alleged to have committed the conduct of the results of that investigation.

Notwithstanding any provision of this policy, we reserve the right to investigate and take action on our own initiative in response to behavior and conduct which may constitute harassment in violation of this policy or otherwise be inappropriate, regardless of whether an actual complaint has been filed.

If it is determine that inappropriate conduct has occurred, we will act promptly to eliminate the offending conduct, and where it is appropriate we will also impose disciplinary action up to and including dismissal.

V. Disciplinary Action

If it is determined that inappropriate conduct has been committed by one of our employees, we will take such action as is appropriate under the circumstances. Such action may range from counseling to termination from employment, and may include such other forms of disciplinary action as we deem appropriate under the circumstance.

VI. State and Federal Remedies

In addition to the above, if you believe you have been subjected to discriminatory harassment of any type, you may file a formal complaint with either or both of the government agencies set forth below. Using our complaint process does not prohibit you from filing a complaint with these agencies. Each of the agencies requires that claims be filed within 300 days from the alleged incident of when the complainant became aware of the incident.

1. The United States Equal Employment Opportunity Commission (EEOC)
JFK Federal Building
475 Government Center
Boston, MA. 02203 (617) 565-3200

2. The Massachusetts Commission Against Discrimination (MCAD)

BOSTON OFFICE
One Ashburton Place
Room 601
Boston, MA. 02108
(617) 994-6000
www.mass.gov/mcad

SPRINGFIELD OFFICE
436 Dwight St.
Suite 220
Springfield, MA. 01103
(413) 739-2145

Town of Ware 2015

Employee Name _____

PLEASE PRINT

ANTI-DISCRIMINATORY HARASSMENT POLICY RECEIPT

By placing your signature on this receipt, you are acknowledging that it is your obligation to read the Anti-Discriminatory Harassment Policy, which includes the Sexual Harassment Policy and abide by it at all times. You can access the Town of Ware's Policy electronically at http://www.townofware.com/departments/h_z_departments/human_resources/index.php or obtain a hard copy at the Town Hall.

Employee Signature _____ Date _____

PLEASE RETURN THIS FORM TO THE PAYROLL DEPARTMENT