

## PAINTERS AND DRYWALL FINISHERS JATC

### POLICY ON SEXUAL HARASSMENT AND OTHER HARASSMENT

It is expected that the individuals covered by this policy will treat one another with respect. The apprenticeship sponsor recognizes that sexual harassment based on sex or related to a hostile work environment is harmful to apprentices, disruptive to the training needs of the apprentices, and detracts from optimizing its apprentices' skills and talents. Therefore, the sponsor's policy is that **sexual or gender harassment** of apprentices and conduct creating a hostile work environment **is prohibited**. In addition, other harassment is also prohibited. This policy applies not only to internal interactions but also to treatment by external contacts such as contractors and journey persons.

#### WHAT IS SEXUAL AND GENDER HARASSMENT?

Sexual harassment is:

Unwelcome sexual advances;

Unwelcome requests to engage in sexual conduct; and

Unwelcome verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made explicitly or implicitly a term or condition of obtaining or continuing an employment or membership benefit;
2. Submission to or rejection of such conduct by an individual is the basis for employment or membership decisions adversely 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 work environment.

Sexual harassment may include intentional physical conduct that is sexual in nature, such as touching, pinching, patting; non-physical conduct, such as staring in a suggestive manner; sexually-oriented gestures, noises, remarks, jokes, or comments about a person's sexuality, sexual experience, or appearance; and displaying pictures, posters, calendars, graffiti, objects, reading materials, or other materials that are sexually suggestive, sexually demeaning, or pornographic.

This policy also prohibits harassment based on sexual orientation, actual or perceived, gender identity or appearance.

#### OTHER HARASSMENT

Harassment is any improper or unwelcome conduct that might reasonably be perceived to cause offense or even humiliation to another person. Harassment may take the form of words, gestures, or actions which tend to annoy, alarm, abuse, demean, intimidate, belittle, humiliate, or embarrass another person or which create an intimidating, hostile or offensive work environment. Harassment normally implies a series of incidents. Disagreement over an apprentice's training performance or other work performance issues are normally not considered harassment.

#### GETTING HELP FOR SEXUAL HARASSMENT AND OTHER HARASSMENT

1. Persons may seek advice, information, or counseling of matters related to sexual harassment/hostile work environment without having to lodge an informal or formal grievance. If persons feel they are being harassed, or are uncertain as to whether they are experiencing prohibited conduct, or desire information as to what alternatives there are in dealing with this type of conduct, they are encouraged to request assistance from the JATC director.

2. Self-help is important. The victim of sexual harassment or other hostile conduct should immediately and clearly tell his or her harasser that the conduct is inappropriate, unwelcome, and should stop. Frequently, the conduct of an alleged harasser may end at this point. In some cases, an alleged harasser may not realize that the conduct in question is offensive.

3. If the alleged misconduct continues to occur after the apprentice requests cessation, it is very important to report a complaint of harassment and report the matter to the JATC director or to a member of the JATC while memories are fresh. The report should be made within seven days of the occurrence or the failure of informal counseling.

4. If complaints are not resolved through the JATC director, an apprentice may ask for a review with the members of the JATC. If deemed appropriate, the JATC may direct that the mediation process be used.

To the extent possible, confidentiality will be maintained in the investigation of a complaint about an alleged violation of this policy. Any individual accused of sexual or gender harassment or causing a hostile work environment will not play any role in administering or making decisions under this policy.

## **LOCAL UNION MEMBERS**

Local Union members may encounter sexual harassment on the job, during JATC training, or during Local Union functions. The options available for seeking help depend upon where the harassment occurs.

### **A. SEXUAL HARASSMENT AND OTHER HARASSMENT ON THE JOB:**

The employer is legally responsible for providing a workplace free of sexual harassment and other harassment. If the sexual harassment is encountered on the job, a remedy should be pursued with the employer.

1. Inform the employer – The employee should find out if the employer has a policy against sexual harassment, and if so, obtain a copy of the policy. If the policy contains a complaint process, the employee should follow that process to report the harassment to the employer. If the employer has a harassment complaint process, failure to inform the employer about the harassment may result in a waiver of any legal right the employee may have to seek damages resulting from the harassment. Even if the employer does not have a formal complaint process, the employee should advise his or her supervisor or their employer representative of the harassment.

2. Inform the Job Steward or other Local Union representative – The employee may either ask the job steward to try to resolve the problem informally, or the employee may file a grievance against the employer, if appropriate.

3. Apprentices – Inform the JATC – An apprentice who encounters sexual harassment on the job, in addition to informing the employer and the job steward, should inform the JATC director. The JATC director, in accordance with the JATC's policy against sexual harassment or other harassment, should insist that the employer takes appropriate action to address the apprentice's sexual harassment complaint.

### **B. SEXUAL HARASSMENT DURING OR CONNECTED TO JATC TRAINING:**

Any registered apprentice or journeyman who feels they have encountered sexual harassment or a hostile environment during or connected to JATC training should register a complaint with the JATC director or, if another representative has been appointed to receive sexual harassment and/or hostile work environment complaints, the alleged misconduct should be reported to the designated individual.

## **RETALIATION PROHIBITED**

Retaliation against the complainant, or other apprentices, Local Union members, or employees who have reported or cooperated in an investigation of alleged misconduct is strictly forbidden. Retaliation in violation of this policy by a Local Union employee may result in discipline up to, and including discharge. Retaliation in violation of this policy by a Local Union officer or member may result in discipline pursuant to internal union charges. All individuals involved in the investigation of a complaint must be treated in a professional and respectful manner.