

## **Inappropriate Workplace Conduct/Discrimination, Harassment and Retaliation**

The purpose of this policy is to create a standard for appropriate workplace conduct. JEDCO will not tolerate verbal or physical conduct by any employee which harasses, disrupts, or interferes with another's work performance, or which creates an intimidating, offensive, or hostile environment.

### Discrimination:

Discrimination against any individual because of that individual's race, color, gender, sexual orientation, gender identity, religion, national origin, age, citizenship status, disability, genetic information, pregnancy, marital or familial status, military or veteran status, or any other protected status or classification under federal, state and local law is prohibited and will not be tolerated. All employees have a responsibility to maintain a workplace free of discrimination and to promptly report such misconduct when it occurs in accordance with the *Discrimination, Harassment and Retaliation Complaint Procedure Policy* contained in this policy handbook.

### Sexual Harassment:

JEDCO is committed to a workplace free from unlawful discrimination, which includes harassment on the basis of race, color, gender, sex, sexual orientation, gender identity, religion, national origin, age, citizenship status, disability, genetic information, pregnancy, marital or familial status, military or veteran status, or any other protected status or classification under federal, state and local law. While all forms of harassment are prohibited, it is the policy of JEDCO to emphasize that sexual harassment is specifically prohibited. Each manager has a responsibility to maintain the workplace free of any form of sexual harassment. No manager shall threaten or insinuate, either explicitly or implicitly, that an employee's refusal to submit to sexual advances will adversely affect the employee's employment, evaluation, wages, advancement, assigned duties, shifts, or any other conditions of employment or career development.

Other sexually harassing conduct in the workplace, whether committed by managers or non-management personnel, is also prohibited. Such conduct includes, but is not limited to:

- a. Sexual flirtations, touching, advances, or propositions;
- b. Verbal abuse of a sexual nature;
- c. Graphic or suggestive comments about an individual's dress or body;
- d. Sexually degrading words to describe an individual;
- e. The display in the workplace of sexually suggestive objects or pictures;
- f. Other similar offensive conduct.

Although the intent of the person engaging in the alleged conduct may be harmless or even friendly, it is the welcomeness of the conduct by the recipient of the conduct, not the intent of the person engaging in the conduct that is relevant to whether the conduct constitutes harassment in violation of this policy. The unwelcomeness of sexual conduct may not always be apparent. "Putting up with" or submission to sexual conduct does not necessarily mean that the conduct is

welcome.

Sexual harassment may occur even in relationships involving mutual consent. The potential for sexual harassment may exist where there is a professional power differential (e.g., manager/employee). Persons involved in such relationships should be aware of the possibility of perceived coercion.

In determining whether alleged conduct constitutes sexual harassment in violation of this policy, the totality of the circumstances will be considered, such as the nature of the alleged conduct and the context in which it occurred.

All Board and staff member are required to complete Sexual Harassment training annually. JEDCO and Jefferson Parish Human Resources Management will retain copies of training certificates.

#### Harassment Based on Other Protected Categories:

Each Manager also has a responsibility to maintain the workplace free of other forms of harassment based on race, color, gender, sex, sexual orientation, gender identity, religion, national origin, age, citizenship status, disability, genetic information, pregnancy, marital or familial status, military or veteran status, or any other protected status or classification under federal, state or local law. As with sexual harassment, harassment based on any of these categories may include physical, verbal, or nonverbal conduct.

Harassment based on other protected categories includes, but is not limited to:

- a. Verbal abuse of a racial, national origin or other protected category nature;
- b. Slurs or epithets about an individual's protected category;
- c. Jokes or negative stereotyping that belittles or mocks an individual's protected category;
- d. Distribution of literature or material which is degrading of any protected category.
- e. Taunting or displaying written materials or communications demonstrating hostility toward a person because of his/her race, color, gender, sexual orientation, gender identity, religion, national origin, age, citizenship status, disability, genetic information, pregnancy, marital or familial status, military or veteran status, or any other protected status or classification under federal, state and local law.

While not all unwelcome conduct of a discriminatory or harassing nature may rise to the level of constituting illegal conduct, the organization's policy seeks to prevent all discriminatory or harassing conduct in the workplace.

In the interest of the safety and health of its employees, JEDCO may inspect and search, at random and at announced times, all packages, boxes, clothing, or any personal belongings carried on Company property.

#### Retaliation:

JEDCO also prohibits retaliation against any applicant, visitor or employee who has made a good faith discrimination, harassment or retaliation complaint, opposed a prohibited practice in violation of this policy, or participated, in any manner, in an investigation or other proceedings about a prohibited practice in violation of this policy. Complaints of retaliation must be filed promptly and in accordance with the *Discrimination, Harassment and Retaliation Complaint Procedure Policy* contained herein.

Examples of prohibited retaliatory conduct include, but are not limited to, disciplining, changing working conditions, and/or refusing to discuss work-related matters with an individual because he/she complained of alleged discrimination or harassment, or participated in an investigation of such conduct.

Employment decisions at JEDCO are based only on legitimate business considerations. Any employee or manager who is found to have engaged in retaliatory conduct will be subject to appropriate disciplinary action, depending on the circumstances, up to and including termination.

### **Discrimination, Harassment and Retaliation Complaint Procedure**

Any employee who believes that the actions or words of a manager or fellow employee constitute unwelcome discrimination, harassment or retaliation has a responsibility to report or complain as soon as possible to the Human Resources Manager. Remember, unless you report potential instances of discrimination, harassment, or retaliation, JEDCO will not know that management intervention is necessary.

Any employee who feels that he/she has witnessed or is a victim of discrimination, harassment or retaliation should immediately report such actions in accordance with the following procedure. All complaints will be promptly and thoroughly investigated as confidentially as possible.

1. An employee, who believes that he/she is a victim of discrimination or harassment, or has been retaliated against for complaining of discrimination or harassment, should report the situation immediately to the Human Resources Manager. If an employee makes a report and the manager either does not respond or does not respond in a manner the employee deems satisfactory or consistent with this policy, the employee is required to report the situation to an officer of the Board of Commissioners.
2. JEDCO will conduct all investigations in as impartial and discreet a manner as possible as directed by the President & CEO with advice of legal counsel. In all cases, the employee is to be advised of management's findings and conclusions.
3. JEDCO recognizes that every investigation requires a determination based on all the facts in the matter. We also recognize the serious impact a false accusation can have. We trust that all employees will continue to act responsibly.
4. The reporting employee and any employee participating in any investigation under this policy have JEDCO's assurance that no kind of retaliation will be taken against an employee as a result of a good faith report or complaint of discrimination,

harassment or retaliation, or participation in an investigation of such alleged conduct. It is our policy to encourage discussion of the matter, and to help protect others from being subjected to similar inappropriate behavior.

Any employee or manager who is found after appropriate investigation to have engaged in discrimination, harassment or retaliation of another employee will be subject to appropriate disciplinary action, depending on the circumstances, up to and including termination.

JEDCO recognizes and expects that some claims may be difficult to prove or support, or may not in fact be found to rise to the level of seriousness deemed necessary to constitute harassment, discrimination, or retaliation in violation of this policy. However, anyone found to have purposefully and intentionally brought allegations that he or she knows to be untrue will be deemed to have made false accusations and will be subject to appropriate disciplinary action, up to and including termination.

JEDCO will abide by applicable state and federal laws on sexual harassment, including the right of the complainant to pursue a claim under state or federal law, regardless of the outcome of the investigation.