



BOROUGH OF HANOVER

ADOPTED MARCH 24, 2021

ANTI-DISCRIMINATION/HARASSMENT POLICY

SECTION A. Overview

The Borough of Hanover does not condone or tolerate harassment of or discrimination against its employees with regard to race, color, religion, sex, sexual orientation, gender identity or expression, national origin, age, disability, marital status, citizenship, genetic information, or any other characteristic protected by law. The Borough will not permit any situation where employment or any form of reward or benefit is implicitly or explicitly conditioned upon submission to harassment or discrimination, or where an employee is negatively impacted by harassment or discrimination. The Borough will not permit any harassment or discrimination that has the purpose or effect of unreasonably interfering with an individual's work performance, or if it creates an intimidating, hostile or offensive work environment. The Borough will not tolerate those who make adverse employment decisions for their employees or subordinates based upon that employee having rejected or complained about harassment or discrimination. The Borough will not tolerate or condone any of the above such harassment or discrimination of its employees by their supervisors, their co-workers, or third parties on the premises over whom the Borough has control.

SECTION B. Sexual Harassment

The objective of the Borough of Hanover in implementing and enforcing this policy is to define workplace sexual harassment and discrimination, prohibit such conduct in all forms, carry out appropriate disciplinary measures in the case of violations, and provide procedures for lodging complaints about conduct that violates this policy and investigating claims. This policy applies to all employees of the Borough of Hanover and those working for the Borough in all locations. All workers, including supervisors and managers, will be subject to discipline, up to and including discharge, for any act of sexual harassment or discrimination they commit.

Sexual harassment is unwelcome conduct of a sexual nature that is sufficiently persistent or offensive to unreasonably interfere with an employee's job performance or create an intimidating, hostile or offensive working environment. Further, it is also defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when, for example:

- a) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- b) Submission or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or;
- c) 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 can be physical or psychological in nature. An aggregation of a series of incidents can constitute sexual harassment even if one of the incidents considered on its own would not be harassing. Employees are prohibited from harassing other employees whether or not the incidents of harassment occur on employer premises and whether or not the incidents occur during working hours.

Examples of prohibited conduct:

Though sexual harassment encompasses a wide range of conduct, some examples of specifically prohibited conduct include the following:

- Physical assaults of a sexual nature, such as rape, sexual battery, molestation or attempts to commit these assaults;
- Intentional physical conduct that is sexual in nature, such as touching, pinching, patting, grabbing, brushing against another employee's body or poking another employee's body.
- Unwelcome sexual advances, propositions, or other sexual comments, such as sexually oriented gestures, noises, remarks, jokes or comments about a person's sexuality or sexual experience.
- Preferential treatment or promises of preferential treatment to an employee for submitting to sexual conduct, including soliciting or attempting to solicit any employee to engage in sexual activity for compensation or reward.
- Subjecting, or threats of subjecting, an employee to unwelcome sexual attention or conduct or intentionally making performance of the employee's job more difficult because of that employee's sex.
- Sexual or discriminatory displays or publications anywhere in the Borough of Hanover's workplaces by Borough employees.
- Retaliation for sexual harassment complaints.

SECTION C. Racism and Other Prejudicial/Discriminatory Conduct

The Borough is opposed to discrimination based on race, color, religion, sex, sexual orientation, gender identity or expression, national origin, age, disability, marital status, citizenship, genetic information, or any other characteristic protected by law. The Borough is committed to cultural diversity, social justice and equality.

In general, "discrimination" includes making employment decisions implicitly or explicitly based on factors other than job-related considerations and/or treating one employee differently merely because they are a member of a protected group or on the basis of a protected characteristic such as race, color, religion, sex, sexual orientation, gender identity or expression, national origin, age, disability, marital status, citizenship, genetic information, or any other characteristic protected by law. This nondiscrimination policy applies to all terms and conditions of employment, which include but are not limited to: compensation, hours, recruitment, selection, training, assignment, evaluation, promotion, discipline and termination.

Racism: Racism is putting down a person or group for their race, color, or ethnic background. Racism is a prejudiced attitude shown by racist conduct aimed at a group or person. Any conduct a reasonable person views as putting down another race or ethnic group or person is prohibited (even if the person or a member of the group is not present). Examples include, but are not limited to:

- Racial or ethnic jokes or humor;

- Comments on performance related to race or ethnic background;
- Refusal to invite participation in any work activity or Borough sponsored event on basis of race or ethnic background;
- Racial or ethnic insults;

Other forms of Prejudicial or Discriminatory Conduct: The above examples of racism apply equally to prejudicial or discriminatory conduct based on a person's religion, sex, sexual orientation, gender identity or expression, national origin, age, disability, marital status, citizenship, genetic information, or any other characteristic protected by law.

SECTION D. Bullying in the Workplace

The Borough of Hanover considers workplace bullying unacceptable and will not tolerate it under any circumstances. This policy shall apply to all employees, regardless of his or her employee status (i.e. managerial vs. hourly, full-time vs. part-time, employee vs. independent contractor). Any employee found in violation of this policy will be disciplined, up to and including immediate termination. Independent contractors found to be in violation of this policy may be subject to contract cancellation.

Bullying is defined as persistent, malicious, unwelcome, severe, and pervasive mistreatment that harms, intimidates, offends, degrades, or humiliates an employee, whether verbal, physical or otherwise, at the place of work and/or in the course of employment.

The Borough of Hanover promotes a healthy workplace culture where all employees are able to work in an environment free of bullying behavior. All employees are encouraged to report any instance of bullying behavior. Any reports of this type of behavior will be treated seriously and investigated promptly and impartially. The Borough of Hanover further encourages all employees to formally report any concerns of assault, battery, or other bullying behavior of a criminal nature to the local Police Department. Any supervisor who witnesses any bullying, irrespective of reporting relationship, is required to immediately report this conduct to Borough Manager or Human Resource Manager.

The Borough of Hanover will protect an employee who reports bullying conduct from retaliation or reprisal.

The following types of behavior constitute workplace bullying. Please note, this list is not meant to be exhaustive and is only offered by way of example:

- Staring, glaring or other nonverbal demonstrations of hostility;
- Exclusion or social isolation;
- Excessive monitoring or micro-managing;
- Work-related harassment (work-overload, unrealistic deadlines, assignment of meaningless tasks);
- Being held to a different standard than the rest of an employee's work group;
- Consistent ignoring or interrupting of an employee in front of co-workers;
- Personal attacks (angry outbursts, excessive profanity, or name-calling);
- Encouragement of others to turn against the targeted employee;

- Sabotage of a co-worker's work product or undermining of an employee's work performance;
- Stalking;
- Unwelcome touching or unconsented-to touching;
- Invasion of another person's personal space;
- Unreasonable interference with an employee's ability to do his or her work (i.e., overloading of emails);
- Repeated infliction of verbal abuse, such as the use of derogatory remarks, insults and epithets;
- Conduct that a reasonable person would find hostile, offensive, and unrelated to the employer's legitimate business interests.

Early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of bullying. Therefore, while no fixed reporting period has been established, the Borough strongly urges the prompt reporting of complaints or concerns so that rapid and constructive action can be taken. The Borough will make every effort to stop alleged workplace bullying before it becomes severe or pervasive but can only do so with the cooperation of its employees.

Individuals who believe they have experienced conduct that they believe violates this policy, or who have concerns about such matters, should report their complaints verbally or in writing to his or her supervisor, the Human Resource Manager, or the Borough Manager before the conduct becomes severe or pervasive. Individuals should not feel obligated to report their complaints to their immediate supervisor first before bringing the matter to the attention of one of the other designated representatives identified above.

The availability of this complaint procedure does not preclude individuals who believe they are being subjected to bullying conduct from promptly advising the offender that his or her behavior is unwelcome and requesting that such behavior immediately stop.

SECTION E. Responding to Conduct in Violation of Policy

Employees:

If an employee believes that he or she has been subject to sexual harassment or any unwelcome sexual attention, racism, bullying, or other forms of harassment or discrimination, he or she may address the situation directly and immediately to the harasser, if possible. If the inappropriate conduct does not cease, if the alleged offender retaliates against the employee in any way, or if the employee is unable to or uncomfortable with addressing the alleged offender directly, he or she should report the incident to his or her own supervisor or manager, or to the Borough Manager, or Human Resource Manager. 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.

It is important to report any and all concerns of harassment or discrimination to a supervisor/manager, Borough Manager or Human Resource Manager as soon as possible. Management must be made aware of the situation so that it can conduct an immediate and impartial investigation and take appropriate action to remediate or prevent the prohibited conduct from continuing.

Managers and Supervisors:

Managers and supervisors must deal expeditiously and fairly with allegations of harassment or discrimination within their departments whether or not there has been a written or formal complaint. They must:

- Take all complaints or concerns of alleged or possible harassment or discrimination seriously no matter how minor or who is involved.
- Ensure that harassment or discrimination is immediately reported to Human Resources so that a prompt investigation can occur.
- Take any appropriate action to prevent retaliation or prohibited conduct from recurring during and after any investigations or complaints.

Managers and supervisors who knowingly allow or tolerate harassment, discrimination, or retaliation, including the failure to immediately report such misconduct to the Human Resource Manager or the Borough Manager, are in violation of this policy and subject to discipline.

Human Resources:

The Borough Manager and Human Resource Manager are responsible for:

- Ensuring that both the individual filing the complaint (hereafter referred to as the “complainant”) and the accused individual (hereafter referred to as the “respondent”) are aware of the seriousness of a complaint.
- Explaining the Borough’s harassment and anti-discrimination policy and investigation procedures to the complainant and the respondent.
- Exploring informal means of resolving complaints.
- Notifying the police if criminal activities are alleged.
- Arranging for an investigation of the alleged harassment or discrimination and the preparation of a written report.
- Submitting a written report summarizing the results of the investigation and making recommendations to designated company officials.
- Notifying the complainant and the respondent of the corrective actions to be taken, if any, and administering those actions.

Complaint Resolution Procedures:

Individuals should report complaints of conduct believed to violate the Borough’s harassment and anti-discrimination policy according to the policy’s complaint procedures. To initiate a formal investigation into an alleged violation of this policy, employees may be asked to provide a written statement about the alleged misconduct to the office of the Human Resource Manager. Complaints should be submitted as soon as possible after an incident has occurred. The Human Resource Manager may assist the complainant in completing the statement.

To ensure the prompt and thorough investigation of a harassment or discrimination complaint, the complainant should provide as much of the following information as is possible:

- The name, department and position of the person or persons allegedly causing the harassment or discrimination.

- A description of the incident(s), including the date(s), location(s) and the presence and identity of any witnesses.
- The effect of the incident(s) on the complainant's ability to perform his or her job, or on other terms or conditions of his or her employment.
- The names of other individuals who might have been subject to the same or similar harassment or discrimination.
- What, if any, steps the complainant has taken to try to stop the harassment.
- Any other information the complainant believes to be relevant to the complaint.

Discipline

Employees who violate this policy are subject to appropriate discipline. If an investigation results in a finding that this policy has been violated, progressive discipline up to including potential termination will be applied, consistent with the terms of the Borough's policy on discipline and the terms of any applicable collective bargaining agreement. Persons who violate this policy may also be subject to civil damages or criminal penalties, in accordance with applicable laws.

Confidentiality

All inquiries, complaints and investigations are treated confidentially. Information is revealed strictly on a need-to-know basis. Information contained in a formal complaint is kept as confidential as possible. However, the identity of the complainant is usually revealed to the respondent and witnesses. The Borough Manager and Human Resource Manager will take adequate steps to ensure that the complainant is protected from retaliation during the period of the investigation. All information pertaining to a sexual harassment complaint or investigation is maintained by the Human Resource Manager in secure files. The Borough Manager or Human Resource Manager can answer any questions relating to the procedures for handling information related to sexual harassment or discrimination complaints and investigations to complainants and respondents.

Other Available Procedures

The procedures available under this policy do not preempt or supersede any legal procedures or remedies otherwise available to a victim of sexual harassment under local, state, or federal law.

Administration

This policy will be administered by the Borough Manager and Human Resource Manager.

SECTION F. Employer/Employee Responsibilities

Prejudiced Conduct: Protected groups must not be discriminated against. Creed, sexual preference, age, and handicapped status, as well as race and ethnic background, may not be the basis for discriminatory conduct.

Complaints: Complaints should be promptly made in writing to the Borough Manager. Prompt investigations of allegations will be made, and appropriate corrective action taken.

Commitment: The Borough of Hanover is committed without qualification to all aspects of racial and cultural diversity. The Borough's commitment to racial tolerance, cultural diversity and social justice will require every employee and volunteer to ensure that the principles of these ideals be mirrored in their attitudes and behaviors.