



**INTERNATIONAL
BROTHERHOOD
OF ELECTRICAL
WORKERS.**

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Lonnie R. Stephenson
International President

Kenneth W. Cooper
International
Secretary-Treasurer

January 23, 2018

VIA EMAIL

To: All IBEW Local Union Business Managers in the United States

Re: IBEW Sexual Harassment Policy

Dear Sisters and Brothers:

In light of recent events, sexual harassment is front and center. This issue does not only affect certain workers, but affects all workers. The IBEW values all its members and must be proactive in addressing sexual harassment by educating our members to recognize and oppose harassment when it occurs.

In 2007 and 2012, respectively, the IBEW sent sexual harassment and general harassment policies to each local union and system council in the United States, with a recommendation to adopt the policies at the local level. Attached you will find both recommended policies, which we strongly encourage you to adopt, modifying the templates provided to conform to the laws of the area covered by your local union or system council. For your convenience and easy modification, electronic copies may be downloaded from *Local Connections*.


In addition, "The IBEW Stands Against Sexual Harassment" booklet is available through the Supply Services Department. The booklet is an effective educational tool that explains what sexual harassment is and how to create a work environment free from it. Please read it and educate your local union staff, officers and general membership to understand the imminent dangers and short and long-term effects of harassment. With the labor movement under constant attack, it is important to protect the brand, legacy, and credibility of the IBEW. It is up to all of us to ensure all working people have a safe, dignified and harassment-free workplace.

Should you have any questions, please contact Civic & Community Engagement Department Director Carolyn J. Williams at (202) 728-6204 or by email to Carolyn_Williams@IBEW.org.

With best wishes, we are

Fraternally yours,


Lonnie R. Stephenson
International President


Kenneth W. Cooper
International Secretary-Treasurer

LRS/KWC:hds
Attachments

Copy to All IBEW International Vice Presidents except the First District





LOCAL 827

INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS

263 Ward Street, East Windsor, New Jersey 08520 (609) 443-4100 www.ibew827.com



R.W. SPEER, President/Bus. Mgr.
K.S. LANE, Vice President
S.M. WALLIN, Rec. Secretary
G.R. PUZO, JR., Treasurer

IBEW Local Union 827 Policy Against Discrimination and Harassment

International Brotherhood of Electrical Workers Local Union 827 is committed to maintaining an environment that is free of unlawful discrimination and harassment. In keeping with this commitment, IBEW Local Union 827 will not tolerate discrimination or harassment of IBEW Local Union 827 employees or members by any Local Union staff member, supervisor, co-worker, member, agent or vendor. This policy applies to all employees, agents and anyone else doing business for or with IBEW Local Union 827. The policy applies to all IBEW Local Union 827 activities, including union meetings and union social events. This policy does not apply to discrimination or harassment that occurs at an employer workplace and that does not involve an agent of the union. This policy is intended to help ensure IBEW Local Union 827 meets its legal obligations under applicable law and does not create any contractual rights or expand any legal obligations.

Harassment is any behavior that a reasonable person should know would be unwelcome and that demeans, humiliates or embarrasses a person based upon a person's protected status, including sex, color, race, religion, national origin, age, disability, genetic information, and any other basis protected by applicable law, ordinance or regulation. Harassment can be verbal or physical and can include actions, comments or displays. It may be a single incident or repeated incidents. IBEW Local Union 827 will not tolerate unlawful harassing conduct that affects tangible job benefits, that interferes unreasonably with an individual's work performance or membership rights or that creates an intimidating, hostile or offensive working environment.

Reporting Discrimination and Harassment: All IBEW Local Union 827 employees, officers and agents are responsible to help ensure that we provide an environment free of

discrimination and harassment and to that end are required to report and take steps to stop any discrimination or harassment whether a complaint has been filed or not. If you feel you have experienced or witnessed discrimination or harassment by any officer, employee, agent or vendor of the Local Union, you are to notify the Business Manager, President or an Executive Board Member. All discrimination and harassment complaints will be thoroughly and promptly investigated, including interviews of all those involved and any additional witnesses to determine if discrimination or harassment has occurred. To the fullest extent practicable, IBEW Local Union 827 will keep complaints and the terms of their resolution confidential. If an investigation confirms that harassment has occurred, IBEW Local Union 827 will take corrective action, and if harassment was committed by a Local Union 827 employee, the corrective action may include such discipline as is appropriate under the circumstances, up to and including immediate termination of employment.

Victims of discrimination and harassment may also file a discrimination charge with the Equal Employment Opportunity Commission (EEOC) or a state fair employment practice agency. A discrimination charge must be filed within 180 calendar days of the discriminatory act or the last act of harassment. The 180 calendar day deadline is extended to 300 calendar days if a state or local agency enforces a law that prohibits employment discrimination on the same basis. For age discrimination, the filing deadline is only extended to 300 days if there is a state law prohibiting age discrimination and a state agency enforcing that law. The deadline is not extended if only a local law prohibits age discrimination. In cases of physical or sexual assault, you may also contact local law enforcement authorities.

Non-Retaliation: IBEW Local Union 827 strictly forbids retaliation against anyone for reporting discrimination or harassment, assisting in making a complaint or cooperating in an investigation. If a complainant believes retaliation has occurred, the retaliation must also be reported under the procedures set forth in this policy.

Anyone who deliberately and maliciously files a false complaint having no basis in fact will be subject to discipline up to and including the discharge of a union employee.

Employer Workplaces: Employers of IBEW Local Union 827 members are responsible for ensuring that their workplaces are free of discrimination and harassment. Complaints concerning discrimination and harassment occurring at the workplace should be reported to the employer pursuant to its policies. IBEW Local Union 827 employees, officers and agents are strictly prohibited from participating in any discrimination or harassment at any employer workplaces.



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LOCAL UNION POLICY AGAINST SEXUAL HARASSMENT

IBEW Local 827 does not tolerate sexual harassment of any type. Sexual harassment is unlawful and exposes our Local Union and any individuals involved in such conduct to significant legal liability. The Local Union expects its employees and members to treat each other, members of the public, vendors, and contractors with respect and dignity. Sexual harassment not only hurts the victim, but it also erodes union solidarity. The Local Union is therefore committed to the vigorous enforcement of this policy against sexual harassment. Local Union employees who engage in sexual harassment will be disciplined. Sexual harassment by a Local Union member is unacceptable.

What is Sexual 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.

Getting Help for Sexual Harassment

It is strongly recommended that the victim of sexual harassment immediately and clearly tell his or her harasser that the conduct is inappropriate, unwelcome, and should stop – which may end the harassment. In addition, the victim should report the harassment as set forth below.

Any individual accused of sexual harassment should not play any role in administering or making decisions under this policy.

I. Local Union Employees – Local Union employees, including any supervisor who witnesses sexual harassment, should submit sexual harassment complaints to the Local Union Business Manager, or, if the complaint is against the Business Manager, to the Local Union President or a member of the Executive Board. Complaints may be made orally or in writing. Sexual harassment complaints will be promptly and thoroughly investigated by the Business Manager, the Executive Board, or someone designated by either, and a determination of the facts will be made. Complaints and information obtained during the course of the investigation shall be kept confidential, except to the extent disclosure is necessary to investigate and resolve the complaint, or as necessary to respond to claims in a legal proceeding before a court or an administrative agency. After the investigation, any Local Union officer, employee, or member found to have committed sexual harassment will be reprimanded and/or disciplined. In addition to discipline, the offender may be required to attend sexual harassment training. The nature of the reprimand and/or discipline imposed will depend on the nature and severity of the misconduct, and may include discharge of an employee.

II. Local Union Members* – Local Union members may encounter sexual harassment on the job, during JATC training, or during Local Union functions. The options available to a member for seeking help depend upon where the harassment occurs.

A. Sexual Harassment on the Job:

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

* IBEW Local 827 recognizes its legal obligation to represent all employees in a collective bargaining unit in their employment relationship, regardless of whether they are Local Union members, and will vigorously represent all bargaining unit members who encounter sexual harassment at their workplace, whether or not they are Local Union members.

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, should ensure that the employer takes appropriate action to address the apprentice’s sexual harassment claims.

B. Sexual Harassment during JATC Training:

Apprentices and other Local Union members may encounter sexual harassment during JATC training. Complaints of sexual harassment at JATC facilities should be made to the JATC director or, if another representative has been appointed to receive sexual harassment complaints, the harassment should be reported to the designated individual. For additional guidance, see the JATC’s policy against sexual harassment.

C. Sexual Harassment during Local Union Functions:

A member may encounter sexual harassment during a Local Union function, such as a membership meeting or a social function.

1. If the alleged harasser is a fellow Local Union member, the victim may either:

(a) Seek an informal resolution of the harassment, by reporting the harassment to the Business Manager, or, if the complaint is against the Business Manager, to the Local Union President or a member of the Executive Board. In such cases, the Business Manager, or the Executive Board, or someone designated by either, will promptly and thoroughly investigate the sexual harassment complaint, and make a determination of the facts. The complaint and information obtained during the course of the investigation shall be kept confidential except to the extent disclosure is necessary to investigate and seek to resolve the complaint or as necessary to respond to claims in a legal proceeding before a court or an administrative agency. If it is found that sexual harassment has occurred, the Business Manager, Executive Board, or other designated agent shall take appropriate steps to stop the harassment and will report to the victim the steps that have been taken; or

(b) File internal union charges against the harasser under IBEW Constitution Article XXV, alleging the violation of this policy, following the procedures and deadlines set forth in Article XXV.

2. If the alleged harasser is a Local Union employee, the victim should report the harassment to the Business Manager, or, if the complaint is against the Business Manager, to the Local Union President or a member of the Executive Board. In such cases, the Business Manager or the Executive Board, or someone designated by either, will promptly and thoroughly investigate the sexual harassment complaint, and make a determination of the facts. The complaint and information obtained during the course of the investigation shall be kept confidential except to the extent disclosure is necessary to investigate and resolve the complaint or as necessary to respond to claims in a legal proceeding before a court or an administrative agency. If after the investigation, a Local Union employee is found to have committed sexual harassment, he or she will be reprimanded and/or disciplined. In addition to discipline, the offender may be required to attend sexual harassment training. The nature of the reprimand and/or discipline imposed will depend on the nature and severity of the misconduct.

Retaliation Prohibited

Retaliation against Local Union members or employees who have reported or cooperated in an investigation of alleged sexual harassment 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.

This policy has been adopted by IBEW Local 827 effective 2/6/2018.