



JOINT INDUSTRY BOARD OF THE ELECTRICAL INDUSTRY

SEXUAL HARASSMENT POLICY

POLICY STATEMENT

The Joint Industry Board of the Electrical Industry (hereinafter the “Joint Industry Board”) is committed to maintaining a workplace free from sexual harassment. Sexual harassment is a form of workplace discrimination. The Joint Industry Board has a zero-tolerance policy for any form of sexual harassment, and all employees are required to work in a manner that prevents sexual harassment in the workplace. This Policy is one component of the Joint Industry Board’s commitment to a discrimination-free work environment.

Sexual harassment is against the law¹ and will not be tolerated in any form. All employees have a legal right to a workplace free from sexual harassment, and employees can enforce this right by filing a complaint internally with the Joint Industry Board (as further explained below), or with a government agency or in court under federal, state or local antidiscrimination laws.

The Joint Industry Board promotes an atmosphere in which employees can talk freely with members of management, supervisors, and the Human Resources Department about any concerns or complaints related to sexual harassment. Employees and non-employees in the workplace are encouraged to discuss with management, supervisors, or the Human Resources Department any complaints or concerns related to sexual harassment so that immediate and appropriate corrective action may be taken. The Joint Industry Board will not tolerate any retaliation against any individual for reporting or making a complaint in good faith regarding any form of sexual harassment.

I. POLICY:

1. This Joint Industry Board Policy on sexual harassment (the “Policy”) applies to all employees, applicants for employment, interns, whether paid or unpaid, contractors and persons conducting business, regardless of immigration status, with the Joint Industry Board. In the remainder of this document, the term “employee” refers to this collective group.

2. Sexual harassment will not be tolerated. Any employee or individual covered by this Policy who engages in sexual harassment or retaliation will be subject to immediate remedial and/or disciplinary action, up to and including termination.

3. Retaliation Prohibition: As further detailed in Section III below, no person covered by this Policy shall be subject to adverse employment action including being discharged, disciplined, discriminated against, or otherwise subject to adverse employment action because the employee reports an incident of sexual harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint. The Joint Industry Board has a zero-tolerance policy for such retaliation against anyone who, in good faith, complains or provides information about suspected sexual harassment. Any employee of the Joint Industry Board who retaliates against anyone involved in a sexual harassment investigation will be subjected to disciplinary action, up to and including termination. All employees, paid or unpaid interns, or non-employees² working in the workplace who believe they have been subject to such retaliation should inform a supervisor, manager, or the Joint Industry Board Director of Human Resources or Director of Administration. All employees, paid or unpaid interns, or non-employees who believe they have been a target of such retaliation

¹ While this Policy specifically addresses sexual harassment, harassment of, and discrimination against, persons of all protected classes is prohibited. In New York State, such protected classes include age, race, creed, color, national origin, sexual orientation, military status, sex, disability, marital status, domestic violence victim status, gender identity, and criminal history.

² A non-employee is someone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services in the workplace. Protected non-employees include persons commonly referred to as independent contractors, “gig” workers, and temporary workers. Also included are persons providing equipment, repair, cleaning services or any other services provided pursuant to a contract with the employer.



may also seek compensation in other available forums, as explained further below in Section VII entitled *Legal Protections and External Remedies*.

4. Sexual harassment is offensive, is a violation of our policies, is unlawful, and subjects the Joint Industry Board to liability for harm to targets of sexual harassment. Harassers may also be individually subject to liability. Employees of every level who engage in sexual harassment, including managers and supervisors who engage in sexual harassment or who allow such behavior to continue will be penalized for such misconduct.

5. As detailed in the *Complaint And Investigation Of Sexual Harassment* in Section VI below, the Joint Industry Board will conduct a prompt, thorough, and confidential investigation that ensures due process for all parties, whenever management receives a complaint about sexual harassment, or otherwise knows of possible sexual harassment occurring. The Joint Industry Board will keep the investigation confidential to the extent possible. Immediate, appropriate, and effective corrective action will be taken whenever sexual harassment is found to have occurred. All employees, including managers and supervisors, are required to cooperate with any internal investigation of sexual harassment.

6. All employees are actively encouraged to report any harassment or behaviors that violate this Policy. The Joint Industry Board will provide all employees a Complaint Form for employees to report harassment and file complaints. A copy of the Joint Industry Board Complaint Form is attached to this Policy.

7. Managers and supervisors are **required** to report any complaint that they receive, or any harassment that they observe, become aware of, or should have known about, to the Joint Industry Board's Director of Human Resources or Director of Administration.

8. This Policy applies to all employees, paid or unpaid interns, and non-employees in its workplace and all must follow and uphold this Policy. This Policy must be provided to all employees and should be posted prominently in all work locations to the extent practicable and be provided to employees upon hiring.

II. WHAT IS "SEXUAL HARASSMENT"?

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity, and the status of being transgender.

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's sex when:

- 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, even if the reporting individual is not the intended target of the sexual harassment;
- Such conduct is made either explicitly or implicitly a term or condition of employment; or
- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.

Sexually Harassing Hostile Work Environment

A sexually harassing hostile work environment consists of words, signs, jokes, pranks, intimidation, or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements, or sexually discriminatory remarks made by someone which are offensive or



objectionable to the recipient, which cause the recipient discomfort or humiliation, which interfere with the recipient's job performance.

"Quid pro quo"

Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment, or any other terms, conditions or privileges of employment. This is also called "quid pro quo" harassment.

Any employee who feels harassed should report it so that any violation of this Policy can be corrected promptly. **Any** harassing conduct, even a single incident, can be addressed under this Policy.

A. Examples of sexual harassment

The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited:

- Physical assaults of a sexual nature, such as:
 - Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body or poking another employees' body;
 - Rape, sexual battery, molestation or attempts to commit these assaults.
- Unwanted sexual advances or propositions, such as:
 - Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion or other job benefits or detriments;
 - Subtle or obvious pressure for unwelcome sexual activities.
- Sexually oriented gestures, noises, remarks, jokes or comments about a person's sexuality or sexual experience, which create a hostile work environment.
- Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals or a particular sex should act or look.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
 - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity and the status of being transgender, such as:
 - Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
 - Sabotaging an individual's work;



- Bullying, yelling, name-calling.

B. Who can be a target of sexual harassment?

Sexual harassment can occur between any individuals, regardless of their sex or gender. New York Law protects employees, paid or unpaid interns, and non-employees, including independent contractors, and those employed by companies contracting to provide services in the workplace. A perpetrator of sexual harassment can be a superior, a subordinate, a coworker, or anyone in the workplace, including an independent contractor, contract worker, vendor, client, customer, or visitor.

C. Where can sexual harassment occur?

Unlawful sexual harassment is not limited to the physical workplace itself. This Policy applies to all harassment occurring in the work environment whether on Joint Industry Board premises or off premises in work-related settings, such as during business travel or at Joint Industry Board-sponsored social functions, and applies regardless of the gender of the individuals involved or the hours that such conduct occurs. Calls, texts, emails, and social media usage by employees can constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices, or during non-work hours.

III. ANTI-RETALIATION

Employees should feel free to report or make a complaint of sexual harassment or engage in any other form of protected activity (defined below) without fear of reprisal. It is unlawful and expressly against the Joint Industry Board's Policy for any person to retaliate against any other person for making or reporting a complaint of sexual harassment, or for cooperating in any investigation of any allegations of sexual harassment.

A. What is "Retaliation"?

Unlawful retaliation can be any action that would keep a worker from coming forward to make, report, or support a sexual harassment claim. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (e.g., threats of physical violence outside of work hours).

Such retaliation is unlawful under federal, state, and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in "protected activity."

"Protected Activity" occurs when a person has:

- Made or reported a complaint of sexual harassment, either internally or with any anti-discrimination agency;
- testified or assisted in a proceeding involving sexual harassment under the Human Rights Law or other anti-discrimination law;
- opposed sexual harassment by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of harassment;
- reported that another employee has been sexually harassed; **or**
- encouraged a fellow employee to report harassment.



Even if the alleged harassment does not turn out to rise to the level of a violation of the law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of harassment.

IV. REPORTING SEXUAL HARASSMENT

Preventing sexual harassment is everyone's responsibility. The Joint Industry Board cannot prevent or remedy sexual harassment unless it knows about it. Any employee, paid or unpaid intern, or non-employee who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to a supervisor, manager, or the Joint Industry Board's Director of Human Resources or Director of Administration. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor, manager, or the Joint Industry Board's Director of Human Resources or Director of Administration.

Reports of sexual harassment may be made verbally or in writing. A form for submission of a written complaint is attached to this Policy, and all employees are encouraged to use this Complaint Form. Employees who are reporting sexual harassment on behalf of other employees should also use the Complaint Form and note that it is on another employee's behalf.

Employees, paid or unpaid interns, or non-employees who believe they have been a target of sexual harassment may also seek assistance in other available forums, as explained below in Section VII entitled *Legal Protections and External Remedies*.

V. SUPERVISORY RESPONSIBILITIES

All supervisors and managers who (i) receive a complaint or information about suspected sexual harassment, (ii) observe what may be sexually harassing behavior, or (iii) for any reason suspect that sexual harassment is occurring or has occurred, **are required to immediately report** such suspected sexual harassment to the Director of Human Resources or Director of Administration of the Joint Industry Board.

In addition to being subject to discipline if they engaged in sexually harassing conduct themselves, supervisors and managers will be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue.

Supervisors and managers will also be subject to discipline for engaging in any form of retaliation.

VI. COMPLAINT AND INVESTIGATION OF SEXUAL HARASSMENT

All complaints or information about suspected sexual harassment will be investigated, whether that information was reported in verbal or written form. Investigations will be conducted in a timely manner, and will be confidential to the extent possible.

An investigation of any complaint, information, or knowledge of suspected sexual harassment will be prompt and thorough, commenced immediately, and completed as soon as possible. The investigation will be confidential to the extent possible. All persons involved, including complainants, witnesses, and alleged harassers will be accorded due process, as outlined below, to protect their rights to a fair and impartial investigation.

Any employee may be required to cooperate as needed in an investigation of suspected sexual harassment. The Joint Industry Board will not tolerate retaliation against employees who file or report complaints, support another's complaint, or participate in an investigation regarding a violation of this Policy.

It is the responsibility of every employee to further the implementation of the Joint Industry Board's Policy forbidding, reporting, investigating, and preventing sexual harassment. Anyone who believes that he or she



has been sexually harassed, believes that he or she has witnessed such conduct, or is required to report such conduct, is obligated to promptly report the incident to his or her supervisor or manager, or the Joint Industry Board's Director of Human Resources or Director of Administration so that immediate and appropriate corrective action may be taken.

Because sexual harassment issues can be sensitive, reasonable efforts will be taken to protect the privacy of all parties involved. However, confidentiality cannot be assured because it may be necessary to discuss allegations with the accused individual and/or others in order for the Joint Industry Board to conduct a thorough investigation. As with any other investigation conducted by the Joint Industry Board, employees involved in an investigation must:

- cooperate fully;
- be completely honest and forthcoming; and
- agree to limit the flow of information only to those who need to know as determined by the Joint Industry Board.

If, after investigation, an individual is found to have engaged in unacceptable or unlawful sexual harassment, the Joint Industry Board will take such prompt remedial and corrective action, including termination of employment. If an investigation results in a finding that an employee submitted or reported a claim in bad faith, or a witness knowingly made a false statement, disciplinary action may be taken, including termination of employment.

A. Complaint Procedure

Reports of sexual harassment may be made verbally or in writing. **A copy of the Complaint Form is attached to this Policy.** All employees are encouraged to use this Complaint Form when reporting any form of sexual harassment. Employees who are reporting sexual harassment on behalf of other employees should also use the Complaint Form and note that it is on another employee's behalf.

Investigations will be done in accordance with the following steps:

Upon receipt of a complaint or the completed Complaint Form, the Director of Human Resources or Director of Administration will:

- (a) conduct an immediate review of the allegations, and take any interim actions, as appropriate. If a complaint is made orally, the individual will be encouraged to complete a Complaint Form in writing. If the individual refuses or is incapable of doing so, the Director of Human Resources or Director of Administration will prepare a Complaint Form based upon the oral reporting;
- (b) take steps to obtain and preserve any documents, emails, or phone records relevant to the investigation;
- (c) request and review all relevant and available documents, including all pertinent electronic communications such as emails, voicemails, text messages, etc.;
- (d) interview all parties involved, including any relevant witnesses;
- (e) create a written record of the investigation (such as a letter, memo or email), which contains the following:



- A list of all documents reviewed, along with a detailed summary of relevant documents;
- A list of names of those interviewed, along with a detailed summary of their statements;
- A timeline of events;
- A summary of prior relevant incidents, reported or unreported; and
- The basis for the decision and final resolution of the complaint, together with any corrective action(s).

- (f) keep the written documentation and associated documents in a secure and confidential location;
- (g) promptly notify the individual who reported and the individual(s) about whom the complaint was made of the final determination and implement any corrective action(s) identified in the written document;
- (h) Inform the individual who complained of their right to file a complaint or charge externally as outlined in the *Legal Protections and External Remedies* of Section VII below.

VII. LEGAL PROTECTIONS AND EXTERNAL REMEDIES

Sexual harassment is not only prohibited by the Joint Industry Board, but is also prohibited by state, federal, and, where applicable, local law.

Aside from the internal process at the Joint Industry Board, employees may also choose to pursue legal remedies with the following governmental entities at any time:

A. New York State Human Rights Law

The New York State Human Rights Law (“HRL”), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to employers in New York State with regard to sexual harassment, and protects employees, paid or unpaid interns and non-employees, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the New York State Division of Human Rights (“DHR”) or in New York State Supreme Court.

Complaints with the DHR may be filed at any time **within one year** of the harassment.

If an individual did not file at DHR, they can sue directly in state court under the HRL **within three years** of the alleged discrimination. An individual may not file with the DHR if they have already filed a HRL complaint in state court.

Complaining internally to the Joint Industry Board does not extend an individual’s time to file a claim with the DHR or commence a lawsuit in court. The one year or three years is counted from the date of the most recent incident of harassment.

An individual does not need an attorney to file a complaint with the DHR, and there is no cost to file with the DHR.

The DHR will investigate an individual’s complaint and determine whether there is probable cause to believe that discrimination has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If discrimination is found after a hearing, the DHR has the power to award relief, which varies but may include requiring an individual’s employer to take action to stop the harassment, or redress the damage caused, including paying monetary damages, attorney’s fees and civil fines.

The DHR’s main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458, (718) 741-8400. Its website is “www.dhr.ny.gov”.



An individual can also contact the DHR at (888) 392-3644 or visit dhr.ny.gov/complaint for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to the DHR. The website also contains contact information for DHR's regional offices across New York State.

B. Civil Rights Act of 1964

The United States Equal Employment Opportunity Commission ("EEOC") enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime **within 300 days** from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred.

If an employee believes that he/she has been discriminated against at work, he/she can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. An individual can contact the EEOC by calling 1-800-669-4000 (1-800-669-6820 (TTY)), visiting their website at www.eeoc.gov, or via email at info@eeoc.gov.

If an individual filed an administrative complaint with the DHR, the DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

C. Local Protections

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city, or town in which they live to find out if such a law exists. Employees who work in New York City may file complaints of sexual harassment with the New York City Commission on Human Rights. An individual can contact their main office at Law Enforcement Bureau of the NYC Commission on Human Rights, 40 Rector Street, 10th Floor, New York, New York; call 311 or (212) 306-7450; or visit www.nyc.gov/html/cchr/html/home/home.shtml.

D. Contact the Local Police Department

If the harassment involves physical touching, coerced physical confinement, or coerced sex acts, the conduct may constitute a crime. An individual can contact their local police department.

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ACKNOWLEDGMENT AND RECEIPT OF THE
JOINT INDUSTRY BOARD OF THE ELECTRICAL INDUSTRY
SEXUAL HARASSMENT POLICY AND COMPLAINT FORM

I acknowledge that I have received the Joint Industry Board of the Electrical Industry Sexual Harassment Policy and Complaint Form on _____.

I understand that it is my responsibility to read and understand the policies and procedures contained in the Policy, and understand that it is my responsibility to be familiar with and abide by its terms.

I also acknowledge that I will be required to attend mandatory annual sexual harassment training and that if I should have any questions regarding the Policy, I will consult the Human Resources Department of the Joint Industry Board of the Electrical Industry.

EMPLOYEE'S NAME (printed): _____

EMPLOYEE'S SIGNATURE: _____

TITLE/POSITION: _____