

Policies



Metro

600 NE Grand Ave.
Portland, OR 97232-2736

Subject Discrimination and Harassment-Free Workplace
Section Human Resources
Approved by Andrew Scott, Interim Chief Operating Officer
Approved on January 1, 2020
Replaces Discrimination and Harassment Policy, Adopted 11/11 and Revised 1/14

Policy Purpose: Metro is committed to promoting and maintaining a work environment that is free from all forms of unlawful discrimination, harassment or retaliatory conduct. It is committed to creating and maintaining an environment in which each person is respected and valued without regard to protected class/status.

1. Application

This policy is applicable to all employees, elected officials, interns (paid and unpaid), volunteers, applicants for employment, visitors, contractors and vendors. Where provisions of an applicable collective bargaining agreement directly conflict with this policy, the provisions of that agreement will prevail.

2. Definitions

- a. Protected Class: Race, color, religion, sex, national origin, age, marital status, familial status, sexual orientation, gender identity and expression, veteran status, disability or perceived disability, genetic information, juvenile record that has been expunged, or any other status protected by law.
- b. Discrimination: Unequal or different treatment of an individual in any personnel action because of the person's membership in a protected class.
- c. Harassment: Verbal or physical conduct that is derogatory or shows hostility towards an individual because of their membership in a protected class. Harassment is severe, persistent, or pervasive and:
 - i. Conduct that has the purpose or effect of creating an intimidating, hostile or offensive work environment;
 - ii. Conduct that has the purpose or effect of unreasonably interfering with an employee's work performance; or
 - iii. Substantially and adversely affects an employee's employment opportunities.

Examples of harassment include, but are not limited to: the use of verbal/written derogatory statements, denigrating jokes, banter or pranks, offensive remarks, put-

downs, epithets, slurs or negative stereotyping, displays, and/or objects or materials which create an offensive work environment.

- d. Sexual Harassment: Unwelcome conduct including but not limited to sexual advances, requests for sexual favors, and/or other verbal or physical conduct of a sexual nature, where:
 - i. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
 - ii. Submission to or rejection of such conduct is used as a basis for employment, salary, or other benefit changes affecting an employee; or
 - iii. Such conduct interferes with an individual's work experience or creates an intimidating, hostile, or offensive working environment.

Examples of sexual harassment include, but are not limited to: suggestive or offensive objects, pictures, cartoons or graphics, making suggestive or obscene gestures, innuendoes, leering, staring or whistling, making unwanted physical contact with others such as touching, grabbing, hugging, pinching, brushing someone else's body, or back rubs.

- e. Retaliation: Negative conduct that would likely deter a reasonable individual from reporting or supporting a claim of discrimination or harassment. Examples of retaliation include but are not limited to demotion, suspension, failing to treat impartially when making employment-related decisions, or assigning the individual the least desirable job duties

3. **Prohibited Conduct**

Any conduct which discriminates against or harasses an employee, elected official, intern (paid or unpaid), volunteer, job applicant, visitor, contractor or vendor due to their membership in a protected class is strictly prohibited by Metro. Such behavior, or tolerance of such behavior, on the part of management or employees, violates Metro's policy and may result in disciplinary action up to and including termination.

- a. This policy applies to all conduct on any of Metro's premises, in any work-related setting outside the workplace, when using Metro-owned equipment including electronic devices, and to conduct off Metro's premises that has an effect on an employee's work environment.
- b. There is no time period within which a complaint must be brought forward internally, however, Metro encourages the immediate reporting of incidents in order to ensure they are appropriately addressed in a timely manner. Under Oregon law, employees wishing to allege unlawful conduct in a judicial forum must commence the action within five (5) years of the alleged violation.
- c. Metro is prohibited from requiring or coercing an employee to enter into a nondisclosure, non-disparagement and/or no-rehire agreement. However, an employee alleging discrimination and/or harassment may voluntarily request to enter into an agreement that contains a nondisclosure, non-disparagement, or no-rehire provision. The employee would have at least seven (7) days to revoke the agreement once it is entered into.

4. Reporting Discrimination or Harassment

- a. Any supervisor, manager, or elected official who becomes aware of an incident that may constitute discrimination or harassment is required to promptly notify the Human Resources Director (or their designee). Any person unsure whether they are required to report is encouraged to contact Human Resources or the Office of Metro Attorney.
- b. All individuals who observe or who are aware of situations involving discrimination or harassment are required to document instances of the conduct and should immediately notify their supervisor, the Human Resources Director (or their designee), or any other manager at Metro.
- c. There is no time period within which a complaint must be brought forward, however, Metro encourages the immediate reporting of incidents in order to ensure they are appropriately addressed in a timely manner.

5. Retaliation

- a. Anyone who files a complaint of discrimination or harassment, participates in the investigation of a complaint, or reports or opposes harassing or discriminatory behavior should not be subject to adverse treatment as a result of such activity. In addition, any individual who is the subject of, or is aware of, a complaint must refrain from taking any retaliatory actions against the person who complained, or against others participating in the investigation.
- b. Any form of retaliation related to a discrimination or harassment complaint is a violation of this policy and may result in discipline up to and including termination.
- c. Anyone who believes that they have been retaliated against for filing a complaint or otherwise participating in any investigation under this policy should immediately report the circumstances to their supervisor, Human Resources, or any other manager at Metro.

6. Responsibilities

- a. Employee/Intern/Volunteer:
 - i. Demonstrate support of this policy by your own conduct; refrain from engaging in behaviors which constitute harassment, discrimination, or retaliation.
 - ii. If you are comfortable doing so, tell employees or other individuals who violate this policy to stop the offensive behavior.
 - iii. Immediately notify your supervisor, Human Resources Director (or their designee) or any Metro manager if you observe or are aware of situations involving discrimination or harassment or retaliation in the workplace.
 - iv. Document any incidences of discrimination, harassment and/or retaliation.
- b. Elected Official/Director/Manager/Supervisor:

- i. Monitor and ensure that the work environment is free from discrimination, harassment, and retaliation.
 - ii. Be proactive in seeking help or advice from HR in situations where there are concerns related to harassment.
 - iii. Demonstrate support and enforcement of the policy by your own conduct, refrain from engaging in behaviors which constitute harassment, discrimination, or retaliation, and provide leadership in carrying out this policy's intent.
 - iv. Take all complaints of discrimination, harassment, or retaliation seriously.
 - v. Immediately notify Human Resources if you learn of any actual or potential discrimination, harassment, or retaliation in the workplace.
 - vi. Take appropriate action in order to end discrimination, harassment, or retaliation in the workplace.
 - vii. Document any incidences of discrimination, harassment, and/or retaliation.
- c. Human Resources:
- i. Upon notification of potential discrimination, harassment, or retaliation in the workplace, provide a copy of this policy to the complainant and immediately conduct a thorough investigation.
 - ii. Take appropriate action in order to end discrimination, harassment, or retaliation in the workplace.
 - iii. Document any incidences of discrimination, harassment, and/or retaliation.
 - iv. Track complaints and identify potential patterns of discrimination or harassment that need to be addressed.

Contacts

Human Resources, 600 NE Grand Ave. Portland, OR 97232
Telephone: (503) 797-1570, Email: Human.Resources@oregonmetro.gov
Human Resources Director: (503) 797-1572

Office of Metro Attorney, 600 NE Grand Ave. Portland, OR 97232
Metro Attorney: (503) 797-1511

References

- o Title VII of the Civil Rights Act of 1964
- o ORS 659A.030
- o 2019 Oregon Workplace Fairness Act
- o 2013 Oregon Laws Ch. 379 (House Bill 2669)
- o Additional information can be obtained from the Oregon Bureau of Labor and Industries (www.boli.state.or.us) or the Equal Employment Opportunity Commission (www.eeoc.gov)