



SUPERVISOR RESOURCE

Receiving reports of prohibited conduct

Harassment, discrimination, sexual misconduct or assault, stalking and retaliation

To support a safe and inclusive workplace, Metro requires all supervisors, managers and leaders who receive a direct or indirect report of misconduct to promptly notify Metro Human Resources staff. This document is intended to provide you with guidance on how to identify a reporting obligation and how to support the person making the complaint.

Questions?

Contact Human Resources

Labor and Employee Relations team

hr.reporting@oregonmetro.gov

503-797-1570

Examples that require reporting

- An employee complains to you that their coworkers often make “offensive and disparaging” comments about people of color.
- A consultant shares with you that another Metro manager repeatedly asks questions about their personal life and presses them for their personal contact information.
- An employee tells you they are uncomfortable working with a contractor because the contractor tells crude sexual jokes and then tells anyone who appears offended that they don’t have a sense of humor.
- An employee complains to you about offensive comments that they overheard another supervisor make about another Metro employee’s religious head-scarf.
- You hear rumors that a well-respected employee regularly makes sarcastic and disparaging comments about employees with disabilities who request reasonable accommodations.
- You are in a manager meeting, and colleague shares to the group that an employee, whom you know to have a protected leave FMLA case for their own health condition, is gone a lot due to migraines using air quotes and rolling their eyes for emphasis.

Responding to a disclosure

If someone reports a concern directly to you, please take the following steps:

- Before the person discloses details, if possible, let them know that Metro policy requires you to report concerns of discrimination and harassment. Let them know you cannot guarantee confidentiality.
- If they report to you, listen openly and respectfully. Be supportive. Tell the person who is sharing that Metro takes their concerns seriously and thank them for coming forward.
- Remind them of Metro’s non-retaliation policy. You must follow-up by sending the person an email attaching Metro’s policies on retaliation and workplace harassment and discrimination.
- Immediately report the concern to Metro Labor and employee relations staff or HR generalist. Do not share what you have learned with anyone else.

Learn about creating a more safe and inclusive workplace at oregonmetro.gov/reportconcerns

Confidentiality

To the extent possible, Metro Human Resources staff treats information received in connection with reports of discrimination, harassment and misconduct as confidential. At times it may become necessary to disclose some information from a complaint while conducting an investigation, including to departmental leadership. As a supervisor, you are expected to keep what is disclosed to you as strictly confidential. If you hear of other employees discussing the complaint, you should put a stop to it. While employees have a right to discuss workplace issues, they do not have a right to engage in hurtful gossip or a damaging smear campaign.

Protection from retaliation

State and federal law, and Metro policy prohibit retaliation for reporting discrimination or harassment, and/or filing a complaint of prohibited discrimination or harassment or participating in the investigation of such a complaint. Retaliation is a serious offense that can result in disciplinary action up to and including termination of employment.

The most obvious forms of retaliation are those where a blatant negative action (such as a termination, a negative performance review, or a demotion) is taken against an

employee who has filed a complaint without cause or a sufficient business reason. However, retaliation can take on subtler forms, such as:

- Divulging the reporting employee's confidences without their knowledge or permission;
- Giving a reporting employee an undesirable work assignment; and
- Excluding an employee who made a complaint from routine workplace discussions.

Even if a complaint is not ultimately substantiated, evidence of retaliation alone can lead to serious discipline, up to termination. As a manager, it is important for you to advise a reporting employee that Metro does not tolerate retaliation for coming forward, and for you to put a stop to any actions which could reasonably be perceived as retaliatory. If you become aware of any retaliation taken against an employee, you must report it to Human Resources immediately.

Learn more in Metro's Non Retaliation Policy at oregonmetro.gov/employee-policies and the handout: 5 Things to know about retaliation located on the MetroNet>HR Portal>Safe and inclusive workplace section.

Proposed script to respond to a reporting party

"Thank you for sharing this information with me. We take reports of discrimination and harassment seriously and value maintaining a positive, safe environment here at Metro.

I am required to share this information with HR as part of Metro's policies, which I will do immediately. You can expect that someone from our Human Resources team to get in touch with you regarding your concerns.

I will keep our conversation as confidential as I can.

In the meantime, there are a number of confidential support resources. The Employee Assistance Program (EAP) through Cascade Centers is available to all employees and provides 24/7 access to confidential counseling which may be helpful for you right now. You can get started by visiting cascadecenters.com.

Please feel free to reach out to me if I can provide you with any support.

Do you have any questions for me?"