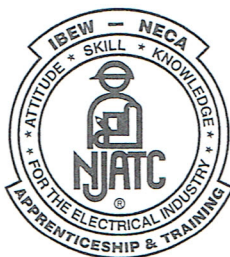


# POLICY AGAINST SEXUAL HARASSMENT

AS ADOPTED  
BY  
THE

York ELECTRICIANS' JOINT

APPRENTICESHIP  
AND  
TRAINING COMMITTEE



S074

## **POLICY AGAINST SEXUAL HARASSMENT**

### **I. GENERAL**

The Joint Apprenticeship and Training Committee does not tolerate sexual harassment of any type. Sexual harassment is unlawful, and such prohibited conduct exposes not only the Committee, but individuals involved in such conduct to significant liability under the law. The Committee expects committee employees (including instructors), employers who hire apprentices, and apprentices to treat each other with respect and dignity. Sexual harassment not only hurts the immediate victim, but can result in a general atmosphere in which the purpose of the apprenticeship and training program is undermined. The Committee, therefore, is committed to vigorously enforcing this policy against sexual harassment. Committee employees or apprentices who engage in such conduct will be disciplined. Employers who engage in such conduct against apprentices will be denied access to apprentices.

### **II. WHAT CONSTITUTES SEXUAL HARASSMENT?**

Sexual harassment according to the federal Equal Employment Opportunity Commission (EEOC) consists of unwelcome sexual advances, requests for sexual favors and any other verbal or physical conduct of a sexual nature when:

- a. submission to such conduct is made explicitly or implicitly a term or condition of an individual's training or employment;
- b. submission to, or rejection of, such conduct by an individual is used as the basis for a training-related or employment-related decision 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, abusive or offensive working environment.

Sexual harassment may include, but is not limited to, intentional physical conduct that is sexual in nature, such as touching, pinching, patting; sexually-oriented gestures, noises, remarks, jokes or comments about a person's sexuality or sexual experience; and displaying pictures, posters, calendars, graffiti, objects, promotional materials, reading materials or other materials that are sexually suggestive, sexually demeaning or pornographic.



### **III. FILING AND INVESTIGATING COMPLAINTS**

Any complaints regarding sexual harassment occurring at JATC facilities, or involving employees of the JATC, should be submitted to the JATC Training Director or an individual designated by the Training Director. Complaints may be made in writing or orally, and anonymous complaints will be accepted. A complaint of harassment may be made by someone who is not the target of harassment, and, indeed, anyone who observes sexual harassment is encouraged to report it. Complaints of sexual harassment will be fully investigated and a determination of the facts will be made on a case-by-case basis. Complaints and information obtained in the course of investigations of complaints shall be treated confidentially except to the extent necessary to investigate and resolve such complaints or as may be necessary to respond to such complaints in a legal proceeding before a court or administrative agency.

Committee instructors are responsible for reprimanding an apprentice for engaging in an act of sexual harassment against another apprentice which the instructor observes or of which the instructor becomes aware. If the conduct continues or recurs, the instructor should file an official complaint with the JATC Training Director.

If an employee wishes to pursue a sexual harassment complaint through a government agency or to seek outside help from a third party, he or she has a legal right to do so. Under no circumstances should Committee employees interfere with that right.

### **IV. RESOLVING COMPLAINTS**

After a thorough investigation, any Committee employee or apprentice found to have committed an act of sexual harassment shall be immediately disciplined. The nature of the discipline imposed will depend on the nature and severity of the misconduct found upon investigation, and may include discharge for a first offense. Reconsideration by the Committee may be requested within thirty days of receiving the Committee's decision.

### **V. RETALIATION PROHIBITED**

The Committee will not tolerate any form of retaliation against an apprentice or a Committee employee who has made a complaint or cooperated in an investigation of alleged sexual harassment.

All persons contacted in the course of an investigation will be advised that they and other individuals involved in a complaint are entitled to be treated in a professional and respectful manner, and that any retaliation or reprisal against an individual who is an

alleged target of harassment or who has made a complaint, or has provided evidence in conjunction with a complaint, is prohibited and could result in discipline up to, and including, termination. Committee employees or apprentices who are found to have engaged in retaliation or who fail to cooperate with an investigation of sexual harassment will be subject to substantial discipline up to, and including, discharge or termination from the program.

## VI. EMPLOYER RESPONSIBILITIES

Employers who hire apprentices from this program are expected to establish their own policies against sexual harassment and retaliation, including specific procedures for the filing, investigating and resolving of complaints. Contractors should understand that under EEOC's sex discrimination regulations, and court decisions, an employer may be responsible for the acts of its supervisory employees, without regard to the employer's specific authorization or knowledge of such acts by them. (Supervisors will be treated as agents of the employer if the employer fails to establish an explicit policy against sexual harassment or fails to establish a reasonably accessible procedure by which victims of sexual harassment can make their complaints known to appropriate officials and have them rectified. With respect to sexually harassing conduct between non-supervisory employees, the employer is responsible where the employer (or its agent) knows or should have known of the conduct, unless the employer takes immediate and appropriate corrective action.)

The failure of an employer to take appropriate action regarding an apprentice's complaint of sexual harassment on the job may result in the employer being denied access to apprentices in the program. It is expected that employers will work cooperatively with the JATC on matters concerning the Committee's policy against sexual harassment.

This policy is adopted by the YORK ELECTRICIANS' JATC,  
effective April 27, 2000.  
(NAME)  
(DATE)

Signed: Thomas E. Loughry Signed: James R. Dougherty

JATC Chairman: Thomas Loughry JATC Secretary: James Dougherty  
(TYPE NAME) (TYPE NAME)