

# **IRONWORKERS LOCAL 11**

## **POLICY AGAINST DISCRIMINATION AND HARASSMENT**

Ironworkers Local 11 (Local 11) is committed to maintaining an environment that is free of unlawful discrimination and harassment. In keeping with this commitment, Local 11 will not tolerate discrimination or harassment of its employees or members by any staff member, supervisor, co-worker, member, agent, or vendor. This policy applies to all employees, agents, and vendors. The policy applies to all Local 11 activities, including union meetings and union social events. This policy does not apply to discrimination or harassment at an employer workplace and does not involve an agent of the union (although information is provided on this topic below).

### **RECOGNIZING DISCRIMINATION AND HARASSMENT**

It is discrimination to treat someone unfavorably based on another person's protected status, including sex, color, race, ethnicity, sexual orientation, gender identity or expression, ancestry, pregnancy, religion, national origin, age, disability, genetic information, and any other basis or characteristic protected by applicable law, ordinance, or regulation.

Harassment is a form of discrimination and is any behavior that a reasonable person would consider to be unwelcome and that demeans, humiliates, or embarrasses a person based on a person's protected status, including sex, color, race, ethnicity, sexual orientation, gender identity or expression, ancestry, pregnancy, religion, national origin, age, disability, genetic information, and any other basis or characteristic protected by applicable law, ordinance, or regulation.

Unacceptable behavior can be verbal or physical, including actions, decisions, comments, displays, and maybe a single incident or repeated incidents. It may include, but is not limited to, actions such as epithets, slurs, negative stereotyping, jokes, threatening, intimidating, or hostile acts relating to sex, race, age, disability, or other protected categories. Harassment also may include written or graphic material that denigrates or shows hostility toward an individual or group based on protected characteristics, whether that material is sent by email, or placed on walls, bulletin boards, computer screens, or other devices, or elsewhere on the premises of an activity, event, or meeting. Postings online through social media or other sites may constitute harassment and/or sexual harassment.

Local 11 will not tolerate unlawful discriminatory or harassing conduct that affects tangible job benefits, interferes unreasonably with an individual's work performance or membership rights, or creates an intimidating, hostile, or offensive working environment.

### **RECOGNIZING SEXUAL HARASSMENT**

Any person may be a victim of sexual harassment. A harasser may be of the same or a different sex. A person may be affected by the offensive conduct even if that person is not the intended focus of the harassment.

Sexual harassment is:

- Unwelcome sexual advances;
- Unwelcome requests to engage in sexual conduct or for sexual favors; or
- Verbal, visual, or physical harassment of a sexual nature;

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- Unwelcome verbal or physical conduct of a sexual nature when
  - Submission to such conduct is made explicitly or implicitly a term or condition of obtaining or continuing an employment or membership benefit;
  - Submission to or rejection of such conduct by an individual is the basis for employment or membership decision adversely affecting such individual; or
  - Such conduct has the purpose or effect of unreasonably interfering with the 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, or patting. It may also include non-physical conduct, such as staring in a suggestive manner, making sexually oriented gestures, noises, remarks, jokes or comments, or insults, or displaying sexually suggestive, demeaning, or pornographic materials or objects.

### **REPORTING DISCRIMINATION AND HARASSMENT**

All Local 11 employees, officers, and agents are responsible for helping ensure that we provide an environment free of discrimination and harassment. 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 Local 11, you are to notify the following individual(s).

Complaints may be made in writing or verbally.

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The mailing address for these individuals is:

Ironworkers Local 11  
1500 Broad St.  
Bloomfield, NJ 07003  
973-338-3777

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. Any individual accused of harassment or discrimination or with a familial relationship with the accused should not play any role in administering decisions under this policy. To the fullest extent practicable, Local 11 will keep complaints and the terms of their resolution confidential.

Suppose an investigation confirms that harassment or discrimination has occurred. In that case, Local 11 will take corrective action, and if a Local 11 employee committed the conduct, the corrective action may include such discipline as is appropriate under the circumstances, up to and including immediate termination of employment. If a Local 11 member committed the conduct, charges may be instituted under the Ironworkers Constitution against that member. The nature of the reprimand and/or discipline will depend upon the nature and severity of the misconduct. In addition to any discipline, the offender may be required to attend training.

Victims of discrimination and harassment may also file a discrimination charge with the Equal Employment Opportunity Commission (EEOC) or the New Jersey Division of Civil Rights practice agency. A discrimination charge must be filed within 180 calendar days of the

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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 or threats, you may also contact local law enforcement authorities.

### **HARASSMENT DURING LOCAL UNION FUNCTIONS**

A member may encounter harassment during a Local 11 function, such as a membership meeting or social function.

1. If the harasser is a Local 11 employee, follow the procedure to report any harassment as set forth in “Reporting Discrimination And Harassment” above.
2. If the harasser is a fellow union member, internal charges against the harasser may be filed pursuant to Ironworkers International Constitution Article XXVI alleging a violation of the Standards of Excellence and Article XXVI Section 19.

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## EMPLOYER WORKPLACES

Employers of Local 11 members are responsible for ensuring that their workplaces are free of discrimination and harassment. Workplace discrimination and harassment are prohibited by State and Federal Law, and are not subject to the grievance procedure in our collective bargaining agreement. If a member on the job encounters discrimination or harassment, the matter should be pursued by the member directly with the Employer. The following actions may be pursued:

1. Inform the employer – The member should find out if the employer has a policy against harassment, and if so, obtain a copy of that policy. If the policy contains a complaint process, the member should follow the process to report the harassment to the employer. Even if the employer does not have a formal complaint process, the member should advise their supervisor or another employer representative of the harassment. Failure to inform the employer about the harassment may result in waiver of legal rights.
2. Inform the job steward or other Local 11 representative – The member may ask the job steward to try to resolve the problem informally, or may ask the steward for advice as to the member's options.
3. The member may file a discrimination charge with the Equal Employment Opportunity Commission (EEOC) or the New Jersey Division of Civil Rights (“NJDCR”). More information is provided in the section above titled “Reporting Discrimination And Harassment.”

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Local 11 employees, officers, and agents are strictly prohibited from participating in any discrimination or harassment at any employer workplace. Any discrimination or harassment by any Local 11 employee, officer, or agent that occurs at a member's workplace should be reported to the Local 11 Supervisor or Business Manager.

### **NON-RETALIATION**

Local 11 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 outlined in this policy.

Anyone who deliberately and maliciously files a false complaint having no basis, in fact, may be subject to discipline up to and including the discharge of a Local 11 employee or internal union charges if a member.

Adopted by the Local 11 Supervisor on this 11<sup>th</sup> day of January 2023

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