


POLICY 402	EMPLOYEE HARASSMENT/ UNLAWFUL DISCRIMINATION /RETALIATION POLICY	
	REVISED: 3/97, 02/18, 08/18	RELATED POLICIES:
	CFA STANDARDS: 7.07	REVIEWED: AS NEEDED

A. PURPOSE

The Fort Lauderdale Police Department is committed to creating and maintaining a quality work environment for all employees so that they may work free from intimidation, humiliation, insults, physical or verbal abuse and retaliation. Additionally, the Department is determined to have a workplace free from unlawful discrimination and harassment based on the employee’s race, color, religion, gender, marital status, sexual orientation, national origin, age, disability, or gender identity or expression.

B. POLICY

It is this Department's policy to prevent employee harassment from occurring and to address reported incidents in a fair, impartial and speedy manner. Reported incidents of unlawful discrimination, retaliation, or harassment, including sexual harassment, will be promptly investigated and, where appropriate, prompt remedial action will be taken to correct the situation and prevent its recurrence.

C. DEFINITIONS

HARASSMENT: Intentional verbal, written or physical conduct, which could include displaying offensive material in the workplace, which is sufficiently severe and pervasive to affect terms and conditions of employment and that denigrates or shows hostility toward an individual or group for reasons which constitute unlawful discrimination. Harassment may include, but is not limited to, derogatory statements, epithets, threats and other hostile acts that have the effect of creating an intimidating, hostile or offensive working environment based on unlawful discrimination.

RETALIATION: Intentional adverse treatment of an employee who asserts his or her rights regarding employment discrimination by: 1) opposing discriminatory or harassing practices in the workplace; 2) complaining about prohibited conduct; or 3) participating in any way in the complaint, investigation or reasonable accommodation processes. It is also a violation of this policy to retaliate against or harass someone because of his or her association with such an individual. Behaviors which may be considered retaliatory include, but are not limited to: threats, reprimands, negative evaluations, harassment, refusal to hire, denial of promotion or job benefits, demotion, suspension, discharge, negative references to prospective employers, or other actions affecting the terms, conditions or privileges of employment.

OFFENSIVE MATERIAL: Any offensive, degrading written or graphic material displayed within the workplace that shows hostility or aversion toward an individual or group because of unlawful discrimination.

UNLAWFUL DISCRIMINATION: Intentionally taking an adverse employment action against an employee including, but not limited to, suspension without pay, demotion, dismissal from employment, failure to promote a qualified applicant, and/or failure to provide other related employment opportunities on the basis of an employee's race, color, religion, gender, marital status, sexual orientation, national origin, age, disability, gender identity or expression or any other protected classification as defined by applicable law.

SEXUAL HARASSMENT:

Sexual harassment is a form of employment discrimination which is prohibited by law. The federal government has created guidelines which define sexual harassment as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. Submission to the conduct is made either explicitly or implicitly a term or condition of an individual's employment;
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Sexual harassment may involve individuals of the same or different gender(s). A broad range of behaviors may be considered sexual harassment, including sexually suggestive remarks, pictures or gestures, verbal abuse or harassment of a sexual nature, subtle or direct propositions for sexual favors, and any unnecessary or unwelcome contact.

Sexual harassment under this policy includes, insulting or sexually degrading remarks or conduct; and threatening, intimidating, hostile acts based upon gender. Display in the workplace of sexually offensive material can also constitute sexual harassment. Sexually offensive material means written or graphic material that is sexually obscene, degrading, or shows hostility or aversion toward an individual or group because of gender. Display of sexually offensive material in the workplace is prohibited.

D. PROCEDURES

1. The following procedures shall be implemented in all employee harassment/retaliation cases:
 - a. The Office of Internal Affairs will be involved with the investigation of all complaints of employee harassment, unlawful discrimination and retaliation.

- b. Each employee is responsible to assist in eliminating all forms of prohibited conduct, unlawful discrimination, harassment and retaliation. Therefore, when any incident of this type occurs, any employee having knowledge of the incident is to immediately report the event to a supervisor of the employee's choosing without regard to whether the supervisor/manager is in the employee's regular chain of command.
 - c. A supervisor who is made aware of the occurrence of any violation of this policy will gather all available data regarding the incident and will forward the information to the Office of Internal Affairs.
2. In all complaints or incidents of employee harassment, unlawful discrimination and retaliation where a violation has been documented, immediate action will be taken to remedy the situation and to prevent its recurrence.
 3. Reported incidents of unlawful discrimination or harassment are to remain confidential to the extent permissible under Federal and Florida law. Employees who report incidents of unlawful discrimination or harassment should be made aware that in order to conduct an investigation, it may be necessary to disclose and discuss the details of the incident with co-workers, supervisors and/or management.
 4. Supervisors and managers who fail to comply with this policy or knowingly fail to enforce its requirements will be subject to disciplinary action up to and including termination of employment.
 5. Documentation of a disciplinary action for violation of this policy or a final judgment by a court of competent jurisdiction that an employee has engaged in discrimination or retaliation in violation of applicable discrimination laws shall be placed in that employee's personnel file and considered in that employee's performance evaluation or promotions.
 6. Under no circumstances will any supervisor or manager who is named in a report as a person who allegedly committed an act of unlawful discrimination, retaliation, or harassment, be responsible for investigating the merits of the reported incident.
 7. All persons who violate this policy will be subject to disciplinary procedures, up to and including discharge.

E. RESPONSIBILITY

1. Any employee who believes that she or he has been subjected to unlawful discrimination or harassment by a coworker or who believes she or he has been subjected to unlawful retaliation because the employee has engaged in activity protected by discrimination laws or for reporting or supporting another employee who reported an incident involving discrimination or harassment, is encouraged to directly inform the offending person or persons that such conduct is offensive and must stop.

2. If an employee's concerns cannot be informally resolved at this level, the employee should promptly report the problem to their supervisor or any supervisor of their choice / the Office of Internal Affairs and/or the City's Office of Professional Standards or Human Resources Director.
3. The Chief of Police, managers and supervisors (Sworn and civilian) are responsible for ensuring non-discrimination in their respective work units on the basis of race, color, religion, gender, marital status, sexual orientation, national origin, age, disability, gender identity or expression, or any other protected classification as defined by applicable law in all matters of employment and it shall be regarded as an integral part of their job performance and considered in the evaluation of their job performance.
4. Supervisors are required to take reasonable steps to prevent employees from retaliation or harassment and from being subjected to retaliation by other employees who: report incidents of unlawful discrimination or harassment; may cooperate in an official review or investigation; or, may oppose the Department workplace practices he or she reasonably believed were discriminatory.

Supervisors and managers who fail to comply with this policy or knowingly fail to enforce its requirements will be subject to disciplinary action up to and including termination of employment.