

**POLICY AGAINST SEXUAL
HARASSMENT**

AS ADOPTED
BY THE

SOUTH TEXS ELECTRICAL

APPRENTICESHIP AND TRAINING COMMITTEE

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 so as not to offend the sensibilities of the individual. Sexual harassment not only hurts the immediate victim, but other employees. Incidents of harassment can result in 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 of, or regarding, sexual harassment should be submitted to the JATC, and shall be treated confidentially except to the extent necessary to investigate and resolve the complaint. 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. If the Employer has an established plan or policy that deals with sexual harassment, the apprentice should follow such procedures as are set forth in the Employer's policy against sexual harassment, though they may elect to bring the matter to the JATC.

Committee instructors are responsible for reprimanding an apprentice for engaging in an act of sexual harassment against another apprentice that 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.

If an employee wishes to pursue a sexual harassment complaint through a government agency or to seek outside help, he or she is entitled to do so. An individual may consult with the JATC for advice on how to proceed.

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 discipline imposed will depend on the nature and severity of the misconduct found upon investigation, and may include discharge for a first offense. The decision may be appealed back to the Committee for review within thirty days of receiving the JATC's decision.

V. RETALIATION PROHIBITED

The Committee will not tolerate any form of retaliation against an 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 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 or retaliation will be subject to substantial discipline up to, and including, discharge or termination from the program.

VI. CONTRACTOR RESPONSIBILITIES

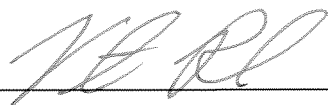

Employers who hire apprentices from this program are expected to establish their own policies against sexual harassment and retaliation, including procedures for filing, investigating and resolving complaints as they elect. Contractors should understand that under EEOC's sex discrimination regulations, an employer is responsible for the acts of its agents, and of its supervisory employees when acting in an agency capacity, without

regard to the employer's specific authorization or knowledge of such acts by them. (Supervisors will be treated as acting in an agency capacity 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 a contractor to take appropriate action regarding an apprentice's complaint of sexual harassment on the job may result in the contractor being denied access to apprentices in the program. It is expected that contractors will work cooperatively with the JATC on matters concerning the Committee's policy against sexual harassment.

This policy is adopted by the South Texas Electrical JATC

Effective June 1, 2000 .

Signed:  Signed: 

JATC Chairman: Vincent Real JATC Secretary Murphy Robertson