



**Executive Order  
City of Boston**

**Policy Prohibiting Discrimination, Harassment, Sexual Harassment, and  
Retaliation and Explaining the Reporting Process**

**Whereas**, it is the policy of the City of Boston to promote a workplace that is free of unlawful discrimination, harassment, sexual harassment, and retaliation, **it is hereby ordered and directed:**

1. The "Policy Prohibiting Discrimination, Harassment, Sexual Harassment, and Retaliation and Explaining the Reporting Process," in the form attached hereto and incorporated herein by reference, shall be the City of Boston Policy Prohibiting Discrimination, Harassment, Sexual Harassment, and Retaliation and Explaining the Reporting Process.
2. All departments in the City of Boston shall adhere to this policy. Because of the unique nature of their departments, the Boston Fire Department, the Boston Police Department, and the Boston School Department may issue and maintain supplemental policies on discrimination, harassment, sexual harassment, and retaliation and supplemental reporting processes that are broader than the City of Boston Policy Prohibiting Discrimination, Harassment, Sexual Harassment, and Retaliation and Explaining the Reporting Process.
3. Except for the broader supplemental policies and supplemental reporting processes in Section 2, this Policy supersedes any other policy prohibiting discrimination, harassment, sexual harassment, or retaliation that the City of Boston, any Cabinet Member, any Department Head, or any other officer of the City of Boston issued before this date.
4. This updated Executive Order shall be effective December 9, 2019.
5. A copy of this Executive Order shall be given to each employee of the City of Boston.

  
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Martin J. Walsh  
Mayor of Boston

# **CITY OF BOSTON POLICY PROHIBITING DISCRIMINATION, HARASSMENT, SEXUAL HARASSMENT, AND RETALIATION AND EXPLAINING THE REPORTING PROCESS**

## **OVERVIEW**

The City of Boston (the “City”) affirms its commitment to ensuring an equitable, welcoming, and inclusive environment that reflects the diversity of the City’s residents. The City expects all of its employees to treat their fellow employees and members of the public in a professional manner, with respect and dignity. Employees have the right to work in a respectful workplace free from discrimination or harassment based on age, ancestry, arrest record, citizenship, color, creed, disability, gender, gender identity, genetic information, marital status, national origin, parental status, race, religion, sex, sexual orientation, union status, veteran status, or any other characteristic protected by City ordinance, state law, or federal law (“Protected Statuses”). They also have the right to work in a workplace free from retaliation for engaging in protected activity. Similarly, members of the public (which include customers, vendors, residents, and visitors) have the right to access and receive City services free from discrimination or harassment based on Protected Statuses. They also have the right to access and receive City services free from retaliation for engaging in protected activity.

The City prohibits discrimination, harassment, sexual harassment, and retaliation. They are unlawful and the City will not tolerate them. The City will take appropriate remedial action against employees who violate the City of Boston Policy Prohibiting Discrimination, Harassment, Sexual Harassment, and Retaliation and Explaining the Reporting Process (the “Policy”). That remedial action may include discipline up to and including termination.

## **SCOPE**

The Policy applies to all employees of the City:

- All employees must refrain from discrimination, harassment, sexual harassment, and retaliation; and
- All employees have the right to file a report about discrimination, harassment, or retaliation by any City employee (including a co-worker, an employee’s own supervisor, or a supervisor in another area), a vendor, a resident, or a customer.

The City strongly encourages all employees and members of the public affected by discriminatory, harassing, sexually harassing, or retaliatory conduct to report that conduct immediately, even if the employee or member of the public is not the target of the conduct.

This Policy does not limit the authority of the City to discipline or take corrective action for workplace conduct that the City deems inappropriate or unacceptable but that does not violate this Policy.

## **PROHIBITED CONDUCT**

The City prohibits all employees from discriminating against, harassing, or sexually harassing City employees or interfering with members of the public's right to access and receive City services based on Protected Statuses.

The City also prohibits all employees from retaliating against City employees or members of the public for engaging in protected activity.

This Policy below defines discrimination, harassment, sexual harassment, and retaliation. If employees do not understand the definitions or have questions about whether certain conduct is or would be discrimination, harassment, sexual harassment, or retaliation, they must contact their supervisor, their Department's Human Resources Manager or Director, the City's Human Resources Director (617-635-4698), the City's Human Resources Director's Designee (the Director of Investigation and Training) (617-635-3370), or a Cabinet Member. The City's Human Resources Director may change the Director's Designee or appoint additional Designees. The City's Human Resources Director will post the name and contact information for the Director's Designee(s) on the HUB and at the Office of Human Resources at City Hall.

The City strongly encourages employees who are aware of inappropriate conduct, discrimination, harassment, sexual harassment, or retaliation by or against a City employee to report it immediately to a supervisor, the Department's Human Resources Manager or Director, the City's Human Resources Director (617-635-4698), the City's Human Resources Director's Designee (the Director of Investigation and Training) (617-635-3370), or a Cabinet Member. The City's Human Resources Director may change the Director's Designee or appoint additional Designees. The City's Human Resources Director will post the name and contact information for the Director's Designee(s) on the HUB and at the Office of Human Resources at City Hall.

## **SUPERVISORS' REPORTING OBLIGATION**

Supervisors who observe, receive a report about, or otherwise learn of potentially discriminatory, harassing, sexually harassing, or retaliatory conduct shall immediately report it to the Department's Human Resources Manager or Director, the City's Human Resources Director (617-635-4698) or the City's Human Resources Director's Designee (the Director of Investigation and Training) (617-635-3370). It is not sufficient for supervisors to inform a reporting employee of the reporting process; the supervisors themselves must immediately report the conduct to the Department's Human Resources Manager or Director, the City's Human Resources Director, or the Director's Designee (the Director of Investigation and Training). The City's Human Resources Director may change the Director's Designee or appoint additional Designees. The City's Human Resources Director will post the name and contact information for the Director's Designee(s) on the HUB and at the Office of Human Resources at City Hall.

Supervisors shall treat the reporting employee with the utmost sensitivity and maintain confidentiality to the greatest extent practicable.

Any supervisor who fails to report such conduct immediately to the Department's Human Resources Manager or Director, the City's Human Resources Director, or the Director's Designee shall be subjected to discipline up to and including termination.

## **DEFINITIONS**

### **1. DISCRIMINATION**

Discrimination is conduct based on one or more Protected Statuses that (1) adversely impacts an applicant's hiring or an employee's compensation or terms and conditions of employment or (2) negatively impacts members of the public's access to or receipt of City services.

### **2. HARASSMENT**

**(a) Harassment:** Harassment is conduct of any type (including oral, written, electronic, internet, social media, graphic, or physical) based on one or more Protected Statuses that is severe or pervasive and (1) unreasonably interferes with a person's work or creates a work environment that a reasonable person would find hostile, offensive, humiliating or intimidating or (2) unreasonably interferes with members of the public's access to or receipt of City services or creates an environment that a reasonable member of the public would find hostile, offensive, humiliating, or intimidating. Harassment is not limited to the workplace location itself. For example, it may occur away from the workplace, on personal devices, or during non-work time.

**(b) Sexual Harassment: Quid Pro Quo -** Quid Pro Quo sexual harassment occurs when one employee makes decisions about another employee's hiring, compensation, or terms and conditions of employment based on whether that employee agreed to or rejected (1) sexual advances, (2) requests for sexual favors, or (3) other verbal or physical sexual conduct. It also occurs when a City employee grants or refuses access to or receipt of City services based on whether the member of the public agreed to or rejected (1) sexual advances, (2) requests for sexual favors, or (3) other verbal or physical sexual conduct.

**(c) Sexual Harassment: Hostile Work Environment -** Hostile work environment sexual harassment is conduct of any type (including oral, written, electronic, internet, social media, graphic, or physical) based on sex, sexual orientation, or gender identity that is severe or pervasive and unreasonably interferes with an individual's work or creates a work environment that a reasonable person would find intimidating, hostile, humiliating or offensive. Sexual harassment is not limited to the workplace location itself. For example, it may occur away from the workplace, on personal devices, or during non-work time.

### **3. RETALIATION**

Retaliation occurs when an employee takes action that negatively impacts another employee or a member of the public or intimidates, threatens, or acts hostilely towards another employee or a member of the public based on the employee or member of the public:

**(a)** Reporting or filing a complaint of discrimination, harassment, sexual harassment, or retaliation;

- (b) Participating, cooperating, or assisting in an investigation of a discrimination, harassment, sexual harassment, or retaliation report;
- (c) Opposing discriminatory, harassing, sexually harassing, or retaliatory conduct; or
- (d) Associating with or supporting others who are engaging in or have engaged in the activity described in (a)-(c) above.

The activity in (a) – (d) is “Protected Activity.”

Retaliatory conduct includes conduct that would discourage a reasonable person from engaging in Protected Activity and conduct that displays anger, annoyance, or displeasure that the person engaged in Protected Activity. It includes negative comments, shunning, ostracizing, interfering with an employee’s work, damaging their equipment, or any other conduct intended to display displeasure or annoyance because of an individual’s Protected Activity.

Retaliation is a separate and additional severe offense.

### **REPORTING PROCEDURE**

The City encourages employees who believe that (1) they are experiencing or have experienced discrimination, harassment, sexual harassment, or retaliation or (2) discrimination, harassment, sexual harassment or retaliation is occurring to report it immediately.

To assist employees in reporting discrimination, harassment, sexual harassment, or retaliation, the City offers several reporting options. Employees may report their concerns to their supervisor, any other supervisor in the City, the Department’s Human Resources Manager or Director, the City’s Human Resources Director (617-635-4698), the City’s Human Resources Director’s Designee (the Director of Investigation and Training) (617-635-3370), or a Cabinet Member. The City’s Human Resources Director may change the Director’s Designee or appoint additional Designees. The City’s Human Resources Director will post the name and contact information for the Director’s Designee(s) on the HUB and at the Office of Human Resources at City Hall.

Alternatively, employees may report discriminatory, harassing, sexually harassing, or retaliatory conduct (within 300 days of the occurrence of the conduct) to: (1) the Massachusetts Commission Against Discrimination (“MCAD”) by mail at One Ashburton Place, Room 601, Boston, MA 02108 or by phone at 617-994-6000; or (2) to the United States Equal Employment Opportunity Commission (“EEOC”) by mail at JFK Federal Building, 475 Government Center, Boston, MA 02203 or by phone at 617-565-3200.

The City reminds employees that the City’s Employee Assistance Program (617-635-2200) is available as a resource to provide support for employees who are experiencing or have experienced stress or distress, including stress or distress related to discrimination, harassment, sexual harassment, or retaliation.

## **INVESTIGATION OF REPORTS OF DISCRIMINATION, HARASSMENT, SEXUAL HARASSMENT, AND RETALIATION**

**Overview:** The City takes all reports of discrimination, harassment, sexual harassment, and retaliation seriously and will respond promptly to such reports. The investigator assigned to the matter will thoroughly investigate the report. The investigator will treat the reporting employee or reporting member of the public and the employee alleged to have engaged in discrimination, harassment, sexual harassment, or retaliation with sensitivity and dignity and respectfully listen to the information they provide; explain the Policy to them and give them a copy of the Policy; and explain to them the investigation process.

**Confidentiality:** The City and the investigator will limit the disclosure of the report of discrimination, harassment, sexual harassment, or retaliation and the substance of such a report to the disclosure necessary to complete a thorough investigation.

**The Investigation:** Although the investigation procedure will vary based on the particular facts and circumstances of each case, investigators often take the following steps as part of an investigation:

- Initially assess the report and determine whether the City should take any immediate remedial action pending the full investigation of the report, and continue to assess this throughout the investigation.
- Collect and review personnel and other documents and materials relevant to the report of discrimination, harassment, sexual harassment, or retaliation.
- Review any written statements related to the report.
- Interview separately the person who reported discrimination, harassment, sexual harassment, or retaliation and the target of the discrimination, harassment, sexual harassment, or retaliation, if they are not the same people; employees who are witnesses to or potentially have information about the reported discrimination, harassment, sexual harassment, or retaliation; and the employee who allegedly engaged in the reported conduct (with a union representative present, if the employee is a union member and chooses to have union representation).
- Analyze whether the credible evidence from documents and witnesses establishes a violation of the Policy.
- Prepare an investigation report summarizing the investigation and the investigator's analysis and recommending any corrective or disciplinary action for the head of the relevant Department.

**RESOLUTION OF THE REPORT OF DISCRIMINATION, HARASSMENT, SEXUAL HARASSMENT, OR RETALIATION**

The investigator will tell (1) the person who reported discrimination, harassment, sexual harassment, or retaliation, (2) the alleged target of the discrimination, harassment, sexual harassment, or retaliation, if different from the reporter, and (3) the employee who allegedly engaged in the discrimination, harassment, sexual harassment, or retaliation that the investigation is complete and will inform them of the results of the investigation.

The City will take appropriate remedial against employees who violate the Policy. That remedial action may include discipline up to and including termination.

**STATE AND FEDERAL AGENCIES TO WHOM EMPLOYEES MAY REPORT DISCRIMINATION, HARASSMENT, SEXUAL HARASSMENT, OR RETALIATION**

Employees who believe another employee has discriminated against them, harassed them, sexually harassed them, or retaliated against them have 300 days from the date of the discriminatory, harassing, or retaliatory conduct to file a complaint with either or both of the following agencies:

**Massachusetts Commission Against Discrimination (MCAD)**

One Ashburton Place, Room 601

Boston, MA 02108

617-994-6000

and

**United States Equal Employment Opportunity Commission (EEOC)**

JFK Federal Building

475 Government Center

Boston, MA 02203

617-565-3200

**PLEASE CONTACT YOUR SUPERVISOR, YOUR DEPARTMENT'S HUMAN RESOURCES DIRECTOR OR MANAGER, THE CITY'S DIRECTOR OF THE OFFICE OF HUMAN RESOURCES, OR DIRECTOR'S DESIGNEE (DIRECTOR OF INVESTIGATION AND TRAINING) IF YOU HAVE ANY QUESTIONS ABOUT THIS POLICY OR HOW IT APPLIES TO YOUR CONDUCT INSIDE AND OUTSIDE OF THE WORK PLACE.**