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**CITY OF LOS ANGELES
WORKPLACE EQUITY POLICY**

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INTRODUCTION

Statement of Values:

The City of Los Angeles is steadfast in its mission to maintain a professional, equitable, and inclusive workplace to cultivate an environment where diverse employees and applicants experience equity of opportunity for personal and organizational success.

The City recognizes that a workforce of individuals with diverse personal backgrounds, ideas, talents, and experiences facilitates an opportunity for each individual to make a unique contribution to the workplace and to provide superior and equitable service to all of the communities of Los Angeles.

The City is committed to protecting the right of employees and applicants for employment to be free from unlawful, inequitable, and unprofessional treatment in the workplace.

Purpose:

The City of Los Angeles (City) Workplace Equity Policy (Policy) is established to preserve the dignity and professionalism of the workplace and to encourage equity within the diverse City workforce. This Policy consolidates existing City policies and documents outlining expectations of behavior and standards of conduct pertaining to an equitable and civil workplace. This Policy also outlines key procedures for reporting and addressing prohibited conduct.

Policy:

All City employees and other specified individuals covered by this Policy are expected to act and communicate with others in a manner that is appropriate for an equitable and inclusive working environment.

All City employees and other specified individuals covered by this Policy are responsible for understanding and conducting themselves in accordance with this Policy, as well as all applicable local, State, and federal laws.

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SCOPE OF COVERAGE

2.1 Who Is Required to Comply with This Policy

All City employees and certain other individuals covered by this Policy are responsible for understanding and abiding by this Policy.

2.1.1 Definition of “Employee” under This Policy

For the purposes of this Policy, “employee” includes any individuals occupying positions in the classified civil service, paid interns, contract employees (persons providing services pursuant to a contract in the workplace), and employees exempted from civil service under the provisions of the City Charter (including, but not limited to, elected and paid appointed officials).

2.1.2 Definition of “Supervisor” under This Policy

For the purposes of the Policy, “supervisors” include any employee, regardless of job description or title, having authority in the interest of the employer to hire, transfer, suspend, lay off, recall, promote, discharge, assign, or discipline other employees, or having the responsibility to direct them, or to adjudicate their grievances, or effectively to recommend these actions, if exercising this authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

2.1.3 Other Individuals Covered by This Policy

Unpaid interns, fellows, and volunteers (e.g., Neighborhood Council board members, and unpaid commissioners) are protected from Harassment, Sexual Harassment, Hazing, Bullying, and Inequitable Conduct, as defined in this Policy.

Job applicants are protected from Discrimination, Harassment (including sexual), and Retaliation with regard to their application for employment with the City.

2.2 When and Where This Policy Applies

This Policy prohibits discrimination, harassment, retaliation, bullying, hazing, and other inappropriate conduct in the workplace, during working hours, and/or at work-related events. The City also reserves the right to take appropriate corrective action against potential Policy violations occurring in an environment or under circumstances with a nexus to the workplace. These environments or circumstances may include, *but are not limited to*:

- at work-related conferences
- at City sponsored volunteer activities, meetings or events
- at council, committee and commission meetings or events
- in “the field”
- before or after working hours (including during breaks)
- online (whether or not during working hours)
- at “off-duty” events when interacting with other City employees, contractors, and/or volunteers (including social events such as “happy hours,” retirement parties, holiday

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celebrations, etc.)

This Policy also prohibits employees from using any technology, communication system, or equipment, regardless of whether City-issued, personal, or otherwise, whether used online or offline, to deliver, display, store, forward, publish, circulate, or solicit material in violation of this Policy. The technology, communication systems, or equipment referenced in this subsection may include, *but are not limited to*, email, text, social media, internet, intranet, telephones, computers, fax machines, voicemail, radio, video, cell phones, mobile digital terminals, or other communication devices.

2.3 Consequences for Violation of This Policy

All individuals covered by this Policy individuals covered by this Policy are responsible for understanding and conducting themselves in accordance with this Policy and its related Workplace Equity Complaint Procedures. Failure to do so will result in prompt and appropriate responsive administrative action which may include, but is not limited to, counseling, education and training, oral or written warnings, written reprimands, suspension, demotion, discharge, or removal (e.g. Policies of the Personnel Department, Section 33.2).

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EQUITABLE WORKPLACE

3.1 Equitable Workplace Standards

City Policy prohibits harassment or discrimination on the basis of any Protected Category, or sexual harassment, retaliation, and other inappropriate conduct based on a Protected Category or protected activity. These activities interfere with the City's goals of maintaining a diverse, equitable, inclusive, and productive workplace.

Protected Categories under this Policy include:

- Acquired Immune Deficiency Syndrome (AIDS) or the Human Immunodeficiency Virus (HIV) Status
- Age (40 and over)
- Ancestry
- Color
- Disability - Mental or Physical
- Domestic Violence Victim Status
- Ethnicity
- Gender, Gender Expression and/or Gender Identity
- Genetic Information (including family medical history)
- Marital Status
- Medical Condition (cancer and genetic characteristics)
- Military and Veteran Status
- National Origin (including but not limited to language use restrictions)
- Race (including natural hair texture and/or protective hairstyles)
- Religious Creed (including but not limited to religious dress and grooming practices)
- Sex (including but not limited to pregnancy, childbirth, breastfeeding, and related medical conditions)
- Sexual Orientation
- Any Protected Category under local, state (California), or federal law

This Policy also includes protections for individuals perceived as being a member of one of the Protected Categories and individuals associated with members of the Protected Categories.

The City prohibits conduct in violation of this Policy and will respond promptly and effectively to reports of potential Policy violations. This response includes action to stop, prevent, correct, and where appropriate, to discipline any individual who engages in any conduct that violates this Policy.

The definitions of conduct prohibited by this Policy may be different than those used in legal proceedings in courts of law. Consequently, no legal conclusions can or should be drawn from decisions associated with this Policy and its related administrative procedures.

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3.2 Conduct Prohibited Under This Policy

3.2.1 Discrimination

For the purposes of this Policy, discrimination is the unequal treatment of one or more employees or applicants in any aspect of hiring or employment because of the employee(s') actual or perceived Protected Category(ies).

Discrimination may include, *but is not limited to*, one or more instances of the following:

- granting or withholding promotional opportunities due to an employee's race, disability, sexual orientation, etc.
- recommending or instituting discipline against one or more employees because of their religion, national origin, age, etc.
- declining to hire an applicant because of their sex, marital status, veteran status, etc.
- requiring different work appearance, dress, and grooming standards based on sex, gender/gender identity, gender expression, religious beliefs, etc..
- making employment decisions about individuals related to their natural hair texture or wearing protective styles such as braids, locs, twists, and knots

3.2.2 Harassment

For the purposes of this Policy, harassment is the unwelcome and offensive, threatening, or abusive treatment of one or more employees or applicants (by any individual, including both City employees and third parties) because of their actual or perceived Protected Categories.

Harassment can include, *but is not limited to*, one or more instances of the following:

- posting, sending, forwarding, soliciting, or displaying in the workplace any offensive materials, documents, or images that are or could reasonably be perceived as racist, sexist, ableist, ageist, or as targeting any protected group
- using epithets, slurs, or degrading words or names related to a Protected Category
- making jokes related to a Protected Category
- making comments or gestures about a person's physical appearance which have a racial, gender-related, disability-related, religious, age-related, or ethnic connotation
- making derogatory comments about religious differences and practices
- offensive or unwelcome conduct or comments targeted at one or more employees because of their Protected Category, even if the content is not about their Protected Category

3.2.3 Sexual Harassment

For the purposes of this Policy, sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature (by any individual, including both City employees and third parties) which meets any one of the following criteria:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
- submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual or others; or

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- such conduct could reasonably interfere with the performance of work or create an offensive, intimidating, or abusive working environment.

Sexual harassment may include, *but is not limited to*, one or more instances of the following:

- unwelcome romantic or sexual advances, flirtation, teasing, sexually suggestive or obscene letters, invitations, comments, questions, notes, emails, voicemails, or gifts directed toward another employee (including those initiated between employees engaged in a current or former romantic relationship)
- making sex-, gender-, or sexual orientation-related comments, slurs, jokes, remarks, or epithets
- leering, sexual, obscene, or vulgar gestures
- displaying or distributing sexually suggestive or derogatory objects, pictures, cartoons, or posters
- impeding or blocking movement, unwelcome touching, or assaulting others
- reprisals or threats after a rejection of sexual advances
- treating an employee(s) favorably because of sexual or romantic conduct

3.2.4 Bystander Harassment

For the purposes of this Policy, bystander harassment occurs when an employee witnesses an incident of unwelcome and offensive, threatening, or abusive conduct, even if the individual engaging in the conduct is unaware of this “bystander” employee’s presence. When an individual (whether a City employee or third party) engages in harassing behavior, they assume the risk that a “bystander employee” may witness the behavior. The City considers bystander harassment as being the same as direct harassment of an employee.

Bystander harassment can include, *but is not limited to*, the following conduct:

- making jokes or comments related to a Protected Category (such as one or more disparaging comments about individuals of a different sex), which are overheard by another employee
- sending an email containing offensive materials to a trusted colleague, which is inadvertently forwarded to or witnessed by another employee
- engaging in one or more acts of physical contact in the workplace that is/are sexual in nature and is/are witnessed by another employee

3.2.5 Retaliation

For the purposes of this Policy, retaliation is any adverse employment action or conduct taken against one or more employees or applicants because the employee(s) or applicant(s) engaged in any activity protected under this Policy.

“Protected activities” under this Policy may include, *but are not limited to*:

- reporting or assisting in reporting suspected violations of this Policy
- cooperating in investigations or proceedings arising out of any alleged violation of this Policy
- requesting or receiving a reasonable accommodation for a medical condition or disability, such as medical leave

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- reasonably and in good faith indicating opposition, or taking actions to oppose, discrimination or harassment
- any other kind of opposition to inequitable conduct in the workplace, whether formal or informal

Examples of adverse employment actions or conduct may include, *but are not limited to*:

- conduct or behavior that could reasonably interfere with an individual or individuals' terms and conditions of employment
- conduct or behavior that has the effect of creating an intimidating, hostile, offensive, or abusive working environment for the individual or others
- non-selection for training, promotion, or other coveted position
- discipline, reprimands, loss of pay, transfer, demotion, reassignment, or termination

3.2.6 Inequitable Conduct

By way of this subsection, it is the City's intent to identify, address, and prevent misconduct at the lowest possible level.

Inequitable Conduct is any inappropriate conduct based on a Protected Category or protected activity. Inequitable Conduct includes any instance of unwelcome conduct directed at one or more employees or applicants, that is committed by any City employee, because of the employee(s)' or applicant(s) actual or perceived Protected Category(ies) or protected activity(ies). Similarly unwelcome conduct that is sexual in nature may also violate this Policy.

Inequitable Conduct may be similar in nature to conduct defined as discrimination, harassment, sexual harassment, and retaliation under this Policy, although to be considered Inequitable Conduct, it will be lesser in severity.

Inequitable Conduct may include, *but is not limited to*, one or more instances of the following, depending on the context in which it occurs:

- Microaggressions (indirect, subtle or unintentional verbal or behavioral conduct that communicates hostile, derogatory, or negative attitudes toward protected categories)
- Stray remarks
- Hostilities in vocal tone and body language
- Sexual innuendo

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CIVIL WORKPLACE

4.1 Civil Workplace Standards

Certain behaviors, including hazing, abusive conduct, bullying, and other types of discourteous and unprofessional conduct interfere with the City's goals of fostering a civil, safe, professional, and productive work environment. The City prohibits such conduct and will respond promptly and effectively to reports of potential Policy violations. This includes action to stop, prevent, correct, and when appropriate, discipline any conduct that violates this Policy.

4.2 Prohibited Conduct

4.2.1 Hazing

Hazing is any action taken, or situation created, that is meant to (or in some cases may unintentionally) cause embarrassment, degradation, discomfort, or ridicule, and that may cause emotional and/or physical harm to an individual or individuals. Hazing typically occurs as a rite of passage or involves peer pressure. Actions may be considered hazing, regardless of individual(s) willingness to participate in such activities.

Hazing consists of a broad range of potentially harmful behaviors or activities that show disregard for another person's dignity or well-being. Hazing often involves engaging in illegal, harmful, demeaning, or dangerous acts that are not consistent with City policy and the performance of job-related activities. Even when these behaviors do not appear overtly harmful (i.e., where the participants appear to engage in them willingly), they may constitute hazing if they might cause humiliation or be perceived as demeaning or degrading. The determination of whether any particular conduct constitutes hazing will depend on the circumstances and context in which that activity occurs. Hazing activities or behaviors do not have to be related to any Protected Category to violate this Policy.

For the purposes of this Policy, hazing may include *but is not limited to*:

- unnecessary physical and/or psychological shocks
- forced, unnecessary exertions
- engaging in pranks or horseplay
- requiring employees to engage in stunts or buffoonery
- degrading or humiliating games and activities
- the inappropriate application of substances to the body of another (including forced eating or drinking)

4.2.2 Abusive Conduct / Bullying

For the purposes of this Policy:

Abusive Conduct is verbal, physical, electronic, or other behavior *by a supervisor, directed at one or more subordinates* that demeans, intimidates, or humiliates or could reasonably be considered hostile, offensive, and unrelated to a legitimate business interest of the workplace.

Bullying is verbal, physical, electronic, or other behavior *directed at one or more employees within a peer group* that demeans, intimidates, or humiliates or could

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reasonably be considered hostile, offensive, and unrelated to a legitimate business interest of the workplace.

Abusive conduct and bullying consist of a broad range of behaviors, which may be subtle or overt. In most circumstances, abusive conduct or bullying consists of repeated or multiple incidents, over a period of time. The determination of whether a particular act constitutes abusive conduct or bullying will depend on the circumstances and context in which that act occurs.

Abusive Conduct and/or Bullying can take the form of:

- inappropriately directing profanity or shouting at another person
- criticizing a person, their opinions, or actions persistently, with malice, or without a legitimate business reason
- belittling a person's opinions persistently, especially in the presence of others
- deliberately sabotaging or impeding a person's work
- tampering with a person's work equipment or personal belongings without legitimate reason
- spreading malicious rumors, gossip, or innuendo
- sending via email or text, posting, or sharing online, objectively negative, harmful, false, or derogatory content about someone else, including the sharing of personal or private information about someone else and thereby causing embarrassment or humiliation
- excluding or isolating someone consistently
- intruding on a person's privacy by spying or unreasonably pestering

A single incident of bullying may constitute a violation of this Policy where it interferes with the performance of work, or creates a working environment unfavorable to productive work.

Conduct that reflects a supervisor engaging in reasonable and appropriate behavior to monitor, direct, evaluate, or hold an employee accountable to their duties is *not* prohibited by this subsection.

Note: Employees who make threats or engage in confrontational behavior, possess and/or use weapons (without authorization) on City property or on the job, or engage in actions on the job or on City property intended to destroy property or to inflict bodily injury represent a potential Workplace Violence threat. Such behavior must be brought to the attention of a supervisor and/or the employing department's Workplace Violence Coordinator, and/or to the City's Threat Assessment Team. Refer to the City's Workplace Violence Policy for guidance in handling these matters.

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REPORTING POTENTIAL POLICY VIOLATIONS

Any City employee (as defined in section 2.1.1 of this Policy) who believes they have been subjected to or learns of conduct that potentially violates this Policy has the right to, and is encouraged to, without interference, report the potential violation of the Policy to any of the following:

- online at MyVoiceLA.org
- to a City supervisor (as defined in section 2.1.2 of this Policy)
- to a departmental Workplace Equity Officer, Sexual Harassment Counselor, LGBTQ+ Counselor, Disability Specialist, or Human Resources (HR) representative
- to the Personnel Department - Office of Workplace Equity

Employees may also report to any external non-discrimination enforcement agency, such as the California Department of Fair Employment and Housing (www.dfeh.ca.gov) or the federal Equal Employment Opportunity Commission (www.eeoc.gov).

Any City employee has the right to report any potential violation(s) of this Policy – even if they were not the primary ‘target’ of the potential violation(s) – if they witnessed the potential violation(s) or have reason to believe that a potential violation has occurred.

City employees are not required to confront the person alleged to have violated the Policy before filing a report on the potential violation of the Policy.

5.1 Right to Report Anonymously

Any City employee may report potential Policy violations anonymously *unless* the employee is a supervisor reporting an incident as part of their supervisory duties. A reporting party’s anonymity will be protected to the greatest extent possible; in some cases investigations of anonymous reports may result in investigative staff, or other involved parties, becoming aware of the identity of the reporting party.

5.2 Right to Report Irrespective of Incident Date

Under this Policy, incidents may be reported regardless of how much time has passed since the incident and will be investigated to the greatest extent possible. Supervisors reporting as part of their job duties should report in a timely manner, as discussed below.

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DUTIES AND OBLIGATIONS UNDER THIS POLICY

6.1 Supervisor Duty to Report Potential Policy Violations

All City supervisors have a **duty** to report potential violations of the Workplace Equity Policy through **MyVoiceLA.org**. Supervisors are responsible for knowing how to report according to the City's Workplace Equity Complaint Procedures. When submitting a report through MyVoiceLA.org on behalf of another employee, supervisors must:

- include approximate date(s) and description(s) of the potential Workplace Equity Policy violation(s)
- identify key involved parties and witnesses
- detail any responsive action taken by the supervisor
- include their own contact information

6.1.1 Timeframe for Supervisor Reporting

Supervisors must report any potential Policy violation **as soon as practically possible** (usually within 48 hours of being notified of the potential Policy violation).

6.1.2 Scope of Supervisor Duty to Report

Supervisors must report **any and all potential Policy violations** they become aware of. Supervisors shall not discourage or refuse to accept reports of violations of this Policy for any reason, nor may supervisors decline to report as required by this Policy – even when the reporting party requests that no action be taken, or where the supervisor does not personally regard the report as reasonable, timely, significant, or true. Supervisors are also required to fulfill their reporting duties regardless of whether any of the parties involved are direct subordinates of the supervisor or in the supervisor's chain of command.

Failure by any supervisor to carry out these duties may be cause for discipline. For this reason, it is recommended that any supervisor who is unsure whether a Policy violation has occurred report the incident through the City's Workplace Equity Complaint Procedures.

6.2 Supervisor Duty to Prevent and Stop Violations

All City supervisors have a **duty** to maintain an equitable workplace (free from harassment, discrimination, retaliation etc.). To fulfill this duty, supervisors must take appropriate action to prevent and stop any harassment, discrimination, retaliation, and inequitable conduct in the workplace. Supervisors should consult with their management and/or human resources staff to ensure compliance with this Policy.

Supervisors may also seek advice from the Office of Workplace Equity on reporting and/or addressing potential Policy violations.

6.3 Employee Duty to Cooperate in Equity Investigations

All City employees have a duty to cooperate with Equity Investigations. Failure to cooperate in an Equity Investigation may result in disciplinary action.