

Anti-Harassment and Bias Toolkit



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Vision

Every individual deserves a work environment that is safe, welcoming, diverse, and inclusive. We will respond aggressively to harassment or bias in any form or manner.

Introduction

The following protocols pertain to harassment and bias-motivated incidents in the workplace. Bias-motivated events are acts that are directed at an individual, or a group of individuals, based on perceived or actual membership in a protected class, including (but not limited to) race, religion, gender, gender identity, sexual orientation, class, ethnicity, age, and/or disability. Some bias-motivated events rise to the level of hate crimes as determined by local authorities.

Examples of harassment and bias-motivated events include bullying, destruction, damage or vandalism of property, intimidation, graffiti or symbol(s) depicting hate (e.g., a noose, confederate flag, or swastika), issuance of derogatory leaflets, threats and/or acts of violence. Click on this [link](#) to access the Anti-Defamation League database of hate symbols.

It is important to recognize that acts which are reasonably interpreted by any person as acts of racism, sexism, hate, intimidation or which otherwise make an individual feel threatened will be considered a bias-motivated event regardless of the intent of the person(s) performing the act.

The following protocols support an organization's efforts to clearly communicate zero tolerance for harassment or bias in any form or manner, and how an organization may respond to such incidents if they do occur.

Purpose of Response Protocols

1. Ensure the safety and well-being of all people in the workplace.
2. Ensure compliance with all laws and/or regulatory obligations.
3. Ensure that people targeted receive care and those responsible for harassment are held accountable.
4. Provide a consistent roadmap regarding response and consequences in the event of harassment or a bias-motivated event.
5. Establish consistent expectations for acceptable behavior in the workplace.
6. Reinforce that organizations must act proactively to prevent and, if necessary, respond to harassment, bias-motivated events and potential hate crimes.
7. Over time, a consistent approach to building awareness and responding to harassment and bias-motivated events will bring about positive, inclusive change to our industry.

Protocol Implementation

1. **Review and refresh internal documentation.** Create, update or refresh Code of Conduct, policies, contractual language, or other documents to reflect your commitment to a harassment and bias-free workplace.
2. **Share Zero Tolerance Guidelines.** Communicate clearly and often to all employees, companies and organizations with whom you conduct business, that your company has zero tolerance for hate and will speak out and take action against racism, harassment and bigotry of any kind.
3. **Take Immediate Action.** Ensure that anyone who witnesses harassment or a bias-motivated event understands the responsibility to report the incident. It is best to keep the identity of the reporter confidential.
4. **Preserve Evidence.** While it's understandable that someone would want to remove racist graffiti or wash away threatening language, it is critical that evidence is preserved in order to support an investigation. If the act is truly offensive, it is best to limit access and visibility to the area during the investigation phase.
5. **Investigate Every Incident.** While something may not feel offensive to you, it does not mean that it is not to others. Any bias-motivated event will be investigated, and, if necessary, referred to law enforcement.
6. **Hold People Accountable.** After a thorough investigation, any identified offenders will face swift disciplinary action up to and including termination and/or permanent ban from our job sites.

7. **Respond to an Incident** – Communication is vital. Take time to keep workers informed about incidents, the investigation, and remediation. The steps taken to respond to an incident is dependent on its severity or whether it is a repeat occurrence. Following is a range of potential responses:
 - **Huddles / Tool Box Talks:** Discuss the incident with the workforce during scheduled huddles.
 - **Stand down:** All workers at the site dedicate time to focus on the incident, why it is unacceptable, the response and consequences.
 - **Suspension of work:** When deemed appropriate, for example, repeat offenses, it may be necessary to suspend work on a site. This sends a clear signal of commitment and action. Be sure that workers understand why the work is pausing and what is expected of them upon return to work.
8. **Commitment to Learn.** Commit to sharing information with the workforce about the importance of maintaining a harassment and bias-free environment as well as the part they play in that commitment. Learning can take place by:
 - Sharing information during Toolbox Talks
 - Participation in Web-based learning opportunities to raise awareness on bias, racism and hate
 - Inviting speakers from the workforce to share personal stories or organizing panel discussions to share information

Tool Box Talk

To maximize impact, invite leadership representatives of project participants to stand up front and speak.

Harassment or bias in any form or manner cannot and will not be tolerated on our worksite.

Our team is comprised of a very diverse group, be it different trades, races, genders, religions, or political affiliation. The diversity we have on this project is just one of the many things that provides strength to our industry.

We trust that every person who works with us will act professionally and conduct themselves in a manner that would not bring embarrassment to themselves, their families or their company or organization.

We expect each and every person to maintain a work environment which encourages mutual respect and is free from all forms of harassment.

Let me be perfectly clear, harassment in any manner is expressly prohibited and will not be tolerated.

This trust and respect has been broken. Specifically we have found (graffiti, noose, symbols of hate, etc. – fill in the blanks and be as specific as possible) on the project.

We are all disgusted and angered by this despicable act. Nobody on this site should be subject to any form of harassment or any bias-motivated event.

We are better than this. We take these matters very seriously. You would not accept this type of behavior in your own home and you should not accept it at work.

We must maintain an atmosphere of mutual respect and dignity in all workplace situations.

Speak to specific actions taken

After the discovery of this _____ we investigated (or are investigating) the matter.

We have notified (or will/may be notifying) the authorities and will cooperate in any way with their investigation. (Note: sometimes we are not going to the authorities so the preceding point may be deleted based on the course of action taken.)

Your cooperation in any investigation is expected.

<If this matter involved graffiti, defacing property is a crime.>

<Some bias-motivated events may be a hate crime and will be referred to authorities.>

Remember, we must consider what others may reasonably perceive as offensive or hostile. In other words, something that would not offend you is not a measure of acceptable behavior. Some conduct, even when not intended to be offensive or harassing, can be perceived by a co-worker as offensive and may be in violation of his/her right to work in a dignified environment as well as in violation of the law.

Let's all agree that silence is not acceptable. Be an advocate for change. Any offense motivated by bias against a person's age, race, religion, disability, sexual orientation, ethnicity, gender, or gender identity must not be tolerated.

We are all responsible to contribute to a workplace where everyone is respected and safe, where the workforce acts immediately to protect anyone that threatens or attempts to intimidate anyone on site. We want each of you to have a zero tolerance for harassment in our workplace.

If you see something or learn about something that may violate our standards, do one of the following:

- Say something to your crew leader
- Say something to any representative of our organization

We will take all necessary action if someone is found in violation of our policies.

We must work together to actively maintain an environment that is free from intimidation, hostility or other offenses.

Thank you for doing your part to make this a safe and welcoming place for everyone.

Frequently Asked Questions

Q: Are racist and bias-motivated events an industry problem?

A: Construction teams are comprised of a very diverse group, be it different trades, backgrounds, experiences, races, genders, religious beliefs, or political affiliation. The issues we face on a construction site are the same we face in our communities and society as a whole.

As our collective awareness to racist and bias-motivated events has been raised, we clearly see the need to stand up and take action against them. In the construction industry, we continuously talk about maintaining a safe work environment. Respect among employees is a critical part of a safe work environment.

Q: What does “zero tolerance” mean?

A: Zero tolerance means that harassment in any manner is expressly prohibited and will not be tolerated. We trust and expect that every person who enters the gates of a project site will act professionally and conduct themselves in a manner that supports an inclusive, safe and welcoming workplace. If someone is found to create a hostile work environment, we will take all necessary action, including removal from our site.

Q: Why suspend work in response to harassing, racist or bias-motivated events?

A: No one should ever be subjected to harassment, racism or hate. Everyone on our sites needs to feel welcome.

The decision to suspend work is not taken lightly. When work is suspended due to a hateful act, the general contractor, clients, trade partners and the workers on site join together in taking the situation seriously and ensure we return to a safe work environment for all people.

When the work is suspended, we continue to provide care to those targeted by acts and take time as a team to provide anti-bias training to make clear we have zero tolerance for hate. The training sessions help us understand the anger and pain felt by so many people as a result of longstanding hatreds or injustices. Our goal is to have a workplace that is safe and inclusive for all.

Q: Why zero tolerance for graffiti in toilets or other temporary facilities?

A: Zero tolerance means zero tolerance. If we ignore visible infractions, we are not setting the example for providing an inclusive, caring environment. Nothing should go unnoticed or unaddressed. Graffiti is a crime. It's even worse when racially motivated and may rise to the level of a hate crime. We will take action to ensure that our workplace is free from harassment, hate and bigotry of any kind.

Q: Why take such a proactive stance on hate, anti-racism and anti-bias?

A: Racism, sexism and harassment are very real problems. So many people feel the pain of longstanding injustice. No one should ever be subjected to harassment, racism or hate. Safety is ingrained into our industry's culture, and that includes an individual's emotional and psychological safety.

Our goal is to create an industry in which every person on a workplace is treated with respect and where there is zero tolerance for racism, homophobia, sexism, and hate of any kind. Every individual deserves a work environment that is safe, welcoming, diverse and inclusive. Through proactive engagement, our goal is to stop harassment and bias-motivated events from occurring altogether.

Q: Why is training so important?

A: Not everyone comes to our sites with the same experiences. Something that may seem innocent to you may be offensive to your co-worker. Having a collaborative team is essential to our success as a business. To create a collaborative team, we need everyone to understand and respect each other.

Continued education and learning is vital in our efforts to increase understanding and raise awareness of what behavior and actions are appropriate and not appropriate on project sites. The workplace offers a structured environment for people to learn and grow. Through ongoing learning, we can open our minds to consider perspectives we may not have been aware of before.

Q: What impact will training and open dialogue have?

A: Through the training, we strive to make a lasting impact on the culture of our jobsites and within our industry. With continued learning and education, individual reflections, and group discussions, we consistently and efficiently reinforce the disciplines for a zero tolerance environment in the workplace. For each individual we reach with anti-racist beliefs, we make a better world.

Q: Is this a short-term effort in response to the attention on racism in the media?

A: The issues of racism and bias will not be solved overnight. However, continuing the hard work to address these issues head on, speaking out against racial injustice and taking actions to support inclusion and equity within your company/organization, is the commitment necessary to positively change the construction industry.

Sample: Policy Statement on Harassment

It is the goal of the Company to promote a workplace that is free of sexual and other unlawful harassment by employees, clients, independent contractors, vendors or non-employees of the Company, at a work site or when you are involved in any business relationship as part of your job. Sexual and other unlawful harassment of employees occurring in the workplace or in other settings in which employees may find themselves in connection with their employment is unlawful and will not be tolerated by the Company. This policy applies to all incidents of alleged harassment, including those which occur off premises, or off-hours, whether the alleged offender is a supervisor, manager, co-worker or even a third-party non-employee with whom you may be involved in any business or potential business relationship. To achieve our goal of providing a workplace free from sexual and other unlawful harassment, we have provided a procedure by which inappropriate conduct will be dealt with, if encountered by employees. Further, any retaliation against an individual who has complained about sexual or other unlawful harassment, or retaliation against individuals for cooperating with an investigation of a harassment complaint, is similarly unlawful and will not be tolerated.

The Company takes allegations of sexual and other unlawful harassment seriously. We will respond promptly to complaints of harassment and, where it is determined that such inappropriate conduct has occurred, we will act promptly to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action where appropriate.

Please note that while this policy sets forth our goals of promoting a workplace that is free of sexual and other unlawful harassment, the policy is not designed or intended to limit our authority to discipline or take remedial action for workplace conduct which we deem unacceptable, regardless of whether that conduct satisfies the definition of sexual or other unlawful harassment.

SEXUAL HARASSMENT

Definition of Sexual Harassment

Sexual harassment is defined as sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:

- Submission to or rejection of such advances, requests or conduct occurs when it is made a term or condition of employment, whether explicitly or implicitly, or made a basis for employment decisions such as favorable reviews, salary increases, promotions, increased benefits or continued employment, regardless of whether the harasser actually carries through with the threats to alter the subordinate's terms or conditions of employment;

Or

- Such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating, or sexually offensive work environment.

Other sexually-oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating a workplace environment that is hostile, offensive, intimidating, or humiliating to any worker may also constitute sexual harassment.

While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct which, if unwelcome, may constitute sexual harassment, depending upon the totality of the circumstances including the severity of the conduct and its pervasiveness:

- Unwelcome sexual advances, whether they involve physical touching or not;

Sexual epithets, slurs, jokes, written or oral references to sexual conduct; gossip regarding one's sex life; comments on an individual's body, comments about an individual's sexual activity, deficiencies, or prowess;

- Displaying sexually suggestive objects, pictures, cartoons;
- Leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- Sending or circulating, whether in print or electronic form, literature or communications (articles, magazines or e-mails) of a sexual nature;
- Inquiries into one's sexual experiences; and
- Discussion of one's sexual activities.

Complaints of Sexual Harassment

If any of our employees believes that he or she has been subjected to sexual harassment, the employee should promptly file a complaint with his/her Project Manager, Operations Manager, Project Executive, Department Head or Human Resources Director/Manager. This may be done in writing or orally. These people are also available to discuss any concerns you may have and to provide information to you about our policy on sexual harassment and our complaint process. If you feel uncomfortable bringing the matter to one of the persons listed above, you can raise the issue directly with the business unit General Manager or equivalent senior executive, or Senior Human Resources Director.

Any supervisor or manager who has reason to suspect harassment or retaliation is occurring must notify the Human Resources Director/Manager.

All employees should take special note that, as stated above, retaliating against an individual who has complained about sexual harassment, and retaliating against individuals for cooperating with an investigation of a sexual harassment complaint, is unlawful and will not be tolerated by this Company. However, if after investigating any complaint of harassment the Company determines that the complaint is frivolous and was not made in good faith, or that an employee has provided false information regarding the complaint, disciplinary action may be taken against the individual who filed the bad-faith complaint or who gave the false information.

All complaints will be kept confidential to the maximum extent possible, and all employees have an obligation to maintain this confidentiality whether they are involved in the complaint or investigation or otherwise become aware of the complaint. All employees have a duty to report any conduct that they believe violates this policy. In addition, every employee has a duty to cooperate with any investigation conducted by the Company, regardless of whether the investigation is being conducted by Company officials or outside parties retained by the Company for this purpose.

Sexual Harassment Investigation

When we receive a complaint, we will promptly investigate the allegation in a fair, timely, and thorough manner that provides all parties appropriate due process and reaches reasonable conclusions based on the evidence collected. The investigation will be

conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. Our investigation may include a private interview with the person filing the complaint and with any witnesses. We may also interview the person alleged to have committed sexual harassment. When we have completed our investigation, we may, to the extent appropriate, inform the person filing the complaint and the person alleged to have committed the conduct of the results of that investigation.

If it is determined that inappropriate conduct has occurred, we will act promptly to eliminate the offending conduct and, where it is appropriate, we will also impose disciplinary action up to and including termination of employment.

The Company's complaint and investigation process strives to maintain confidentiality to the extent practicable, provide timely responses, conduct impartial and timely investigations by qualified personnel, document and track investigations for reasonable progress, engage in appropriate options for remedial actions and resolutions, and provide for timely closures.

OTHER UNLAWFUL HARASSMENT

The Company strongly supports the rights of all its employees to work in an environment free from all forms of unlawful harassment, including harassment on the basis of race, sex, gender, gender identity, gender expression, transgender status, sexual orientation, pregnancy, childbirth and other pregnancy-related conditions, color, national origin, ancestry, age, religious creed, citizenship, marital status (including registered domestic partners), parental status, physical disability, mental disability, medical condition, genetic information, military or veteran status (including protected veteran status), or any other characteristic or status protected by law.

Unlawful harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of a protected characteristic, and that:

- (a) creates an intimidating, hostile or offensive working environment;
- (b) unreasonably interferes with an individual's work performance; or
- (c) otherwise adversely affects an individual's employment opportunities.

Unlawful harassing conduct includes, but is not limited to:

- epithets;
- slurs;

- negative stereotyping;
- threatening, intimidating or hostile acts that relate to a protected characteristic;
- written or graphic material, that is placed on walls, bulletin boards, or elsewhere on the employer's premises, or circulated in the workplace on paper or electronically, that denigrates or shows hostility or aversion toward an individual or group because of a protected characteristic.

The Company prohibits unlawful harassment or retaliation of any kind. Any violation of the Company's unlawful harassment or retaliation policy should be reported in accordance with the complaint procedure in the Sexual Harassment policy and the complaint will be handled in the manner set forth in that procedure.

If the result of the investigation indicates that corrective action is called for, such action may include disciplinary measures up to and including immediate termination of the employment of the offender.

Employee's Responsibility

- All employees should avoid contributing directly or indirectly to any form of harassment in the workplace.
- Report any observed or potential harassment promptly and confidentially to management and/or to the Human Resources Director/Manager.
- Cooperate fully in any investigation in a discreet, confidential, and sensitive manner. Failure to cooperate may be grounds for disciplinary action.

Supervisor's Responsibility

- Maintain an open-door policy for employees to communicate potential concerns at an early stage and seek counsel from the Human Resources Director/Manager.
- Take all complaints or concerns of alleged or possible harassment seriously, no matter how minor or who is involved.
- Report any alleged incidents or receipt of formal complaints immediately to the appropriate management and to the Human Resources Director/Manager.
- Cooperate fully in any investigation and maintain confidentiality to the extent possible.
- Take appropriate action to prevent retaliation or prohibited conduct from reoccurring during and after any investigations or complaints.

- Communicate support of the policy and guidelines throughout the organization.
- Make sure that all employees within your area of responsibility are aware of this policy, ensure that personnel decisions are in compliance with this policy, and initiate corrective action (after consulting with the Human Resources Director/Manager, Operations Manager, Project Executive or the Senior Human Resources Director) when improper behavior is observed or reported.

Supervisors who knowingly allow or tolerate harassment or retaliation are in violation of this policy and subject to disciplinary action.

Prevention Program

Avoidance of harassment and sexual harassment requires constant supervisory and management awareness. Publication of this policy reaffirms the Company's desire to eliminate any form of harassment. Anti-harassment training is provided to all employees throughout the Company annually, or as otherwise required by state or local law. The resulting work environment should be one sensitive to harassment and sexual harassment issues and one positioned to prevent violations. We trust that all our employees will continue to act responsibly to establish and maintain a harassment-free working environment.

Sample: Contract Language

It is the goal of Contractor to promote a work environment at the Project that is free from harassment of any kind. Contractor has ZERO TOLERANCE for harassment, including harassment on the basis of race, sex, gender, gender identity, gender expression, transgender status, sexual orientation, pregnancy, childbirth and other pregnancy-related conditions, color, national origin, ancestry, age, religious creed, citizenship, marital status (including registered domestic partners), parental status, physical disability, mental disability, medical condition, genetic information, military or veteran status (including protected veteran status), or any other characteristic or status protected by law. Subcontractor agrees to be bound by the Policy Statement on Harassment and any violation or suspected violation of such policy by Subcontractor or any of its officers, agents, servants, employees, subcontractors or suppliers shall be considered as Subcontractor's failure to perform its obligations under the terms and conditions of this Agreement. Such failure shall be considered adequate and justifiable grounds for Contractor to effectuate its rights and remedies under provisions of this Agreement. Subcontractor shall actively promote a harassment-free work environment among its officers, agents, employees, subcontractors and suppliers.

Appendix: Posters

ZERO TOLERANCE

Harassment Discrimination
Hate Bias

Verbal Physical Visual

SEE
SOMETHING

SAY
SOMETHING

**Thank you for
making this a**

safe

welcoming

inclusive

workplace

for *everyone*

CERO TOLERANCIA

Acoso
Odio

Discriminación
Prejuicio

Verbal Físico Visual

Si ve
ALGO

Dígalo

Gracias por
hacer que este
lugar de trabajo
sea seguro
agradable e
inclusivo

para todas
las *personas*

**KEEP
IT
CLEAN**

Graffiti



**Mantenere
Limpio**

Graffiti

