



**WAGNER-MEINERT LLC**

*Engineers – Contractors*

## **HARASSMENT FREE PROGRAM (Section 28)**

Any type of harassment of employees is a prohibited personal practice and the Company strongly disapproves of such conduct.

The purpose of this policy is to eliminate harassment, including sexual harassment, from the workplace. It is the Company's intent to comply with Title VII of the Civil Rights Act of 1964, The Civil Rights Act of 1991, as amended, and guidelines issued by the Equal Employment Opportunity Commission (EEOC) concerning discrimination based on sex, race or gender.

### **DOCUMENTS**

#### **Appendix 28A Harassment Complaint Form**

Harassment includes many forms of offensive behavior. Harassment is conduct focused on a person or group of persons including, but not limited to, physical or verbal abuse, unwelcome activity of a sexual nature, retaliation, as well as any behavior or action which interferes with an individual's ability to perform assignments or which creates a hostile or intimidating work environment.

The following, though not all-inclusive, is a list of various types of harassment.

1. Verbal Abuse - any language that degrades or berates others, including, but not limited to, racial, religious, or sexual comments, jokes, sexual innuendoes, or threats of any kind.
2. Physical Abuse - includes touching, hitting, slamming, throwing, kicking or threatening another person, including restraining by force or blocking the path of another.

3. Interference or Hostile Environment - any behavior or action which interferes with an employee's ability to perform work assignments or which results in or creates a hostile or intimidating work environment.
4. Sexual Harassment - includes, but is not limited to, unwanted sexual advances, requests for sexual acts or favors or unwanted verbal, visual or physical conduct of a sexual nature when:
  - (a) Submission to such conduct is made either explicitly or implied as a term or condition of an individual's employment;
  - (b) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual; or
  - (c) Such conduct is severe and pervasive, and has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Instances of sexual harassment would include, but are not limited to:

- (a) Visually;
    - Leering.
    - Displaying or distributing sexually suggestive posters, cartoons or other sexually suggestive pictures or objects.
  - (b) Verbally;
    - Making sexual advances, propositions, derogatory statements, slurs or jokes.
    - Graphic words, discussions or commentaries of a sexual nature describing an individual or individual's body.
  - (c) Writing;
    - Sexually suggestive letters and/or notes.
  - (d) Offering employment benefits in exchange for sexual favors
5. Retaliation - any adverse action or threat of adverse action taken or made because an individual has exercised or attempted to exercise any rights under state or federal employment laws or under the policies of the Company. Retaliation includes, but is not limited to:
    - (a) Verbal abuse;

- (b) Threats of withholding or withdrawal of pay, promotions, training or other employment opportunities.

Harassment in the form of E-mail or other forms of electronic messaging is unacceptable. E-mail messages must contain professional and appropriate language at all times.

The following, though not all-inclusive, is a list of various types of E-mail or electronic harassment:

1. Making offensive or harassing statements based on race, color, religion, national origin, veteran status, ancestry, disability, age, sex, or sexual orientation.
2. Sending or forwarding messages containing defamatory, obscene, offensive, or harassing statements.
3. Sending ethnic, sexual-preference or gender-related slurs and/or jokes via e-mail. "Jokes", which often contain objectionable material, are easily misconstrued when communicated electronically.
4. Sending or soliciting sexually oriented messages or images.
5. Sending sexually suggestive letters and/or notes.

The Company will not tolerate the discrimination or harassment of employees, applicants and/or non-employees. Comments, conduct, off color jokes and innuendoes that may be perceived as offensive or harassing are strictly prohibited and will not be tolerated.

In addition, the Company will not tolerate the harassment of Company personnel by non-Company personnel on Company premises. Non-Company personnel include, but are not limited to, customers, vendors, guests and regulators.

No managerial personnel, employee or non-employee shall threaten or suggest that any condition of employment, including wages, promotion opportunities, scheduling and duties, will be adversely affected by an employee's refusal to submit to sexual advances.

Managerial personnel, employees and non-employees are strictly prohibited from participating in the following activities in any manner:

- (a) Making sexual advances, propositions, derogatory statements, slurs or jokes.
- (b) Using graphic words, discussions or commentaries of a sexual nature to describe an individual or individual's body.
- (c) Visually leering.
- (d) Displaying or distributing sexually suggestive posters, cartoons or other sexually suggestive pictures or objects.

- (e) Writing or distributing sexually suggestive letters and/or notes.
- (f) Using language that degrades or berates others, including, but not limited to, racial, religious, or sexual comments, jokes, sexual innuendoes, or threats of any kind.
- (g) Touching, hitting, slamming, throwing, kicking or threatening another person, including restraining by force or blocking the path of another. This includes suggestive touching of a sexual nature.
- (h) Making gestures of an insulting, demeaning or sexual nature.
- (i) Any behavior or action which interferes with an employee's ability to perform work assignments or which results in or creates a hostile or intimidating work environment.
- (j) Verbal abuse of any kind.
- (k) Threatening to withhold or withdraw pay, promotions, training or other employment opportunities because an individual has exercised or attempted to exercise any rights under state or federal employment laws or under the policies of the Company.
- (l) Sending or forwarding messages, including E-mail or other electronic messages, containing defamatory, obscene, offensive, or harassing statements.
- (m) Making, either verbally, in writing, via E-mail or other electronic message, offensive, abusive, intimidating, threatening, discriminatory or harassing statements based on race, color, religion, national origin, veteran status, ancestry, disability, age, sex, or sexual orientation.
- (n) Sending or soliciting, via any medium, sexually oriented messages or images.

An employee believing that he/she is being subjected to any type of harassment should:

- Immediately inform the harasser that the conduct is unwelcome, must stop immediately and must not be repeated. If the harassment continues the employee should immediately notify senior management personnel or the Human Resources Manager personally.

A written complaint (See Appendix 28A) alleging harassment should include the specific nature of the incident, date and place of incident, names of all parties involved as well as a detailed report of all pertinent facts. Complaints of harassment will be promptly and carefully investigated. Investigations will include interviews with all relevant persons, including the accused and other potential witnesses.

Any employee, who, in good faith, files a complaint of harassment, will be free from any and all reprisal or retaliation as a result of filing the complaint. Investigators will make every effort to strike a balance between the parties' desire for privacy and the need to conduct a fair and effective investigation.

Harassment will subject an employee to disciplinary action up to and including termination. Likewise, there will be disciplinary measures if it is determined that the incident, and thus the accusation, was fabricated.

#### **CHANGE CONTROL:**

All management system changes are reviewed, approved or disapproved by the Safety Committee.

This program was initially developed on September 15, 2006, replacing the former Harassment Free Program entirely.

Revision No. 1 (August 18, 2006)

Revision No. 2 (September 6, 2007)

Revision No. 3 (October 7, 2011)

#### **PERSONNEL:**

The Owners of Wagner-Meinert, LLC have the ultimate responsibility for the Harassment Free Program. They have designated the Safety Director to manage the Harassment Free Program.



**WAGNER-MEINERT LLC**  
*Engineers – Contractors*

**HARASSMENT COMPLAINT FORM  
(Appendix 28A)**

A written complaint alleging harassment should include the specific nature of the incident, date and place of incident, names of all parties involved as well as a detailed report of all pertinent facts. Complaints of harassment will be promptly and carefully investigated.

Date of Incident: \_\_\_\_\_ Name: \_\_\_\_\_

Location of Incident: \_\_\_\_\_

Names of parties involved:

Witnesses:

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Nature of incident: Be as detailed as possible:

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