



Metro

CIVIL RIGHTS Discrimination/Harassment

(CIV 3)

POLICY STATEMENT

The Los Angeles County Metropolitan Transportation Authority (LACMTA) is an Equal Employment Opportunity (EEO) employer. LACMTA is committed to equal employment opportunity and an environment that values diversity in which all employees are free from discrimination and harassment. Decisions affecting all LACMTA employment practices, including recruitment, selection, promotions, terminations, transfers, layoffs, compensation, training, benefits, and other terms or conditions of employment will be made without regard to race, color, religious creed, national origin, sex, age (40 and over), physical disability (including HIV and AIDS), ancestry, mental disability, medical conditions (including cancer), marital status, sexual orientation, gender, gender identity, gender expression, military and veteran status, genetic information or any other basis protected by federal or state statutes. This policy protects employees exercising their rights under the Family and Medical Leave Act, the Pregnancy Discrimination Act, and related statutes.

PURPOSE

This policy will:

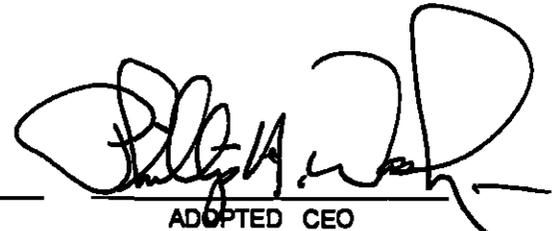
- provide a formal mechanism for management to correct incidents of discrimination or harassment;
- provide employees with a procedure for informing management when they believe they have been harassed or discriminated against; and
- provide employees with a process for notifying the Civil Rights Programs Manager so immediate action can be taken to investigate and resolve complaints of discrimination and/or harassment.

APPLICATION

This policy applies to all LACMTA employees.


APPROVED. County Counsel or N/A


Department Head


ADOPTED CEO

Effective Date. 11/16/16



Metro

**CIVIL RIGHTS
Discrimination/Harassment**

(CIV 3)

1.0 GENERAL

LACMTA is committed to preventing discrimination or harassment of any person on any basis protected by federal or state law, including but not limited to the following: sexual harassment, race, color, religious creed, national origin, sex, age (40 and over), physical disability (including HIV and AIDS), ancestry, mental disability, medical conditions (including cancer), marital status, sexual orientation, gender, gender identity, gender expression, military and veteran status, genetic information.

2.0 PROCEDURES

If an employee believes he/she has been a victim of harassment or discrimination, the employee should:

- tell the harasser to stop his/her unwelcome behavior, placing the harasser on notice that his/her behavior is unwelcome and offensive;
- immediately inform a supervisor or manager of the unwelcome behavior, and/or
- contact the Director, EEO & Civil Rights at (213) 922-4530.

Employees should report offensive behavior even if they are not the subject of the harassment. Employees are not required to report complaints to their immediate supervisor and may instead opt to report directly to the Office of Civil Rights.

2.1 Notification of Harassment or Discrimination

When a supervisor or manager is notified of behavior in violation of this policy, he/she should direct the employee to contact the Director, EEO & Civil Rights to report the incident of harassment or discrimination.

The supervisor or manager should also notify the Director, EEO & Civil Rights immediately at (213) 922-4530.

The Director, EEO & Civil Rights will then contact the supervisor or manager to discuss the possible policy violation.

Each complaint is handled on a case-by-case basis. The Director, EEO & Civil Rights will determine whether a formal investigation is required.



Metro

CIVIL RIGHTS Discrimination/Harassment

(CIV 3)

2.2 Formal Investigation

LACMTA's Director, EEO & Civil Rights or designee will process all harassment and discrimination complaints pursuant to LACMTA's EEO Internal Complaint Process (CIV 4) policy (as described in section 1.0). A formal investigation will be conducted if necessary. All complaints and investigations are confidential, with information given only on an as-needed basis.

2.3 Examples of Harassment

Harassment or discrimination may be verbal, physical, or visual.

- **Verbal harassment** includes derogatory or offensive comments, language, and insults which are related to race, color, religious creed, national origin, sex, age (40 and over), physical disability (including HIV and AIDS), ancestry, mental disability, medical conditions (including cancer), mental status, sexual orientation, gender, gender identity, gender expression, military and veteran status, genetic information or any other basis protected by federal or state statutes.
- **Physical harassment** includes assault, impeding or blocking movement, or any physical contact of a hostile, suggestive, or sexual nature.
- **Visual harassment** includes derogatory or offensive posters, cartoons, drawings, or gestures.

2.4 Sexual Harassment

Unwelcome sexual behavior between two or more parties, regardless of gender, may constitute sexual harassment depending upon the totality of the circumstances which include the severity of the conduct and how often it is repeated.

Sexual Harassment is against the law and against LACMTA policy.

California state law AB1825 mandates that a company with 50 or more employees must provide at least two hours of sexual harassment prevention training every two years to each supervisory employee, and to all new supervisory employees within 90 days of their assumption of a supervisor position.



Metro

CIVIL RIGHTS Discrimination/Harassment

(CIV 3)

2.5 Examples of Sexual Harassment

The following is a partial list of sexual harassment violations:

- unwelcome sexual advances – whether or not they involve physical touching;
- sexual epithets, jokes, written or verbal references to sexual conduct, discussions of sex life, comments about a person's body, sexual activity, deficiencies, or prowess;
- displays of sexually suggestive objects, pictures, or cartoons;
- unwelcome leering, whistling, brushing against a person's body, sexual gestures, and suggestive or insulting sexual comments;
- inquires into a person's sexual experiences;
- discussion of personal sexual activities; and
- use of electronic media to transmit messages or pictures that include sexual content.

2.6 Retaliation

Retaliation against an employee who has complained about harassment or discrimination on the basis of any of the protected categories addressed in this policy, including sexual harassment, or who has cooperated with an investigation of harassment or discrimination based on a protected category, is unlawful and against LACMTA policy.

Retaliation includes demotion, suspension, failure to hire, disparate treatment in employment decisions adversely affecting working conditions, or denying other employment benefits to an employee because he/she has opposed unlawful employment practices.

3.0 DEFINITION OF TERMS

Harassment – Unreasonable conduct directed at a specific person or group causing substantial emotional distress.

Discrimination – Any intentional or unintentional action which limits, excludes, or denies a person any condition of employment because of race, color, religious creed, national origin, sex, age (40 and over), physical disability (including HIV and AIDS), ancestry, mental disability, medical conditions (including cancer), marital status, sexual



Metro

**CIVIL RIGHTS
Discrimination/Harassment**

(CIV 3)

orientation, gender, gender identity, gender expression, military and veteran status, genetic information or any other basis protected by federal or state statutes.

Equal Opportunity – The prohibition of discrimination in recruitment, selection, termination, promotion, transfer, layoff, compensation, training, benefits, or any other term or condition of employment.

4.0 RESPONSIBILITIES

The Office of Civil Rights, Equal Employment Opportunity investigates complaints of discrimination and recommends appropriate corrective action.

Management provides a work environment free from offensive, intimidating, or hostile behavior. Management is responsible for protecting employees from retaliation for filing or cooperating in an investigation of an internal or external discrimination/harassment complaint.

LACMTA employees and third parties (independent contractors and nonemployees) are responsible for maintaining a work environment free from offensive, intimidating, or hostile behavior.

5.0 FLOWCHART

See Internal Complaint Process (CIV4) policy

6.0 REFERENCES

1. Title VII of the Civil Rights Act of 1964
2. Employee Code of Conduct
3. Internal Complaint Process (CIV4)

7.0 ATTACHMENTS

Not Applicable

8.0 PROCEDURE HISTORY

03/15/06 EEO Discrimination/Harassment (EO 1-3).



Metro

**CIVIL RIGHTS
Discrimination/Harassment**

(CIV 3)

- 09/24/09 Policy renumbered from EO 1-3 to EO 3 and updated into standardized (GEN 5) policy format. Revision of Definition of Terms.
- 08/04/10 Policy revised to reflect current operations and administrative changes.
- 11/18/11 Policy revised to reflect administrative changes.
- 01/10/14 Biennial review: updated protected classes; updated contact; clarified that sexual harassment cannot occur, regardless of gender.
- 02/15/15 Review: clarifications & non-substantive changes.
- 08/28/15 Added law requiring mandatory training for supervisors, and sexual harassment as part of the listed protected categories.
- 04/20/16 Added sentence under 2.0 informing of option to directly report to Office of Civil Rights. Updated title and department name.
- 11/09/16 Changed mandatory training from within six months of hire to 90 days.