

BOSTON WATER AND SEWER COMMISSION



POLICY AGAINST HARASSMENT AND DISCRIMINATION

June 25, 2025

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I. POLICY STATEMENT

This Policy Against Discrimination and Harassment (the “Policy”) has been established by the Boston Water and Sewer Commission (the “Commission”) to ensure that all employees, applicants for employment, vendors and contractors are treated with respect and dignity. The Policy describes examples of conduct that may constitute unlawful harassment, sexual harassment, discrimination and retaliation and sets forth a complaint procedure to be followed by individuals who believe that they have been subjected to or witnessed this conduct at work. The Executive Office will support all efforts made by supervisors and Commission employees to assist in promoting a workplace free of harassment and discrimination. It is the Commission’s goal to prevent harassment and discrimination through policy dissemination and ongoing staff awareness training.

HARASSMENT

The Commission supports the right to work in an environment that is free from all forms of harassment, including sexual harassment. It is the Commission’s Policy that no employee, applicant, vendor or contractor may harass another on any basis whatsoever, including harassment based on any class protected by state or federal law such as race, creed, color, national or ethnic origin, age, religion, citizenship status, disability or handicap, sexual orientation, marital, domestic union, or civil union status, natural hair, sex or gender, gender identity and expression, including transgender identity, genetics, arrest record, liability for military service, atypical cellular or blood trait, veteran status, or any other classification protected by applicable federal, state or local laws (each, a “Protected Classification”).

DISCRIMINATION

The Commission is committed to the principle of equal opportunity in employment. The Commission prohibits discrimination of any employee, applicant for employment, vendor or contractor because of a Protected Classification. The Commission expects all employees to share and uphold this commitment.

II. SCOPE

This Policy applies to all employees, interns, vendors, and contractors who either work at or are present on Commission property or work sites or are conducting work activities offsite in connection with Commission work.

III. PENALTIES

Violations of this Policy will result in disciplinary action, in accordance with any applicable collective bargaining agreement or employee policy, up to and including termination of employment. Violations of this Policy may result in criminal prosecution.

IV. DEFINITION OF HARASSMENT

Harassment is defined as conduct that denigrates or shows hostility or aversion towards an individual based on a Protected Classification and that: (i) has the purpose or effect of creating an intimidating, hostile, or offensive work environment; (ii) has the purpose or effect of unreasonably interfering with an individual's work performance; or (iii) otherwise adversely affects an individual's employment opportunities. Unlawful harassment includes, but is not limited to, epithets, slurs or name-calling, racial insults, pranks, innuendo, the display or circulation of hostile or denigrating graphic or written material, stereotyping, or other threatening, hostile or intimidating acts based on an individual's protected status. Threats of violence or any acts or gestures intended to harass or intimidate another person are prohibited. Harassment can take both physical and verbal form, each of which are further described below.

- Verbal harassment may include the use of epithets (nicknames and slang terms), derogatory or suggestive comments, propositioning, jokes, or slurs, including graphic verbal commentaries about an individual's body, or that identify a person on the basis of his or her Protected Classification. Verbal harassment may include comments on appearance, or stories that tend to disparage those of a Protected Classification.
- Physical harassment may include assault, touching, impeding or blocking movement, grabbing, and patting, leering, making express or implied job-related threats in return for submission to physical acts, mimicking, taunting, or any physical interference with normal work or movement not intended to prevent physical bodily injury in the field.

Harassment may violate Massachusetts and/or federal law when it is based on a Protected Classification or any other characteristic protected by law. Conduct that does not meet the state or federal harassment definition may violate this Policy.

SEXUAL HARASSMENT

A. Federal and State Definition

In Massachusetts, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting the individual; or (3) such conduct has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile or offensive employment environment.

The victim or the harasser is not limited to any one gender, and the victim and harasser can be of the same sex.

B. Examples of conduct that may constitute unlawful sexual harassment:

Sexual harassment refers to behavior that is not welcome and that is personally offensive to a “reasonable” person on both a subjective and objective level. Sexual harassment occurs in a variety of situations that share a common element – the inappropriate introduction of sexual activities or comments into the workplace environment.

This sexual harassment provision describes, but is not limited to, two types of inappropriate interactions based on either the supervisor/subordinate dynamic or the coworker dynamic. Sexual harassment between supervisor and subordinate often involves relationships of unequal power. Such situations may include elements of coercion, such as when a supervisor requests sexual favors and this becomes a criterion for granting privileges of favorable treatment on the job to a subordinate. However, sexual harassment may also involve relationships among “equals” such as when repeated advances or demeaning verbal comments by a co-worker towards another co-worker have a harmful effect on a person’s ability to perform his or her work. Sexual harassment may also involve employee behavior directed at non-employees or non-employee behavior directed at employees.

Examples of conduct that may, depending upon the circumstances, constitute sexual harassment include the following:

- Unwelcomed sexual advances – whether they involve physical touching or not;
- Sexual propositions or flirtations;
- Verbal abuse, innuendo, faxes, emails or web pages of sexual nature;
- Uninvited physical contact, such as touching, hugging, patting, brushing, or pinching;
- Obscene gestures or suggestive or insulting sounds;
- Demands for sexual favors accompanied by an implied or overt threat concerning an individual’s employment status or promises of preferential treatment;
- Indecent exposure;
- Display of sexually suggestive objects, pictures, posters, cartoons, email, computer images or cell phone images (including texting);
- Continued or repeated jokes, language, epithets, or remarks of a sexual nature;
- Sexual epithets, jokes, written or oral references to sexual conduct;
- Gossip regarding one’s sex life;
- Comments on an individual’s body;
- Comments on an individual’s sexual activity, deficiencies, or prowess;

- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- Inquiries into one's sexual experiences, and
- Discussion of one's sexual activities.

These behaviors are unacceptable in the workplace itself and in other work-related settings, such as social events and travel and include behavior both on and away from Commission facilities.

V. DEFINITION OF DISCRIMINATION

Discrimination occurs when a person is treated arbitrarily or differently or subjected to an adverse employment action because of their real or perceived membership in a protected category or based on any Protected Classification. Any form of unlawful discrimination, whether by a fellow employee, manager, supervisor, or third-party, will not be tolerated. While certain behavior, depending on the circumstances, may not automatically constitute discrimination, the Commission considers any action taken against an individual based on their Protected Classification to be inappropriate, and an employee who engages in such behavior may be subject to disciplinary action regardless of whether such behavior is unlawful.

RELIGIOUS DISCRIMINATION

According to the Equal Employment Opportunity Commission, religious discrimination involves treating a person (i.e., an applicant or employee) unfavorably because of his or her religious beliefs. The law protects not only people who belong to traditional, organized religions, such as Buddhism, Christianity, Hinduism, Islam, and Judaism, but also others who have sincerely held religious, ethical or moral beliefs. The Policy forbids discrimination as to any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoff, training, fringe benefits, and any other term or condition of employment.

Religious discrimination can also involve treating someone differently because that person is married to (or associated with) an individual of a particular religion.

DISABILITY DISCRIMINATION

According to the Equal Employment Opportunity Commission, disability discrimination involves treating a person (i.e., an applicant or employee) unfavorably because he or she has a disability. Disability discrimination also occurs when a covered employer or other entity treats an applicant or employee less favorably because he or she has a history of a disability (such as cancer that is controlled or in remission) or because he or she is believed to have a physical or mental impairment that is not transitory (lasting or expected to last six months or less) and minor (even if he or she does not have such an impairment).

VI. INAPPROPRIATE CONDUCT

The physical, psychological and emotional well-being of all employees is of paramount concern to the Commission. The Commission also prohibits conduct that may be inappropriate or offensive to others and yet may not meet the legal definition of discrimination, sexual harassment or harassment, either because it is not sexual in nature, or because it is not so pervasive or severe to meet the legal definition of harassment based on a Protected Classification.

Any physical or verbal harassment, threats, or other actions that interfere with Commission business violate this Policy. Any unwelcome or offensive statement or conduct that is generally harassing – including, based on the facts and circumstances, a single, isolated incident – may violate this Policy and should be reported according to Sections VIII, IX, and XI of this Policy. You do not have to be the recipient of the threats or harassment to do this. If you are aware of such activity, you should report it.

To that end, this Policy prohibits any unwelcome or offensive statement or conduct that is generally harassing, including bullying or shunning, or is based on another individual's actual or perceived Protected Classification.

VII. DEFINITION OF RETALIATION

The Commission also prohibits retaliation based on an individual's participation in a protected activity, such as the filing of a complaint of harassment or discrimination, participating in the investigation of such a claim, or expressing opposition to harassment and/or discrimination. The Commission will not tolerate retaliation against anyone involved in an investigation for their participation in the fact-finding process. Retaliation includes, but is not limited to, conduct ranging from termination or demotion to refusal to speak with, work with, or to extend ordinary workplace courtesies to a colleague or encouraging others to do so.

VIII. EMPLOYEE RESPONSIBILITIES

Each Commission employee is personally responsible for ensuring that he or she does not harass, discriminate, or retaliate against any other employee, vendor, intern, contractor, or customer in a workplace setting pursuant to this Policy. Each employee is responsible for cooperating in, and providing information relevant to, any Commission investigation of alleged harassment or discrimination if requested to do so by a person authorized by the Commission to conduct the investigation. Refusal to participate in an investigation, making false or misleading statements in an investigation, or withholding material information in an investigation are grounds for discipline up to and including termination.

Each employee is responsible for reviewing and understanding this Policy.

IX. SUPERVISOR AND MANAGER RESPONSIBILITIES

It is the responsibility of each Manager or Supervisor to enforce the terms of this Policy. Managers or Supervisors, who become aware of possible incidents of harassment, discrimination, or retaliation (even in the absence of a formal complaint), are required to immediately report all such incidents to either the Human Resources Department, the Organizational Diversity Department and/or the Office of General Counsel.

X. SOCIAL MEDIA/ELECTRONIC COMMUNICATIONS

Employees who engage in social media and electronic communications (including email, texts and desktop wallpaper) must do so in a manner that is consistent with Commission policies and procedures, including this Policy. Social media and improper electronic communication that rise to the level of harassment, discrimination or other unprofessional or improper conduct as defined in this Policy is prohibited at all times. An employee who is subject of harassment or discrimination as defined in this Policy through social media or electronic communication should report such activity per the Internal Complaints guidelines as referenced in this policy.

XI. INTERNAL COMPLAINTS

If any employees believe that he or she has been subjected to any conduct described above, the employee has the right to file a complaint with the Commission. This may be done in writing or verbally to your supervisor, manager or any Department listed below:

Human Resources Department

Organizational Diversity Department

Office of General Counsel

Any complaints made will remain confidential to the extent practicable, although some information must be shared on a need-to-know basis to appropriately investigate the complaint.

XII. STATE AND FEDERAL REMEDIES

In addition to the above, if an individual believes he or she has been subjected to or witnessed harassment (including sexual harassment), discrimination, or retaliation, he or she may file a complaint with either or both government agencies listed below. Using the Commission's complaint process does not prohibit an individual from filing a complaint with these agencies:

The United States Equal Employment Opportunity Commission (EEOC)

John F. Kennedy Federal Building
475 Government Center
Boston, MA 02203
800-669-4000

The Massachusetts Commission Against Discrimination (MCAD)

Boston Office

One Ashburton Place – Rm. 601

Boston, MA 02108

617-994-6000

XIII. EFFECTIVE DATE OF POLICY

This Policy is the successor policy to the Policy Against Harassment and Discrimination dated April 22, 2020.

That Policy was approved and adopted by the Commission at a meeting of the Board on July 21, 1993.

That Policy was revised and adopted by the Commission at a meeting of the Board on November 21, 1996.

That Policy was revised and adopted by the Commission at a meeting of the Board on February 24, 2014.

This Policy approved and adopted by the Commissioners at a meeting of the Board on April 22, 2020.

This Policy approved and adopted by the Commissioners at a meeting of the Board on June 25, 2025.

This Policy shall become effective on the date indicated and shall remain in effect until amended or rescinded by a vote of the Board of Commissioners of the Boston Water and Sewer