
**THE DELAWARE COUNTY
FIREMEN'S ASSOCIATION OF
THE STATE OF PENNSYLVANIA**

**DISCRIMINATION AND
HARASSMENT POLICY**

Table of Contents

Policy: Discrimination, Harassment, and Retaliation Prevention Policy	2
POLICY	2
Scope of Protection	3
Applicant/Employee/Contractor/Volunteer Rights	3
CONDUCT PROHIBITED BY THIS POLICY / DEFINITIONS.....	3
Discrimination:	3
Harassment:	4
Sexual Harassment:	4
Retaliation:	5
ADDRESSING AND REPORTING VIOLATIONS OF THIS POLICY	6
ENFORCEMENT OF THE POLICY	6

The Delaware County Firemen's Association of the State of Pennsylvania

Policy on Discrimination, Harassment, and Retaliation Prevention

POLICY

The Delaware County Firemen's Association of the State of Pennsylvania (dba The Delaware County Firemen's Association abbr. DCFA) is committed to providing a professional work environment free from discrimination and harassment, including discrimination and harassment based on a protected category, and an environment free from retaliation for participating in any protected activity covered by this policy. The Delaware County Firemen's Association is committed to providing equal opportunities to all employees, applicants for employment, contractors, and volunteers. Accordingly, we have adopted and maintain this anti-discrimination policy designed to encourage professional and respectful behavior and prevent discriminatory and harassing conduct in our workplace.

The Delaware County Firemen's Association prohibits discrimination or harassment based on the following categories: race, color, religion, religious creed (including religious dress and grooming practices), national origin, ancestry, citizenship, physical or mental disability, medical condition (including cancer and genetic characteristics), genetic information, marital status, sex (including pregnancy, childbirth, breastfeeding, or related medical conditions), gender, gender identity, gender expression, age (40 years and over), sexual orientation, veteran and/or military status, protected medical leaves (requesting or approved for leave under the Family and Medical Leave Act), domestic violence victim status, and political affiliation. In addition, the Delaware County Firemen's Association prohibits retaliation against a person who engages in activities protected under this policy. Reporting, or assisting in reporting suspected violations of this policy and cooperating in investigations or proceedings arising out of a violation of this policy are protected activities under this policy.

All employees, contractors, and volunteers are expected to assume responsibility for maintaining a work environment that is free from discrimination, harassment and retaliation. Employees, contractors, and volunteers are encouraged to promptly report conduct that they believe violates this policy so that the organization has an opportunity to address and resolve any concerns. Board members, and any employees, contractors, or volunteers performing in a

supervisory role are required to promptly report conduct that they believe violates this policy. DCFA is committed to responding to alleged violations of this policy in a timely and fair manner and to taking appropriate action aimed at ending the prohibited conduct.

Scope of Protection

This policy applies to Delaware County Firemen’s Association applicants, employees, contractors, and volunteers in all areas of employment and volunteer or member participation, including recruitment, hiring, training and development, promotion, transfer, termination, layoff, compensation, benefits, social and recreational programs, and all other conditions and privileges of employment in accordance with applicable federal, state and local laws. In addition, this policy extends to an employee’s, contractor’s, or volunteer’s work for DCFA, even if the work takes place while representing the organization virtually, or at a meeting, conference, gathering, on a business trip or business-related social function.

Applicant/Employee/Contractor/Volunteer Rights

- The right to a discrimination, harassment, and retaliation-free work environment.
- The right to file a complaint of discrimination, harassment, or retaliation. Employees are encouraged to report inappropriate conduct immediately and, whenever possible, to put the complaint or concern in writing.
- The right to a full, impartial and prompt investigation by a Delaware County Firemen’s Association representative or designee into allegations of conduct that would violate this policy.
- The right to be timely informed of appropriate information related to the outcome of an investigation either as a complainant or a respondent in the investigation.
- The right to be free from retaliation or reprisal after filing a complaint or participating in the complaint process.

Conduct Prohibited by This Policy / Definitions

Discrimination:

As used in this policy, discrimination is defined as the unequal treatment of an employee or applicant in any aspect of employment, including discrimination based solely or in part on the employee, applicant, contractor, or volunteer’s protected category. Protected categories include: race, color, religion, religious creed (including religious dress and grooming practices), national origin, ancestry, citizenship, physical or mental disability, medical condition (including cancer and genetic characteristics), genetic information, marital status, sex (including pregnancy, childbirth, breastfeeding, or related medical conditions), gender, gender identity, gender expression, age (40 years and over), sexual orientation, veteran and/or military status, protected medical leaves (requesting or approved for leave under the Family and Medical Leave Act), domestic violence victim status, political affiliation, and any other status protected by

state or federal law. Discrimination includes unequal treatment based upon the employee, applicant, contractor, or volunteer's association with a member of these protected classes.

Discrimination may include, but is not necessarily limited to: hostile or demeaning behavior towards applicants, employees, contractors, or volunteers because of their protected category; allowing the applicant's or employee's protected category to be a factor in hiring, promotion, compensation or other employment or compensation related decisions unless otherwise permitted by applicable law and providing unwarranted assistance or withholding work-related assistance, cooperation, and/or information to applicants or employees because of their protected category.

Harassment:

As used in this policy, harassment is defined as offensive, belittling, threatening, or otherwise unwelcome behavior directed at someone based on any of the protected categories listed above.

Harassment can be verbal (such as slurs, jokes, insults, epithets, gestures, or teasing), visual (such as the posting or distribution of offensive posters, symbols, cartoons, drawings, computer displays, or emails), or physical conduct (such as physically threatening another person, blocking someone's way, making physical contact in an unwelcome manner, etc.).

Sexual Harassment:

As used in this policy sexual harassment is defined as harassment based on sex or conduct of a sexual nature, and includes harassment based on sex (including pregnancy, childbirth, breastfeeding, or related medical conditions), gender, gender identity, or gender expression. It may include all of the actions described above as harassment, as well as other unwelcome sex-based conduct, such as unwelcome or unsolicited sexual advances, requests for sexual favors, conversations regarding sexual activities, or other verbal or physical conduct of a sexual nature. Sexually harassing conduct need not be motivated by sexual desire and may include situations that began as reciprocal relationships, but that later cease to be reciprocal.

Sexual harassment is generally categorized into two types:

- 1. Quid Pro Quo Sexual Harassment ("this for that")**
 - a. Submission to sexual conduct is made explicitly or implicitly a term or condition of an individual's employment.
 - b. Submission to or rejection of the conduct by an employee is used as the basis for employment decisions affecting the employee.
- 2. Hostile Work Environment Sexual Harassment**
 - a. Conduct of a sexual nature or on the basis of sex by any person in the workplace that unreasonably interferes with an employee, contractor, or volunteer's work performance and/or creates an intimidating, hostile, or otherwise offensive working environment. Examples include:

- i. Unwelcome sexual advances, flirtation, teasing, sexually suggestive or obscene letters, invitations, notes, emails, voicemails, or gifts.
 - ii. Sex, gender or sexual orientation-related comments, slurs, jokes, remarks, or epithets.
 - iii. Leering, obscene or vulgar gestures or making sexual gestures.
 - iv. Displaying or distributing sexually suggestive or derogatory objects, pictures, cartoons, or posters or any such items.
 - v. Impeding or blocking movement, unwelcome touching, or assaulting others.
- b. Any sexual advances that are unwelcome as well as reprisals or threats after a negative response to sexual advances.
 - c. Conduct or comments consistently targeted at one gender, even if the content is not sexual.

Retaliation:

As used in this policy retaliation is defined as any adverse action taken against an employee, contractor, or volunteer because they engaged in activity protected under this policy. Protected activities may include, but are not limited to, reporting or assisting in reporting suspected violations of this policy and/or cooperating in investigations or proceedings arising out of a violation of this policy.

“Adverse action” is conduct or an action that materially affects the terms and conditions of the employee, contractor, or volunteer’s employment, contracting, or volunteering status or is reasonably likely to deter them from engaging in protected activity. Even actions that do not result in a direct loss of compensation may be regarded as an adverse employment action when considered in the totality of the circumstances.

Examples of retaliation under this policy include but are not limited to: demotion; suspension; reduction in pay; denial of a merit salary increase; failure to hire or consider for hire; refusing to promote or consider for promotion because of reporting a violation of this policy; harassing another employee for filing a complaint; denying employment opportunities because of making a complaint or for cooperating in an investigation; changing someone’s work assignments for identifying harassment or other forms of discrimination in the workplace; treating people differently such as denying an accommodation; or otherwise excluding the employee from job-related activities because of engagement in activities protected under this policy.

ADDRESSING AND REPORTING VIOLATIONS OF THIS POLICY

Any employee, applicant, contractor, or volunteer who experiences or witnesses behavior that they believe violates this policy is encouraged to immediately tell the offending individual that the behavior is inappropriate and, if they feel comfortable doing so, to tell the offending individual to stop the behavior. The employee, applicant, contractor, or volunteer should also immediately report the alleged violation to their supervisor or manager or a member of the DCFA Board. A complaint may be brought forward orally or in writing.

Board members, supervisors, or managers who learn of any potential violation of this policy are required to immediately report the matter to an officer and must follow that officer's instructions as to how best to proceed.

The Delaware County Firemen's Association will promptly look into the facts and circumstances of any alleged violation, as appropriate. Efforts will be made to investigate and resolve complaints promptly, thoroughly, impartially and in as confidential a manner as is possible, consistent with proper investigation of the complaint. Such investigation may be done internally or with the assistance of legal counsel.

Even in the absence of a formal complaint, the DCFA may initiate an investigation where it has reason to believe that conduct that violates this policy has occurred. Moreover, even where a complainant conveys a request to withdraw their initial formal complaint, The Delaware County Firemen's Association may continue the investigation to ensure that the organization is free from discrimination, harassment, and retaliation.

ENFORCEMENT OF THE POLICY

In determining whether alleged conduct constitutes a violation of this Policy, the organization will look at the record as a whole and at the totality of the circumstances. Any person found to have violated this Policy will be subject to appropriate disciplinary action, up to and including termination of employment, contract, or position.

Such corrective action(s) may also include, but are not limited to:

- letters of reprimand
- suspension
- demotion
- termination of employment, contract, or membership
- removal from the board or removal from office
- legal action