

AUTHORITY: The Michigan Works! Southwest Workforce Development Board is established under the Workforce Innovation and Opportunity Act of 2014, and subsequent changes. The Board is assigned the responsibility to set policy for the workforce investment system within the local area.

ORDER OF PRECEDENCE: Where any part of this policy shall be determined to conflict with any federal, state, or local policy, the federal, state, and then local policy shall take precedence without affecting any other part or parts of this policy.

Sexual and Other Forms of Workplace Harassment

EFFECTIVE DATE 07-01-2023

BACKGROUND Sexual harassment is a form of unlawful harassment that violates Title VII of the Civil Rights Act of 1964, the Elliott-Larsen Civil Rights Act of 1976 and other rules and regulations issued by federal and state agencies granting financial assistance through the Workforce Development Agency (WDA) and its successor organizations. In keeping with federal regulations and state policies, the same principles that govern sexual harassment are applicable to harassment based on race, color, religion, sex (including but not limited to, pregnancy, childbirth, and related medical conditions, sex stereotyping, transgender status, sexual orientation, and gender identity), national origin (including limited English proficiency [LEP]), age, disability, political affiliation or belief, citizenship/status as a lawfully admitted immigrant authorized to work in the United States or other legally protected status or non-merit factor.

The Workforce Development Boards, Michigan Works! Agencies and their subrecipients must maintain work, service, and training environments free of discriminatory and sexual harassment. They must make good faith efforts to prevent harassing behaviors and create work, service and training atmospheres that foster inclusion and respectful interpersonal relationships.

The issue of harassment in the workplace and its prohibition should be considered a sensitive, serious and important topic. It is the responsibility of all staff in the workforce development system, especially those in supervisory roles, to eliminate and/or prevent all forms of harassment.

PURPOSE To address the requirement for the development of a policy for handling sexual and other forms of harassment, including retaliation, that is consistent with federal regulations, state policies, and other WDB policies.

SCOPE All workforce development programs, services and activities under the auspices of the Michigan Works! Southwest Workforce Development Board.

REFERENCES Title VII of the Civil Rights Act of 1964, as amended, and the Michigan Civil Rights Act

Elliott-Larsen Civil Rights Act of 1976

29 CFR Part 38 Implementation of the Nondiscrimination and Equal Opportunity Provisions of the WIOA and subsequent changes

The Workforce Innovation and Opportunity Act of 2014, Section 188

Workforce Development Agency, State of Michigan Policy Issuance 18-09 and subsequent changes Nondiscrimination and Equal Opportunity requirements.

POLICY

I. Definitions

- A. Sexual Harassment - Consistent with federal regulations and state policies and guidelines, sexual harassment is defined as:
“Unwelcome sexual advances, requests for sexual favors, and other verbal and/or physical conduct of a sexual nature constitute harassment when:
 - 1. Submitting to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment or participation in a program, activity, or service; or
 - 2. Submitting to or rejecting such conduct is used as the basis for decisions affecting an individual’s status as an employee or participant in a program, activity, or service; or
 - 3. Such conduct has the purpose or effect of unreasonably interfering with an individual’s performance as an employee or a participant in a program, activity, or service; or creating an intimidating, hostile, or offensive work, training, business or learning environment.”
- B. Other Forms of Harassment - The principles outlined in the above definition shall also apply to harassing behaviors based on race, color, religion, sex (including but not limited to, pregnancy, childbirth, and related medical conditions, sex stereotyping, transgender status, sexual orientation, and gender identity), national origin (including limited English proficiency [LEP]), age, disability, political affiliation or belief, citizenship/status as a lawfully admitted immigrant authorized to work in the United States or other legally protected status or non-merit factor.
- C. Zero Tolerance – Sexual, discriminatory, and other forms of harassment, including retaliation, are unlawful and will not be tolerated in any program, service, activity, or location funded by Michigan Works! Southwest.

II. Implementation

- A. The prohibition against sexual and other forms of workplace harassment, including retaliation, applies to all employees, customers, participants, applicants and others who access workforce development programs, services, activities, and locations funded by Michigan Works! Southwest.

III. Policy Requirements

- A. The Michigan Works! Southwest Agency shall develop and apply written policies on sexual and other forms of harassment, including retaliation, that are consistent with federal regulations, state policies, and other WDB policies. This WDB Policy 23 and subsequent revisions addresses this requirement for the Michigan Works! Southwest Agency.
- B. The Michigan Works! Southwest Agency’s service providers shall develop and apply written policies on sexual and other forms of harassment, including retaliation, that are consistent with federal regulations, state policies, and WDB policies.

- C. All policies shall include an understandable definition of what constitutes sexual and other forms of harassment, including retaliation, and convey a stance of zero tolerance for sexual and discriminatory harassment and retaliation.
 - D. Policies and procedures for complaint and grievance management including reporting of perceived harassment shall include at least two individuals to whom complaints can be reported.
- IV. Complaints and Grievances
- A. Complaints alleging discrimination, or retaliation for filing a complaint of alleged discrimination, under a WIOA Title I-financially assisted program or activity should be directed to the State of Michigan Equal Opportunity Officer. All other complaints of harassment and retaliation reported to subrecipients or other organizations in the workforce development system should be handled using the internal policies and procedures of the affected organization(s). Once that process has been exhausted, and if the complainant wishes to make an appeal, the individual should be directed to Michigan Works! Southwest's EO Officer or Director, using the established Michigan Works! Southwest Grievance and Complaint procedures (see WDB Policy 24, and subsequent revisions, Grievance and Complaint Handling).
 - B. All complaints of harassment and retaliation, regardless of their nature, and how they were reported shall be promptly and thoroughly investigated, making every effort to maintain the confidentiality of the person making the complaint, the person(s) alleged to be involved in the harassment or retaliation, and the outcome of the investigation.
 - C. If following a thorough and timely investigation of a harassment or a retaliation claim, there is found to be basis for the claim; prompt, appropriate disciplinary action must be taken, up to and including termination of employment; dismissal from a program, activities, or services; and prohibition from the use, current and future, of facilities, program, activities, and services.
- V. Prohibition against Reprisal or Retaliation
- A. The Michigan Works! Southwest Agency and its subrecipients are prohibited from any form of reprisal or retaliation against any individual filing or taking part in the investigation of a harassment complaint.

ACTION All staff must become familiar with the requirements of this policy and all impacted staff must take action, as appropriate and necessary, to implement the directives of this policy immediately.

INQUIRIES Questions regarding this policy should be directed to the Michigan Works! Southwest Administration at 269-349-1533 or miworks@upjohn.org.

This policy is available for download from the Michigan Works! Southwest Employee Portal website www.michiganworkssouthwest.org. Staff should contact the Michigan Works! Southwest Administration at 269-349-1533 or miworks@upjohn.org to obtain their username and password.

The information contained in this policy will be made available in alternative formats (large type, audio recording, etc.) upon request to the Michigan Works! Southwest Administration office.

**INITIAL EFFECTIVE
DATE**

7/1/2007

APPROVED

Initial Policy:	WDB Executive Committee	10/4/2007
Revision 01:	WDB Executive Committee	12/3/2009
Revision 01:	WDB Executive Committee	10/15/2014 <i>(All WDB policies accepted to apply to all four counties)</i>
Revision 02:	Workforce Development Board	5/20/2015
Revision 03:	WDB Executive Committee	4/12/2019
Revision 04:	WDB Executive Committee	7/20/2023

EXPIRATION

Ongoing