



HARRASMENT, DISCRIMINATION, AND RETALIATION POLICY

Effective April 1, 2023

A. Statement of Policy

The Philadelphia Housing Development Corporation (PHDC) is an equal opportunity employer and strives to foster a diverse, inclusive, safe workplace free from sexual harassment, intimidation, or discrimination. It is the policy of PHDC that all employees and applicants have the right to a workplace free of discriminatory or harassing conduct. PHDC strives to provide a work environment that promotes respect, and hereby reaffirms its policy that all forms of work-related harassment, including sexual harassment is strictly prohibited.

Cultivating and maintaining a culture of respect in the workplace empowers all employees to be fully engaged and maximizes employee satisfaction and productivity. As a concrete, tangible step in achieving an inclusive and safe workplace, PHDC is committed to providing appropriate targeted training on sexual harassment prevention (to include, but not limited to defining sexual harassment and prohibited conduct, and complaint procedures) to its employees. In addition, managers, and supervisors are expected to actively work to create and maintain diverse, inclusive workspaces free from sexual harassment, intimidation, or discrimination. Therefore managers, supervisors, and human resource professionals must be fully familiar with this policy and any failure to uphold the goals or follow the directives outlined in these policies will be met with heightened discipline.

B. Prohibited Sexual Harassment

Sexual Harassment is defined legally as unwelcomed sexual advances, unwelcomed requests for sexual favors, or other unwelcomed verbal or physical conduct of a sexual nature when:

1. Submission to that conduct is made explicitly or implicitly a term or condition of employment; or
2. Submission to or rejection of that conduct is used as a basis for employment decisions; or
3. The conduct has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

For the purposes of this policy, unwelcomed means unwanted. No employee should assume that any such conduct is welcomed by others. Moreover, all individuals who come into contact with PHDC employees should report inappropriate conduct as delineated in this policy regardless of whether it meets the strict legal definition of sexual harassment.

While all forms of harassment are prohibited, it is the policy of PHDC to emphasize that sexual harassment is specifically prohibited not only in the workplace, and in other work-related activities such as business trips, business-related meetings, social events, but in any interaction between co-workers.

No employee or third party is to harass another employee by making unwelcome sexual advances, requesting sexual favors, or engaging in any other verbal or physical conduct of a discriminatory nature. No employee is to make submission to or rejection of such conduct a basis for employment decisions. No individual is to threaten or insinuate, either explicitly or implicitly, that an employee's refusal to submit to sexual advances will adversely affect that employee's employment, evaluation, compensation, advancement, assigned duties, shifts, career development or any other term or condition of employment. In addition, no individual is to favor in any way any applicant or employee because that applicant or employee has performed or shown a willingness to perform sexual favors for the individual.

Sexually harassing conduct in the workplace, whether committed by supervisors, non-supervisory employees, or non-employees, is prohibited. Sexually harassing conduct in the workplace refers to unwelcomed sexual attention, sexual advances, requests for sexual favors and other verbal, non-verbal, visual, or physical conduct of a sexual or gender-motivated nature and includes, but is not limited to:

1. Physical
 - a. Intentional physical contact, such as touching, pinching, patting, groping, slapping, massaging, poking, touching clothing covering the immediate area of intimate body parts, grabbing, or brushing up against someone, sniffing, blocking or impeding movement;
 - b. Physical assaults of a sexual nature such as rape, sexual assault, molestation or attempts to commit those offenses, or committing an act with intent to cause fear in another of immediate bodily harm or death.
2. Verbal - Making sexually oriented, demeaning or hostile remarks, slurs, jokes, or comments about a person's sexuality or sexual experience such as:
 - a. Sexual epithets, jokes, ridicule, insults, gossip or remarks about one's own or someone else's sex life, body, sexual deficiencies or prowess;
 - b. Repeated requests for romantic or sexual contact to someone who has indicated that such attention is unwelcomed;
 - c. Questions or opinions about someone's sexual experience or sexual preferences;
 - d. Sexually suggestive, insulting or degrading comments, catcalls, or music;
 - e. Stereotyping or offensive comments that denigrate or insult someone because of their protected class.
3. Non-Verbal - Making sexually oriented gestures or sounds directed at or made in the presence of another person such as:
 - a. Leering, whistling, sexual gestures, etc.;
 - b. Repeated flirtations;
 - c. Sexually suggestive texts, letters, notes, cards, or invitations.
4. Visual
 - a. Displaying, publicizing, printing, downloading, sending, or possessing offensive, insensitive graphic materials that are in any way sexually revealing, sexually suggestive, sexually demeaning, or pornographic in the work environment, such as pictures, screen savers, posters, cartoons, calendars, graffiti, objects, promotional materials, reading

materials, websites, GIFs (Graphics Interchange Format), social media content, or other materials.

- b. Displaying signs or other materials purporting to segregate an employee by sex in any area of the workplace (other than restrooms).
5. Sexual Favoritism - promising favorable employment actions (such as raises or promotions) in exchange for romantic or sexual relations or threatening adverse employment actions (such as demotions or terminations) if an employee refuses to submit to requests for romantic or sexual relations.
6. Gender Identity/Sexual Orientation - PHDC prohibits unwelcomed conduct based on one's sex, sexual orientation, or gender identity including, but not limited to:
- a. Stereotyping or offensive comments that denigrate or insult someone because of sex, sexual orientation, or gender identity;
 - b. Misgendering a person;
 - c. Intentionally or consistently outing a person;
 - d. Gossip or questions about someone's sex, sexual experience, sexual orientation, gender identity, or anatomy such as genitals;
 - e. Intrusive questions regarding a person's family formation or structure in terms of the gender of their spouse, person(s) they are cohabiting with, or romantic/sexual partner(s);
 - f. Ostracizing someone or otherwise making it known to someone that they are not welcomed in the workplace because of their sex, sexual orientation, or gender identity.
7. Use of Technology –
- a. Depending on the circumstances, PHDC prohibits the use of technology, both PHDC-owned and personal, to engage in conduct prohibited by this policy. The term "technology" includes but is not limited to computers, fax, e-mail, cell phones, instant messaging, social media, videos, or any other similar modes of transmission, including emerging or future transmission technology.
 - b. On PHDC devices, prohibited conduct includes, but is not limited to:
 - Sexting (sending sexual images or messages by phone);
 - Harassing a coworker or work contact via electronic devices or social media;
 - Displaying or transmitting pictures, jokes, videos, GIFs (Graphics Interchange Format) that are sexual in nature;
 - Accessing material that is sexual in nature regardless of whether it can be observed by another.
 - c. On personal devices prohibited conduct includes but is not limited to:
 - Displaying or transmitting pictures, jokes, videos, GIFs (Graphics Interchange Format) that are sexual in nature at the workplace;
 - Accessing material that is sexual in nature that can be observed by another at the workplace.

C. Training

The Philadelphia Housing Development Corporation requires mandatory Sexual Harassment Prevention training for all employees and supervisors within 120 days of hire and every three years thereafter.

Because employees who supervise other employees are the first line of recourse for victims of harassment, the training provided to them is separate and differs from the training given to employees who do not supervise other employees.

Currently, PHDC utilizes the City of Philadelphia's Employee Relations Unit to provide Sexual Harassment training either in-person or virtually.

D. Prohibited Discrimination

The Philadelphia Housing Development Corporation (PHDC) will not tolerate conduct by any person based on any classification protected under the Equal Employment Opportunity policy that discriminates against an individual or harasses, disrupts, or interferes with an employee's work performance or that creates an intimidating, offensive or hostile work environment. Every employee has the responsibility to maintain the workplace free of any form of prohibited harassment or discrimination.

E. Complaint Reporting, Investigation, and Resolution Procedure

Any employee who believes that the actions or words of a supervisor, fellow employee or non-employee constitute discrimination, sexual harassment, other prohibited harassment, or retaliation should promptly report the incident to the employee's manager/supervisor, human resources, or any other member of management with whom the employee feels comfortable.

Managers and supervisors are responsible for maintaining a work environment that is free from harassment and discrimination, and therefore are responsible for the conduct of their subordinates and non-employees present in the workplace. Managers and supervisors are required to take definitive action (e.g., report, investigate, intervene, etc.) when sexual harassment is alleged. Any manager or supervisor's failure to affirmatively act to comply with this responsibility may result in discipline. Any supervisor who receives a sexual harassment complaint or has reason to believe sexual harassment is occurring shall report the complaint to the Vice President of Human Resources or higher authority for processing in accordance with this policy. Failure to report any such complaint will be grounds for disciplinary action.

Supervisors shall be held to a higher standard of conduct and shall be subject to a higher level of discipline when engaging in sexual harassment.

All complaints will be investigated promptly, impartially and in as confidential a manner as possible by the Vice President of Human Resources or his/her designee and resolved in accordance with the procedures set forth in this policy.

If an employee is not satisfied with the handling of a complaint or the action being taken by the investigator(s), then the employee should bring the complaint to the attention of the CEO & President.

In all cases, the complaining employee will be advised of the relevant findings and conclusions.

For complaints filed under this policy and at the request of the employee, PHDC will support the decision of a complainant to report any incident of sexual assault, rape, or conduct of a criminal nature to the appropriate law enforcement agency. If the complaint involves sexual assault, rape, or conduct of a criminal nature, PHDC will utilize all available and allowable employee benefits and resources (e.g., leave, alternate work schedules, transportation, meeting space, etc.) to support in the filing of a complaint with the appropriate law enforcement agency.

F. Prohibited Retaliation

It is unlawful to take adverse action against someone who files a complaint of harassment or discrimination, or who cooperates in an investigation of such a complaint.

No employee will be discharged or retaliated against in any manner because the employee complained about discrimination, sexual harassment, other prohibited harassment, retaliation, or cooperated with an investigation of a complaint of discrimination, sexual harassment, other prohibited harassment, or retaliation, unless the complaint or information provided in an investigation is found to be false and made in bad faith.

If PHDC determines that an employee engaged in discriminatory conduct, sexual harassment, other prohibited harassment, or retaliation in violation of this policy, appropriate disciplinary action will be taken against the offending employee, up to and including termination, and may incur legal liability. In addition, PHDC will take steps to prevent further discrimination, harassment, or retaliation.

Examples of retaliation may include:

- Arbitrary discipline, unwarranted change of work assignments, providing inaccurate work information, or failing to cooperate or discuss work-related matters with any employee because that employee has complained about, been a witness to or resisted harassment, discrimination, or retaliation; and/or
- Intentionally pressuring, falsely denying, lying about, or covering up or attempting to cover up conduct such as that described in any item above.