

CURRENTLY BEING REVISED

CITY OF LOS ANGELES DISCRIMINATION FREE WORKPLACE POLICY RESOLUTION



WHEREAS, existing Federal, State, and City laws prohibit discrimination in employment; and

WHEREAS, such laws have established a National, State, and City policy of prohibiting discrimination in the workplace; and

WHEREAS, one of the stated purposes of the ~~Affirmative Action Program~~ of the City of Los Angeles is to ensure that the City does not discriminate in employment on the basis of race, color, religion, national origin, sex (with or without sexually harassing conduct), age, disability, marital status, sexual orientation¹, creed, ancestry, medical condition (cancer), Acquired Immune Deficiency Syndrome (AIDS) - acquired or perceived, or retaliation for having filed a discrimination complaint or participating in a protected activity²; and

WHEREAS, the City recognizes that all employees have a right to a workplace free from discriminatory actions, language, or images;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. All employees and non-employees³ are responsible to **NOT** engage in any discriminatory activities while in the workplace, including, but not limited to: jokes of a racial, ethnic, or sexual nature; cartoons or images that derogatorily depict or describe differences associated with gender, religious groups, nationalities, sexual orientation, or the disabled; slang words or derogatory terms that describe ethnic groups, sexes, sexual orientation, or races; imitating accents associated with specific ethnic groups or nationalities; or, labeling employees with specific characteristics based on their race, ethnicity, sex, disability, religion, or sexual orientation. Employees who are found to be participating in this type of activity at work will be disciplined for violating City ~~affirmative action~~/equal employment opportunity policies.
2. Supervisors and employees who function in a supervisory capacity⁴ who either participate in any of the above-mentioned discriminatory activities, or who knowingly allow verbal or visual discrimination to occur in the workplace

¹ Original resolution uses “preference(s).” This version, updated in July 1998, has replaced preference(s) with “orientation” throughout.

² Protected activity includes, but is not limited to opposition to prohibited discrimination or participation in the statutory complaint process.

³ Harassment by anyone in the workplace is prohibited, and an employer cannot claim lack of knowledge as a defense to such harassment if it did not make clear to employees that they can bring such misconduct to the attention of management and that such complaints will be addressed.

⁴ An individual qualifies as an employee’s “supervisor” if the individual has authority to undertake or recommend tangible employment decisions affecting the employee, or has the authority to direct the employee’s daily work activities.

and do not take action to eliminate the activity, will be disciplined for failing to

carry out their supervisory responsibilities and for violating City ~~affirmative action~~/equal employment opportunity policies.

3. It shall be the responsibility of all department and bureau heads to ensure that:
 - a. Management acknowledges and accepts as a top priority its responsibility to eliminate discriminatory language and images from the workplace.
 - b. All employees are informed of their rights to a discrimination free work environment, and the appropriate steps that employees can take if they believe that these rights have been violated.
 - c. All complaints of discriminatory activities in the workplace that come to the attention of management are investigated promptly and appropriate corrective action is taken, including disciplinary action where necessary.
4. The following summary of the Policies of the Personnel Department is incorporated into this Resolution. Specifically, Policy 33 applies to disciplinary actions that can be assessed against employees (of all levels) for inappropriate actions, or inactions, as they relate to eliminating discriminatory activities in the workplace. The appropriate discipline from the range shown below would depend on the maliciousness of the offense, the frequency of its occurrence, and any extenuating or exacerbating circumstances.

<u>OFFENSE</u>	<u>RANGE OF DISCIPLINARY ACTION</u>
▶ Making derogatory racial, ethnic, or sexual remarks in the presence of the public or other employees while on duty.	Oral Warning to Discharge
▶ Failure, after counseling, to assume or carry out affirmative action responsibilities specified in the City's and department's Affirmative Action Program.	Written Notice to Discharge
▶ Failure to hire eligibles, or to promote, train, or apply disciplinary actions equally to employees regardless of race, national origin, sex, age, religion, sexual orientation, disability, or any other protected basis.	1 Day Suspension to Discharge

NOTE: *The City's ~~Affirmative Action Program~~ requires all supervisors to maintain a work environment that is free from harassment of any kind, and to take corrective action when necessary.*