

OFFERED BY COUNCILOR FLYNN, Breadon, Arroyo, Baker, Coletta, Flaherty, Fernandes Anderson, Louijeune, Mejia, Murphy, Worrell



CITY OF BOSTON IN CITY COUNCIL

ORDER IMPLEMENTING AN ANTI-BULLYING POLICY FOR BOSTON CITY COUNCIL

- WHEREAS,** Having a professional and welcoming work environment is critical to the functioning of the Boston City Council, and everyone in the City Council should be treated with respect and dignity; *and*
- WHEREAS,** Workplace bullying is never acceptable, and any complaints of bullying are taken seriously and documented; *and*
- WHEREAS,** Currently, City Councilors, employees, volunteers, and interns need to sign a policy acknowledgement of the “Boston City Council Policy on Discrimination, Sexual & Other Forms of Harassment and Retaliation”, but there is currently no City Council policy on workplace bullying; *and*
- WHEREAS,** Having a policy on workplace bullying will clearly communicate to all City Council employees that bullying is not tolerated, as well as set expectations of workplace conduct, and outline complaint mechanisms if there is an instance of bullying; ***NOW, THEREFORE BE IT***
- ORDERED:** That the Boston City Council adopt an Anti-Bullying Policy as follows.

Filed on: May 17, 2023

BOSTON CITY COUNCIL



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BOSTON CITY COUNCIL POLICY ON WORKPLACE BULLYING

Introduction

The Boston City Council ("the Council") is committed to providing a welcoming, safe and inclusive environment for all employees and visitors. The policies set forth are meant to create an equitable, safe, and healthy work environment, where employees are treated with dignity and respect.

Employees are encouraged to bring forward complaints of inappropriate, offensive, and intimidating actions. The policies hold Councilors and senior staff accountable to expeditiously report instances of potential policy violations. Complaints will be addressed in a timely and sensitive manner and measures will be taken to correct policy violations and stop future occurrences.

Policy Statement

The purpose of this policy is to communicate to all employees that the City Council will not in any instance tolerate bullying behavior. Employees found in violation of this policy will be disciplined, up to and including termination.

Employees are expected to conduct themselves in a professional manner when interacting with colleagues and members of the public.

All complaints of bullying will be taken seriously and treated with sensitivity and respect. To the degree possible, confidentiality will be maintained for complaints. The Council will not tolerate any form of retaliation against a person making a complaint or for cooperating in the investigative procedure of such a complaint.

This policy applies to all persons employed by the Boston City Council, including Councilors, staff, volunteers, and interns, collectively referred to as "employees" herein.

Definition of Bullying Behavior

Boston City Council defines bullying as intentional, persistent, malicious, unwelcome, severe, or pervasive conduct that harms, intimidates, offends, degrades, or humiliates an employee, whether verbal (including written or electronic) or physical, at the place of work or in the course of employment. Workplace bullying is behavior that a reasonable person would find to be hostile or offensive.

Examples

The following are some examples of conduct that may constitute bullying:

- **Verbal Bullying.** Slandering, ridiculing or maligning a person; name-calling; use of derogatory remarks, insults and epithets; using a person as the butt of jokes; abusive and offensive remarks.
- **Physical Bullying.** Pushing, shoving, kicking, poking, tripping, assault or threat of physical assault; damage to a person's work area or property.
- **Gesture Bullying.** Nonverbal gestures that can convey threatening messages.
- **Exclusion.** Socially or physically excluding a person in work-related activities.

Bullying is prohibited whether it takes place in or outside of Boston City Hall, including at social events, off-site meetings, or through email, social media and other electronic means.

In addition, the following examples may constitute or contribute to evidence of bullying in the workplace:

- Persistent singling out of one person.
- Shouting or raising one's voice at an individual in public or in private.
- Using obscene or intimidating gestures.
- Not allowing the person to speak or express himself or herself (i.e., ignoring or interrupting).
- Personal insults and use of offensive nicknames.
- Public humiliation in any form.
- Constant criticism on matters unrelated or minimally related to the person's job performance or description.
- Public reprimands.
- Repeatedly accusing someone of errors that cannot be documented.
- Deliberately interfering with mail and other communications.
- Spreading rumors and gossip regarding individuals.
- Encouraging others to disregard a supervisor's instructions.
- Manipulating the ability of someone to do his or her work (e.g., overloading, underloading, withholding information, setting deadlines that cannot be met, giving deliberately ambiguous instructions).
- Assigning menial tasks not in keeping with the normal responsibilities of the job.
- Taking credit for another person's ideas.
- Refusing reasonable requests for leave in the absence of work-related reasons not to grant leave.
- Deliberately excluding an individual or isolating him or her from work-related activities, such as meetings.
- Making threats about job security without foundation.
- Unwanted physical contact, physical abuse or threats of abuse to an individual or an individual's property (defacing or marking up property).

Bullying conduct does not include:

- A single incident of unreasonable behavior.
- Disciplinary action taken in accordance with applicable law, regulation or policy.
- Routine coaching and counseling, including feedback about and correction of work performance or conduct.
- Exercising management's prerogative to appoint, promote, transfer, or reassign an employee, to direct or assign work, and to determine and redetermine the methods and means by which an agency's functions will be carried out.
- Individual differences in styles of personal expression which may lead to conflict, provided that the expression is not meant to intimidate.
- Having differences of opinion on work-related concerns.

Notification

Individuals who feel they have experienced bullying should report this to their supervisor before the conduct becomes severe or pervasive. All employees are strongly encouraged to report any bullying conduct they experience or witness as soon as possible.

Employees may notify a Councilor, Chief of Staff, Central Staff Director, or supervisor regarding any incident whether it is intended or not, that is unwelcome, and has the effect of creating a work environment that is hostile, offensive, intimidating or humiliating to an employee, regardless of the alleged's intentions.

In the event that a complaint cannot be brought to the attention of those listed in the paragraph above, because they themselves are at fault for the incident or unavailable, employees may directly notify the City of Boston Human Resources Department.

Complaints Procedures

Once a Councilor, Chief of Staff, Staff Director, or supervisor is notified of an incident, it must be reported to the Office of Human Resources, at which point the City of Boston will promptly begin an investigative procedure. The results of such investigations will be shared with the managing Councilor, if the offender is a staffer; or the City Council President, if the offender is a City Councilor; in order to determine corrective action.

Any employee of the Council who is found after an investigation to have violated this policy will be subject to disciplinary action **up to and including termination.**

Outside Complaints Mechanism

A person who has been subject to sexual harassment, harassment, discrimination, retaliation or other inappropriate conduct can also make a complaint outside of the City of Boston. At any time, Council employees may file a complaint through State or Federal agencies or courts empowered to enforce anti-harassment, anti-discrimination, and anti-retaliation laws.

STATE

Massachusetts Commission Against Discrimination (MCAD)
One Ashburton Place
Boston, MA 02108
617-994-6000
within 300 days from date of violation

FEDERAL

United States Equal Employment Opportunity Commission (EEOC)
JFK Federal Building, Room 601
475 Government Center
Boston, MA 02203
617-565-3200
within 300 days from date of violation

Implementation

It is the responsibility of the Staff Director and each Chief of Staff to ensure that all employees, staff, volunteers, and interns who report to them are aware of this policy.

Each Council office will ensure that a copy of this policy is provided to all of its employees, staff, volunteers, and interns on or before an employee's start date of hire, and will retain a signed record of acknowledgment that all staff members have read and understand the policy. The Staff Director will ensure the same for all Central Staff employees

and volunteers. The annual distribution of office conduct policies shall include this anti-bullying policy moving forward.

New Staff information sessions hosted by Central Staff shall include information on this policy.

BOSTON CITY COUNCIL POLICY ON WORKPLACE BULLYING

ACKNOWLEDGEMENT OF RECEIPT

I acknowledge receiving a copy of the Boston City Council's **Policy on Workplace Bullying**.

Employee Name (please print)

Employee Signature

Date

***To be placed in employee's personnel file.*