



## **CITY OF SALINAS COUNCIL STAFF REPORT**

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**DATE:** November 28, 2017

**DEPARTMENT:** CITY ATTORNEY'S OFFICE

**FROM:** Christopher A. Callihan, City Attorney

**TITLE:** RESOLUTION AGAINST HARASSMENT

**RECOMMENDED MOTION:**

A motion to approve a Resolution against harassment and affirming the City's commitment to harassment and discrimination-free workplace.

**RECOMMENDATION:**

It is recommended that the City Council consider the proposed Resolution.

**EXECUTIVE SUMMARY:**

At the October 24, 2017 City Council meeting, in response to the social movement against sexual harassment and in support of the #metoo campaign, Council members Davis and De La Rosa requested the City Council's consideration of a Resolution against harassment in the workplace.

**BACKGROUND:**

The United States Equal Employment Opportunity Commission has studied the occurrence of harassment in the workplace, including harassment based on gender. According to at least one report, 25% to 85% of women said they've experienced sexual harassment in the workplace, which ranges from unwanted attention, to name-calling, pornography posting, to assault. Sexual harassment, abuse, and intimidation has recently caught national attention through allegations and news stories of high profile women and men being subjected to sexual harassment, abuse, and intimidation by other high profile women and men. And, before the recent allegations and news stories, the "Me Too" campaign began ten years ago when an individual woman (Tarana Burke) created the movement to connect with survivors in underprivileged communities. The moniker has taken on a renewed life through social media (#MeToo) in response to the more-recent high profile reported incidents.

In an effort to ensure City of Salinas employees are aware of their rights and their responsibilities regarding harassment, discrimination, and retaliation in the workplace, the City has enacted policies to provide a work environment free of harassment and to take all appropriate action to prevent, eliminate, and/or remedy a hostile or discriminatory work environment. These policies encourage City employees to lodge complaints if they are or feel they are being harassed,

discriminated against, or retaliated against. And, to bring more awareness to the issue and to inform the City's workforce of these policies anti-harassment training is provided on an ongoing basis. The proposed Resolution affirms the City's commitment to a harassment-free workplace and expresses the City's support for the "Me Too" (#MeToo) campaign.

CEQA CONSIDERATION:

**Not a Project.** The City of Salinas has determined that the proposed action is not a project as defined by the California Environmental Quality Act (CEQA) (CEQA Guidelines Section 15378).

STRATEGIC PLAN INITIATIVE:

Approving the proposed Resolution is consistent with the City Council's goals of an effective and efficient government and safe, livable community.

FISCAL AND SUSTAINABILITY IMPACT:

No impact to the City's General Fund is anticipated with the recommended actions.

ATTACHMENTS:

Resolution

**RESOLUTION NO. \_\_\_\_\_ (N.C.S.)**

**A RESOLUTION AGAINST HARASSMENT**

**WHEREAS**, the U.S. Equal Employment Opportunity Commission established a Select Task Force to study harassment in the workplace and in June 2016 issued a Report on the results of its study titled “*Report of the Co-Chairs of the EEOC Select Task Force on the Study of Harassment in the Workplace*” (the “Report”)

([https://www.eeoc.gov/eeoc/task\\_force/harassment/upload/report.pdf](https://www.eeoc.gov/eeoc/task_force/harassment/upload/report.pdf)); and

**WHEREAS**, according to the Report a full 90% of workers who say they’ve experienced harassment never formally reported it. Also:

- 25% to 85% of women said they’ve experienced sexual harassment in the workplace, which ranges from unwanted attention, to name-calling, pornography posting, to assault. Between 7% and 41% of LGBT-identifying workers had been verbally or physically abused, with transgender people experiencing the highest rates of harassment.
- The most common workplace response to a harassment claim is to “avoid the harasser” (33% to 75%); deny or downplay the gravity of the situation (54% to 73%); or attempt to ignore, forget or endure the behavior (44% to 70%).
- 75% of employees who spoke out against workplace mistreatment faced some form of retaliation; and

**WHEREAS**, time, energy, and resources are diverted from operation of the business to legal representation, settlements, litigation, court awards, and damages. In addition to the costs of harassment complaints, the true cost of harassment includes detrimental organizational effects such as decreased workplace performance and productivity, increased employee turnover, and reputational harm; and

**WHEREAS**, the Report recommends that organizations have in place a stated policy against harassment that sets forth the behaviors that will not be accepted in the workplace and the procedures to follow in reporting and responding to harassment. Employees in workplaces without policies report the highest levels of harassment; and

**WHEREAS**, social movements like the #metoo campaign demonstrate that harassment, bullying, and abuse are pervasive and have lasting effects on the victims; and

**WHEREAS**, the City of Salinas strives to create and to maintain a workplace which promotes teamwork, respect, and productivity; and

**WHEREAS**, it is City policy to provide a work environment free of harassment and to take all appropriate action to prevent, eliminate, and/or remedy a hostile or discriminatory work environment; and

**WHEREAS**, in effort to meet this goal, the City has developed and implemented a harassment, discrimination, and retaliation prevention policy; and

**WHEREAS**, consistent with the City's policy, all employees are encouraged to lodge complaints alleging violations of the City's policies against harassment and discrimination; and

**WHEREAS**, the City provides on-site training in workplace harassment.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF SALINAS that the City of Salinas affirms its commitment to a harassment and discrimination-free workplace.

PASSED AND APPROVED this 28<sup>th</sup> day of November, 2017, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

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Joe Gunter, Mayor

ATTEST:

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Patricia M. Barajas, City Clerk