



MARYLAND STATE & D.C. AFL-CIO

AFFILIATED WITH NATIONAL AFL-CIO

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HB 309 - State Employee Rights and Protections - Personnel Actions and Harassment - Complaints

House Appropriations Committee

February 21, 2023

SUPPORT

Donna S. Edwards

President

Maryland State and DC AFL-CIO

Chairman and members of the Committee, thank you for the opportunity to submit testimony in support of HB 309. My name is Donna S. Edwards, and I am the President of the Maryland State and District of Columbia AFL-CIO. On behalf of Maryland's 300,000 union members, I offer the following comments.

HB 309 expands the period that an employee can file complaints alleging harassment up to one year following knowledge of the incident. Workplaces should have zero tolerance for harassment. Workers deserve to feel safe when they are at work. The current 30 day requirement for filing complaints cuts off workers ability to seek justice. The Maryland State and DC AFL-CIO maintains our own Code of Conduct that gets read before all meetings. We have attached that Code of Conduct to our testimony.

We encourage the committee to issue a favorable report.

AFL-CIO CODE OF CONDUCT

Adopted by the AFL-CIO Executive Council, March 14, 2017

PURPOSE

The AFL-CIO is committed to providing an environment free from discrimination and harassment, regardless of an individual's race, ethnicity, religion, color, sex, age, national origin, sexual orientation, disability, gender identity or expression, ancestry, pregnancy, or any other characteristic prohibited by law. As such, the AFL-CIO will not tolerate discriminatory, harassing or otherwise unacceptable behavior in the workplace or at any of its activities, events or meetings. It adopts the following code of conduct, and expects everyone in the workplace and those who participate in any of its activities, events or meetings to abide by it. This code of conduct does not apply to matters that are covered by the AFL-CIO's anti-discrimination and anti-harassment policy and complaint procedure.

DEFINITIONS

A. Discrimination

It is discrimination to make any decision or judgment based on another person's race, ethnicity, religion, color, sex, age, national origin, sexual orientation, disability, gender identity or expression, ancestry, pregnancy, or any other characteristic protected by law.

B. Harassment

Harassment consists of unwelcome verbal, visual or physical conduct that is based on another person's race, ethnicity, religion, color, sex, age, national origin, sexual orientation, disability, gender identity or expression, ancestry, pregnancy, or any other characteristic protected by law. It may include, but is not limited to, actions such as the use of epithets, slurs, negative stereotyping, jokes, or threatening, intimidating or hostile acts that relate to sex, race, age, disability or other protected categories. Harassment also may include written or graphic material that denigrates or shows hostility toward an individual or group based on protected characteristics, whether that material is sent by email, or placed on walls, bulletin boards, computer screens or other devices, or elsewhere on the premises of an activity, event or meeting.

C. Sexual Harassment

Sexual harassment can involve unwelcome sexual advances, requests for sexual favors, and other verbal, visual or physical conduct of a sexual nature. It can involve conduct by a person of either gender toward a person of the same or opposite gender.

EXPECTED BEHAVIOR

The AFL-CIO expects everyone in the workplace and all participants in AFL-CIO activities, events or meetings to conform to the following code of conduct:

- ▶ Respect others and their views
- ▶ Recognize and value individual differences
- ▶ Be sure you do not engage in aggressive, bullying or intimidating behavior
- ▶ Do not engage in discriminatory or harassing behavior

UNACCEPTABLE BEHAVIOR

The AFL-CIO is a democratic institution that values open and vigorous discussion of the issues facing working people and the labor movement. This code of conduct is not intended to restrict free and open debate, but rather is concerned with preventing unacceptable behavior, as detailed below. Unacceptable behavior includes, but is not limited to, the following:

- ▶ Discriminatory or harassing speech or actions, including cyberbullying or cyberharassment, in the workplace or by any participant at a AFL-CIO activity, event or meeting, including all related activities or one-on-one communications surrounding the AFL-CIO activity, event or meeting
- ▶ Harmful or offensive verbal or written comments or visual images related to race, ethnicity, religion, color, sex, age, national origin, sexual orientation, disability, gender identity or expression, ancestry, pregnancy, or any other characteristic protected by law
- ▶ Inappropriate use of nudity and/or sexual images in work or public spaces
- ▶ Bullying or stalking
- ▶ Harassing photography or recording
- ▶ Uninvited sexual attention or contact
- ▶ Physical assault (including uninvited touching or groping)
- ▶ Real or implied threat of physical harm

IF SUBJECT TO UNACCEPTABLE BEHAVIOR

Prior to the start of any large AFL-CIO activity, event or meeting, attendees will be informed of this code of conduct, and an AFL-CIO staff person to whom complaints may be directed will be identified for all attendees. If the AFL-CIO activity, event or meeting is reoccurring, notification of the code of conduct and identification of the designated staff person will occur yearly, or as necessary when the designated staff person changes.

If you are subject to what you believe is unacceptable behavior under this code of conduct, or witness such behavior, please inform the designated AFL-CIO staff person immediately. If that staff person is not available, you may inform any other AFL-CIO staff person or leader, who will work with the designated staff person to respond to the complaint.

The AFL-CIO takes these complaints seriously and may, at its discretion, take action that it deems appropriate upon assessing the situation. Possible responses may include a warning to or expulsion of the alleged offender from the AFL-CIO activity, event or meeting. Additionally, where appropriate, the

AFL-CIO may inform the alleged offender's affiliate or employing entity of the offending behavior and complaint, or initiate disciplinary proceedings for those who hold a position subject to discipline by the AFL-CIO or under its Rules Governing AFL-CIO State Central Bodies/AFL-CIO Area Labor Councils and Central Labor Councils. If needed or requested, AFL-CIO staff will help complainants contact security or local law enforcement, provide escorts, or otherwise assist complainants experiencing unacceptable behavior to feel safe for the duration of the activity, event or meeting.

Any AFL-CIO staff person who is subject to unacceptable behavior should contact Samantha Connolly, AFL-CIO director of human resources.

Any complaint brought to AFL-CIO staff attention will be treated confidentially to the extent possible to properly assess the situation. The AFL-CIO will take all appropriate steps to ensure that the complainant is no longer subject to the unacceptable behavior.

The AFL-CIO will not tolerate retaliation against any individual who complains of unacceptable behavior under this code of conduct. It will take every step necessary and appropriate to ensure that retaliation does not occur, and if it believes that retaliation has occurred, the AFL-CIO will take immediate action to stop the retaliation.

This code of conduct shall be binding upon each AFL-CIO state federation, area labor federation and central labor council, and their workplaces, activities, events and meetings, to the following extent:

- ▶ Each state federation, area labor federation and central labor council shall adopt its own code of conduct based on the relevant provisions of this code of conduct, where each reference herein made to the AFL-CIO shall be made to the particular state federation, area labor federation or central labor council.
- ▶ Each state federation, area labor federation and central labor council is responsible for enforcing its own code of conduct, and shall designate a staff person or leader to whom complaints under its code of conduct should be directed.
- ▶ Each code of conduct for a state federation, area labor federation or central labor council shall include the following: "If you have any questions or issues with the response to your complaint, you may contact the AFL-CIO governance director or staff at the national AFL-CIO."
- ▶ Nothing in this code of conduct, or in any code of conduct adopted by a state federation, area labor federation or central labor council, shall create an employment relationship between the AFL-CIO and employees of a state federation, area labor federation or central labor council, or attendee of any AFL-CIO activity, event or meeting.