

## **BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES DIVISION NON-DISCRIMINATION AND NON-RETALIATION POLICY**

BMWED and its affiliates (System Divisions and Federations and Local Lodges) are committed to maintaining a work environment that is free of discrimination and free of workplace retaliation. In keeping with this commitment, intolerance, discrimination or harassment based upon gender, ethnic, racial, sexual orientation, age, cultural, religious, physical or mental incapacity distinctions have no place in our workplaces. All BMWED represented employees should treat each other respectfully and with dignity so as not to unreasonably offend the sensibilities of others. If a BMWED-represented employee raises a concern about discrimination or harassment, that employee will be protected from retaliation.

Discrimination is negative treatment based on irrelevant and invidious or stereotyped distinctions. Harassment consists of offensive and unwelcome verbal, visual or physical conduct based upon a discriminatory classification such as race, sex, religion, age, physical or mental incapacity. Sexual harassment may include explicit sexual propositions, sexual innuendo, suggestive comments, sexually oriented "kidding" or "teasing", sexually offensive touching, or offensive touching or offensive "jokes" or comments about gender stereotyped traits. Harassment may include verbal epithets, nicknames, slang terms, derogatory comments, or slurs, regardless of whether such verbal comments are made directly or indirectly to the person reporting harassment. Harassment may also include an implied or overt threat or promise concerning an individual's employment. Harassment, which is not overtly sexual, but which is hostile to people because of their sex, race, ethnicity, age, religion, or is on the basis of disability is also discriminatory harassment. Discriminatory or harassing conduct that interferes with employment or creates a hostile work environment is strictly prohibited and will not be tolerated.

Retaliation is negative treatment in response to a workplace complaint. Retaliation may include unfair work assignments, refusal to cooperate with the complaining BMWED represented employee, further harassment or discrimination, snide comments about that employee's initial complaint, rumors about the complaining BMWED-represented employee, ostracism, threats, "practical jokes" which injure, threaten, or place a BMWED represented employee in danger, damage to a BMWED-represented employee's person, equipment or property, exclusion from workplace events or conversations, or the "cold shoulder". Retaliation against BMWED-represented employees who raise concerns about discrimination or harassment is strictly prohibited and will not be tolerated.

Discrimination, harassing conduct and retaliation are not only prohibited personnel practices; they may be violations of the law. Such conduct should be brought to the attention of a System Division or Federation officer. The Union strongly encourages BMWED-represented employees to bring even relatively minor problems with discrimination or harassment to its attention as soon as possible so that the problem may be addressed before it becomes worse.

Complaints of discrimination and/or harassment will be handled appropriately and quickly and, as much as possible, confidentially should the complainant so desire. System Divisions or Federations must fairly investigate all complaints and will ensure that neither the complainant nor those who participate in the investigation suffer retaliation. The findings of the investigation will be discussed with the complainant and the alleged violator.

Complaints of retaliation will be taken extremely seriously. If retaliation against a BMWED-represented employee who reports discrimination or harassment is found to have occurred, the organization will take immediate action to prevent further retaliation and will impose appropriate discipline upon the individual responsible for retaliatory conduct.

This policy does not create union responsibility for the actions or omissions of subordinate affiliated bodies absent explicit actual authorization or ratification of such acts or omissions.