**King County**

**July 2019**

# **Draft Respectful Worksite Contract Provisions**

**Section 00120-[determine subsection reference]**

Respectful Worksite means a worksite that is respectful and free of all forms of harassment, including sexual harassment and bullying. A Respectful Worksite is void of behaviors that would reasonably offend, intimidate, embarrass or humiliate others, whether deliberately or unintentionally that may harm production, and or work conditions including but not limited to job performance, safety or the productivity of workers. The Contractor agrees that it will incorporate the provisions in this section for maintaining a Respectful Worksite in all lower tier subcontracts.

King County is committed to maintaining a respectful, productive, inclusive, and equitable worksite. King County expects that all Contractors and their officers, employees, agents, or subcontractors of all tiers will act with fairness, civility, integrity, and treat all employees equitably. Discrimination, harassment, retaliation, and other inappropriate conduct that undermines the integrity of the employment relationship are prohibited. The County will investigate all complaints of conduct inconsistent with these expectations, regardless of whether the conduct rises to the level of unlawful discrimination, harassment, or retaliation. Substantiated complaints will result in prompt, corrective action, up to and including termination of the employee from the Worksite. , and or cancellation of the contract or subcontract for default at no cost to King County, and any other remedy allowed by law.

King County prohibits discrimination or harassment related to a person’s race, color, sex, age, creed, disability, marital status, national origin, religion, pregnancy, gender, gender identity or expression, genetic information, sexual orientation, veteran or military status, use of a service animal, and any other status protected by federal, state, and local law. Additionally, King County prohibits retaliation of any kind against employees, who in good faith, report harassment, discrimination, or retaliation, or assist in the investigation of such complaints.

The Contractor is responsible for maintaining a Respectful Worksite and for:

1. Acting promptly and appropriately to prevent discrimination, harassment, retaliation, or inappropriate conduct in the workplace;
2. Reporting any incident of discrimination, harassment, retaliation or inappropriate conduct that they witness or is otherwise brought to the attention of the Contractor; and,
3. Receiving and handling allegations of discrimination, harassment, retaliation or inappropriate conduct promptly and appropriately.

**Consequences of Non-Compliance**

The Contractor and all parties subcontracting under the authority of this Contract shall comply fully with all applicable federal, state, and local laws, ordinances, executive orders, and regulations that prohibit discrimination. These laws include, but are not limited to, RCW Chapter 49.60, Titles VI and VII of the Civil Rights Act of 1964, the American with Disabilities Act, and the Restoration Act of 1987. In addition, KCC 12.16, 12.17 and 12.18 are incorporated herein by reference and the requirements in these code sections shall specifically apply to this contract. Any violation of the requirements of the provisions of this Section 00120 shall be a material breach of contract, which may result in termination of this Contract or such other remedy as the County deems appropriate, including but not limited to damages or withholding payment, cancellation or suspension, in whole or in part, of the Contract by the County, or invoking the enforcement provisions of KCC 12.16 that provide for penalties, liquidated damages or other remedies, and may result in ineligibility for County contracts.

**DEFINITIONS**

**Respectful Worksite**

Respectful Worksite means as a Worksite that is appropriate, safe, productive, and free of bullying, hazing, or harassment. An Acceptable Worksite is free from behaviors that may impair production, and/or undermine the integrity of the work conditions including but not limited to job performance, safety, productivity, or efficiency of workers.

**Worksite**

Worksite refers to the location at which construction, equipment or services furnished by the Contractor under the Contract will be performed, completed and or delivered.

**Discrimination**
Discrimination occurs when an employer takes a discrete adverse employment action against an employee and the employee’s protected status was a substantial factor in the employer’s decision.

**Discrete Adverse Employment Action**

Discrete Adverse Employment Action is an action that substantially affects the terms, conditions, or privileges of employment. It includes, but is not limited to, discipline, discharge, layoff and a failure to hire or promote.

* In the case of retaliation, an action would discourage a reasonable employee from making a complaint or participating in a discrimination, harassment, or retaliation investigation or proceeding.

**Protected Status**

Protected Status includes an employee’s sex, age, creed, disability, marital status, national origin, race, color, religion, pregnancy, gender, gender identity or expression, genetic information, sexual orientation, veteran or military status, use of a service animal, and any other status protected by federal, state, and local law.

**Harassment**

Harassment is unwelcome conduct that can take many forms, including but not limited to, innuendoes, unwelcome compliments, suggestive or insulting noises, facial expressions, vulgar language, nicknames, slurs, derogatory comments, cartoons, jokes, pranks, written materials, and offensive gestures or touching. It is illegal when:

* Enduring the conduct becomes a condition of continued employment; or
* The conduct is severe or pervasive enough to create an environment that a reasonable person would consider intimidating, hostile, or abusive.

**Sexual Harassment**

Sexual Harassment occurs when unsolicited and unwelcome sexual advances, requests for sexual favors, displays of sexually oriented material, or other verbal or physical conduct of a sexual nature:

* s explicitly or implicitly made a term or condition of employment;
* Is used as a basis for an employment decision; or
* Unreasonably interferes with an employee’s work performance, or creates an intimidating, hostile, or otherwise offensive environment.

Both the victim and the harasser can be the same gender or gender identity.

**Retaliation**

Retaliation occurs when a supervisor or manager takes a discrete adverse employment action against an employee because the employee reported discrimination, harassment or retaliation or assisted in the investigation or proceeding of such complaints.

**Inappropriate Conduct**

Inappropriate Conduct is conduct that, while not rising to the level of unlawful discrimination or harassment, communicates a hostile, derogatory, or negative message about persons based on protected status. Inappropriate conduct can be either verbal or nonverbal and includes slights, insults and other conduct that a reasonable person would find offensive.