Discrimination and Harassment Prevention Training for Employees: Why Treat People Right?

HR Consultant
Disclaimer

This training is designed to provide general information about the subject matter covered. Neither TAC nor the trainers are engaged in rendering legal advice. If you need legal advice, TAC recommends that you seek the services of a competent attorney who is familiar with your specific situation.
Learning Objective

• Know different types of harassment – Sexual and General
• Know what is not harassment
• Know the Legal issues of harassment
• Know your County Policy
• Watch a DVD on Harassment Awareness
Why Should You Care?

- Risk of discipline up to and including termination
- Personal embarrassment or loss of reputation
- Harm to employee morale, productivity and the county’s public image
What Laws Matter?

- **Legal Requirements**
  - Title VII of the Civil Rights Act of 1964
  - Age Discrimination in Employment Act of 1967 – ADEA
  - American’s with Disabilities Act Amendments Act – 2008
  - Pregnancy Discrimination Act
  - Genetic Information Non-Discrimination Act - 2008
Harassment Violates Federal Law

When it is based on a protected class:

Race, Color, Sex, Religion, National Origin, Age over 40 or older, Disability, Pregnancy, or other anti-discrimination statutes

- Conduct must be offensive and alter the conditions of the victim’s employment

Severe or Pervasive
What is harassment?

Title VII

- Title VII prohibits discrimination in employment based on race, color, religion, sex, and national origin
  Don’t forget pregnancy, age, disability or genetic information
- The courts have interpreted discrimination based on sex to include sexual harassment
What is Sexual Harassment?

• Conduct of a sexual nature in the workplace
• Includes any **unwelcome**:
  – Sexual advances
  – Requests for sexual favors
  – Verbal and physical conduct of a sexual nature
  – Display of sexually explicit or suggestive materials
Who Can Commit Harassment?

- Supervisors
- Subordinates
- Co-workers
- Clients or Customers
- Same-Sex
Who Can Experience Harassment?

• Direct targets of harassment
• Bystanders or witnesses to harassment
Specific Forms of Harassment

Quid Pro Quo

Something for Something

- Usually occurs within the context of a supervisor-employee relationship
Specific Forms of Harassment

Hostile Work Environment

• Considerations:
  – How frequent is the conduct?
  – How severe is the conduct?
  – Is the conduct physically threatening, humiliating or merely an offensive utterance?
  – Does the conduct unreasonably interfere with an individual’s work performance?
What Isn’t Unlawful Harassment?

• The stray remark
• The overly sensitive employee
  “Use the reasonable person standard”
• Consensual relationships
Review Your Policy

Your county has a policy

- It provides uniform expectations
- It protects employee rights
- It promotes compliance and prevention
- It defines responsibilities
Early Intervention

Communicate concerns and focus on the situation

• Do not make it personal
• Be specific about behavior or environment
• Tell the individual it is unwelcome
• Encourage commitment to make a change
• Consult your manager or HR if it doesn’t change
In Event of Complaint

Report unwelcome harassment to management

All reports must be documented
  • There is no “Off-The Record”

Management will investigate all complaints

Corrective action will be taken to stop illegal harassment –
  • may include discipline or termination

Have closure with complainant and alleged source of harassment

Document thoroughly and keep confidential
Follow the FACTS

Familiarize yourself with your policy

- Read the policy
- Ask questions
- Keep a copy
Follow the FACTS

Address incidents of harassment immediately!

- **RESPOND** – Ask the harasser to stop
- **RECORD** – Times, Places, Specifics
- **REPORT** – To management if harassment continues after you ask them to stop!
- **RESPOND** – Management must respond to all complaints – **INVESTIGATION**
Follow the FACTS

Cooperate with investigation.

Your full cooperation is expected and required.
Follow the FACTS

Thorough investigation will occur

- Documentation of complaints
- Employee Interviews
  
  Complainant, Accused and Witnesses

- Signed statements will be required
Follow the FACTS

Satisfactory resolution

√ Swift response and resolution
√ Objective review of the facts
√ Fair and appropriate response
Retaliation – You Are Protected!

Retaliation is not allowed
Under the law for a
“GOOD FAITH”
claim of harassment!
What Now?

- Can we still compliment people at work?
- Can we still have fun at work?
How to Stay Out of Trouble

- Email
- Internet Use
- Pictures
- Posters
- Practical Jokes
- Horseplay
How to Stay Out of Trouble

• Love at work
• Leering
• Swearing
• Profanity
• Pet names
“What do you think?

“Hey, everyone acts this way!”

“What’s the big deal?”

“Who cares anyway? This is normal stuff.”
Summary

Employers must respond.

Employees must report incidents of harassment.

Management must investigate.

The goal is to eliminate unlawful and unwelcome harassment in the workplace.
If in Doubt…

Ask yourself…

Is my behavior always appropriate at work? Would I be ok with my family watching a video of my behavior while I am at work? If the answer is no…

change your behavior immediately!
Questions