

PREVENTING WORKPLACE DISCRIMINATION... FOR EMPLOYEES

COURSE OUTLINE

- **It's nice when other people make us feel special, but when we're singled out for unfair treatment because of who we are, that's another story.**
 - That type of behavior is called "discrimination", and it's more common than you might think.
- **Significant numbers of employees, men and women of all ages, races, faiths and sexual orientations, report that they have experienced discrimination on the job.**
 - Discrimination is bad for people and it's bad for business.
 - It's also illegal.
- **When a person is treated unfairly because of who they are, their age, gender, skin color, religion, sexual orientation or other personal attributes, those are all forms of "discrimination".**
- **Like other types of bad behavior, discrimination is probably as old as humanity itself, but in 1964 discrimination in employment was made illegal in the United States by Title VII of the Civil Rights Act.**
 - That historic legislation outlawed unjust and prejudicial treatment of job applicants and employees based on their sex, race, religion or national origin.
- **Other anti-discrimination laws have been passed since then. They include:**
 - The Age Discrimination in Employment Act ("ADEA"), which prohibits discrimination on the basis of age for workers over 40.
 - The Americans with Disabilities Act (ADA), which prohibits discrimination against certain disabled individuals and requires employers to make "reasonable accommodations" for them in their facilities.
 - The Family and Medical Leave Act (FMLA), which prohibits discrimination against workers who must take care of family or their own medical needs, and requires employers to allow them time off to do so.
- **More recent regulations also prohibit discrimination based on gender identity, sexual orientation and genetic information.**

- **It's important to remember that "harassment" is also considered to be a type of discrimination.**
 - When a person teases, insults or otherwise abuses another because of their gender, race, color, religion or other "protected attribute", that is against the law.
- **There are subtle forms of harassment, too.**
 - Posters, reading material, emails and even conversations may be considered "harassing" under certain circumstances.
- **Regulations also forbid retaliation against people who file complaints about discrimination, or are involved in an investigation or lawsuit that is associated with a complaint of discrimination.**
- **Federal laws that prohibit discrimination generally apply to private employers with at least 15 employees, as well as state, local and federal governments, employment agencies and labor unions.**
 - The laws are enforced by the Equal Employment Opportunity Commission (EEOC).
- **Many states and communities have anti-discrimination statutes as well, which are overseen by local departments of labor.**
- **A company that ignores the issue of discrimination in the workplace creates an environment where this type of behavior is more likely to occur, and even thrive.**
- **That's why every business should implement an anti-discrimination policy which clearly states:**
 - That discrimination will not be tolerated in their workplace.
 - What types of behavior are considered to be discriminatory.
- **The policy should also establish procedures for:**
 - Reporting discriminatory behavior.
 - Preventing retaliation.
 - Investigating a situation that involves discrimination.
 - Resolving these situations fairly.
- **It should require that employees receive training on how to recognize and prevent discrimination in their workplace as well.**

- **An anti-discrimination policy must clearly identify what behavior is considered to be unacceptable.**
 - While some types of discrimination may be obvious, others are not.
- **Using racial slurs or making critical comments about a person's race, age, religion or sexual orientation are blatant types of discriminatory behavior.**
- **But more subtle forms of workplace discrimination can include:**
 - A want ad saying a company prefers certain "types" of people for the job.
 - An employee committing sexual harassment under a pretext of "good-natured" teasing or horseplay.
 - A manager making decisions based on personal prejudice rather than a fair assessment of an employee's work performance.
 - An employer assigning benefits, maternity leave or unemployment compensation unequally to different workers.
 - A company not allowing employees to dress or groom themselves in accordance with their religious beliefs.
- **Sometimes employees may experience discrimination in the workplace that is unintentional.**
 - An employer might implement a new workplace policy that they believe is non-discriminatory, only to discover later that it negatively effects one group of employees more than others.
 - This is called "disparate impact", and although the discrimination may be unintentional, it's just as unacceptable as when it is done on purpose.
- **If you ever feel that you are being discriminated against in your workplace, how you respond to the situation is very important.**
 - It might seem easier and safer to just let the problem slide, but if you are being treated unfairly, you have a responsibility to take action to protect your rights.
- **Coming forward can be the best way to:**
 - Shut down workplace discrimination.
 - Safeguard your coworkers from similar abuse.
 - Help to prevent it in the future.

- **Some anti-discrimination laws may require the behavior to be reported within a certain time limit as well, so it's best to respond promptly.**
 - First, review your company's anti-discrimination policy and determine whether it addresses the type of behavior you have encountered.
- **A copy of the policy should be included in your employee handbook, and possibly on the company website.**
 - Be sure to get a hardcopy version of the document if you don't already have one.
- **At this point you might choose to speak directly to the person who you felt was discriminating against you, and explain your concerns about what happened.**
 - If you decide to do this, you should keep the conversation professional.
 - Be assertive, but avoid being confrontational.
 - A talk may clear things up so that no further action will be necessary.
- **But if the discrimination continues, you should make a report to management or your company's Human Resource Department.**
- **Even when you feel that you're being treated unfairly, making an official report about it to your supervisor or Human Resources can be difficult.**
 - The process can bring up a lot of feelings, such as anger or embarrassment about the discrimination itself and anxiety about what could happen if you come forward.
 - Just remember, the law is on your side, and so is your employer.
- **Be sure to follow the reporting procedures that are described in your company's anti-discrimination policy.**
- **If you feel that you have been discriminated against, write down what you have experienced.**
 - Record the date and time that the discrimination occurred, who was involved and the names of anyone who might have witnessed it.
 - Note what happened, what was said and why you feel it was discriminatory.
- **Even if you're upset about the treatment you have received, remain controlled and professional when you make the report.**
 - Answer questions as honestly and accurately as you can.

- **Print out emails and gather schedule sheets, pictures or other evidence that back up your story.**
 - A factual foundation helps make a report more effective in bringing discrimination to an end.
- **If you are asked to sign a written summary of your complaint, read it carefully first.**
 - Point out anything that you feel isn't accurate, so it can be corrected before you sign.
- **Your manager or HR representative will then need to investigate the situation.**
 - While it's usually necessary to interview other people about such a case, a company will always try to keep the matter as confidential as possible.
- **If you experience any type of retaliation as a result of making your report, inform your manager or HR immediately.**
- **How the case is finally resolved can depend on many factors.**
 - If discrimination is found to have occurred, resolution may well involve disciplining the employees who are involved or even making changes in company policy.

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- **Discrimination against employees and job applicants is prohibited by federal, state and local laws.**
- **Your employer's anti-discrimination policy will define different types of discrimination, and what you should do if you encounter this unfair treatment on the job.**
- **If you feel you have been discriminated against, you should keep a written record that includes the "who, what, where and when" of the incident.**
- **You should report any workplace discrimination to a manager or supervisor, or a person from your HR department.**
- **You should report any type of retaliation that you experience as a result of making the report, as well.**
- **Now that you understand what types of things can constitute workplace discrimination, and what to do if you encounter it, you can help ensure that you and your coworkers are treated fairly and respectfully on the job... every day!**