



BUILDING A CULTURE OF RESPECT: HARASSMENT AND DISCRIMINATION PREVENTION

Management Training
Orlando Manufacturing Facility



HARASSMENT: LEGAL HISTORY

- **Title VII -- 1964**

- illegal to discriminate on race, color, national origin, gender, religion

- **EEOC -- 1980**

- Issued first anti-harassment regulations

- **Meritor v. Vinson -- 1986**

- Established “hostile work environment”

- **2000's**

- Growing recognition of racial, ethnic, other harassment



DISCRIMINATION

What is it?

Taking (or failing to take) action or treating an employee differently based on race, color, religion, gender, national origin, age, disability

Examples

- Raises, pay cuts, promotions, demotions, job assignments, benefits, training, etc.



HARASSMENT

What is it?

- Unwelcome verbal or physical conduct based on race, color, religion, gender, national origin, age, disability, etc.

Who can commit it?

- Employees, managers, vendors, customers, partners



TYPES OF SEXUAL HARASSMENT

Quid Pro Quo

- *“This for that”*
- A promise or a threat
- Involves individuals at different levels of power



TYPES OF SEXUAL HARASSMENT

Hostile Environment

- Unwelcome behavior
- Unreasonably interferes with an individual's work
- Creates an intimidating or offensive work environment
- Doesn't have to be directed at the individual



FORMS OF HARASSMENT

Examples

- jokes
- rumors and innuendos
- name-calling
- derogatory posters, cartoons
- touching
- staring / leering
- horseplay
- texting / email



HOSTILE ENVIRONMENT

Key elements

- Severe
- Pervasive
- Unwelcome



Point of judgment

- Would a “reasonable person” be offended by this conduct?

HARASSMENT LIABILITY

Who is at risk?

- **Company** can be liable if it “knew or should have known” or if it failed to train or respond appropriately
- **Harasser** can be personally liable
- **Insurance** may not cover these cases



HARASSMENT LIABILITY

Judgments

- Back pay *plus* compensatory damages
plus punitive damages
- Commonly seeing \$1 million+ settlements



EMOTIONAL COSTS

Personal (both parties)

- loss of career opportunities
- ostracized by co-workers
- lower productivity
- suffering in silence

Organizational

- decreased morale
- damaged reputation



HARASSMENT MYTHS

Myth

- *Harassment has to be intentional (“I didn’t mean anything by it”)*

Reality

- Harasser may not be aware that their actions are intimidating or hostile – but *they still are*



HARASSMENT MYTHS

Myth

- Only men can commit harassment against women

Reality

- Harassment can be committed:
 - by either gender
 - against either gender
 - regardless of respective sexual orientations



HARASSMENT MYTHS

Myth

- *“No one can joke around here any more”*

Reality

- The law does not prevent kidding around
 - **just based on race, gender, etc.**



HARASSMENT MYTHS

Myth

- “No one reported it officially – so I don’t have to do anything about it”

Reality

- Company is liable if it “knew or should have known” about the conduct



SEXUAL HARASSMENT COMPLAINT FORM

ALL INFORMATION WILL BE KEPT CONFIDENTIAL.

VICTIM'S NAME (Last)		First		Middle Initial		Home Telephone	
Address (Mailing Address)		(City)		(State)		(Zip)	
Incident Address						Other Telephone	

SIGNATURE'S DISCRIMINATION AND HARASSMENT POLICY

Prohibits

- all illegal harassment
- retaliation for good-faith actions

Provides complaint procedure

Bottom Line:

- **REPORT CONCERNS TO HR IMMEDIATELY**



HARASSMENT POLICY PRINCIPLES

RESPECT

DIGNITY

FAIR TREATMENT

PROMPT INVESTIGATION & RESOLUTION



MANAGEMENT RESPONSIBILITIES

Do's -- managers need to:

- take complaints seriously
- report issues to HR immediately
- keep eyes and ears open

Don'ts -- managers should never:

- investigate on their own
- pre-judge or take sides
- fail to report any complaints



QUESTIONS?

