

BUILDING A CULTURE OF RESPECT: HARASSMENT AND DISCRIMINATION

PREVENTION

Management Training

Orlando Manufacturing Facility



www.signaturecorp.com

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.



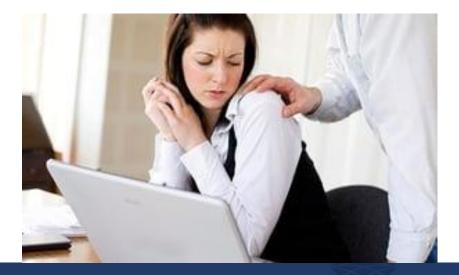
HARASSMENT

What is it?

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

Who can commit it?

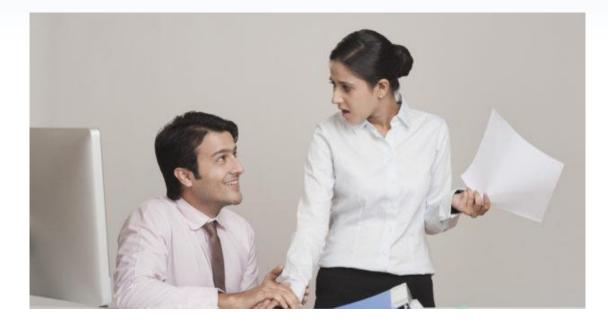
• Employees, managers, vendors, customers, partners



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

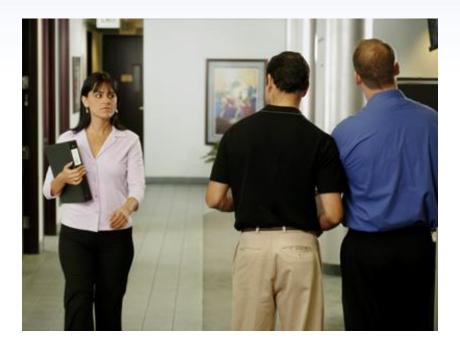
- Unwelcome behavior
- Unreasonably interferes with an individual's work
- Creates an intimidating or offensive work environment
- Doesn't have to be directed at the individual



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



Myth

 Harassment has to be <u>intentional</u> ("I didn't mean anything by it")

Reality

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



Myth

Only men can commit harassment against women

Reality

- Harassment can be committed:
 - by either gender
 - against either gender
 - <u>regardless</u> of respective sexual orientations



Myth

• "No one can joke around here any more"

Reality

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



Myth

 "No one reported it officially – so I <u>don't have to</u> do anything about it"

Reality

Company is liable if it "knew or should have known" about the conduct



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





