



**EI**  
EXTREME HOLDINGS

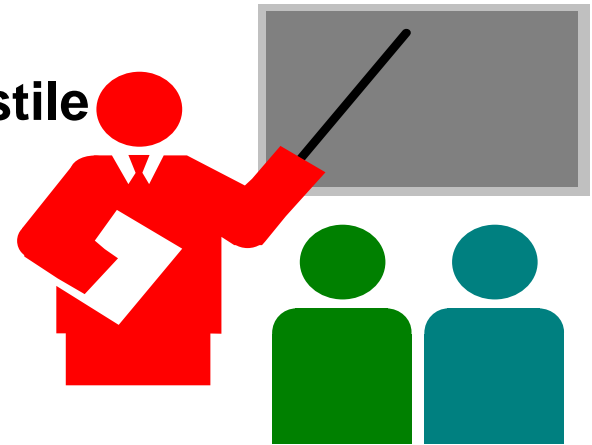
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**Discrimination**  
**Harassment**  
**Sexual Harassment**

# Training Objectives

- ▶ **Recognize discrimination and harassment**
- ▶ **Understand the negative impact of discrimination and harassment**
- ▶ **Know what to do when a complaint is filed**
- ▶ **Be aware of how to avoid creating a hostile environment**
- ▶ **Identify when you have a responsibility to take action**



We may not change people's minds but we do ask them to change their behaviors



# **Legal Aspect**

## **Legal Background of Discrimination**

- ▶ **Civil Rights Act of 1964**
  - **Keystone of federal antidiscrimination legislation**
- ▶ **The Civil Rights Act prohibits discrimination and segregation based on race, color, national origin, religion and gender**

1964

## **Legal Background of Discrimination**

**The Law now guarantees employees the right to work in an**

*“environment free from discriminatory intimidation, ridicule, and insult.”*

**Sexual Harassment is a form of discrimination**

## Definition

### Discrimination

Different treatment of two equally qualified individuals ...

Based on the group, class or category to which that person belongs ...

Rather than individual merit



*Unfair treatment based on prejudice*

## Definition

### Harassment

#### **UNWELCOME...**

conduct or behavior ...  
that is intimidating ...  
hostile ...  
or offensive ...

*and* ...

which has the effect of  
interfering with an  
employee's ability to  
perform his/her duties

#### This covers

- ▶ Race
- ▶ Color
- ▶ Religion
- ▶ Gender
- ▶ National origin
- ▶ Sexual orientation
- ▶ Age
- ▶ Disability
- ▶ Retaliation
- ▶ Veteran status
- ▶ Or any other form of illegal discrimination



## **Definition**

### **Sexual Harassment**

#### **Three Key Elements**

- 1. The conduct is unwelcome**
- 2. The conduct is sexual**
- 3. The conduct has an impact on the individual's workplace**

**Illegal according to federal law and most state, county, and local laws**



## Definition

### Harassment (Sexual or otherwise)

Two types:

1. Quid Pro Quo – “this for that” (easy to identify)
2. Hostile Work Environment
  - a) Offensive jokes, slurs, epithets or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, and interference with work performance
  - b) Becomes unlawful when 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive

## **Legal Points to be Aware of**

- ✓ **A man can be a victim of harassment**
- ✓ **The victim does not have to be the opposite sex of the harasser**
- ✓ **The harasser can be the victim's supervisor, a supervisor in another area, a co-worker or a non-employee**
- ✓ **The victim does not have to be the person harassed but could be anyone affected by the offensive conduct**
- ✓ **Harassment can occur at work, at company-sponsored events, or between coworkers away from work**

## **Points to be Aware of**

- ✓ **Note that some behavior may not be unlawful but it is still not appropriate**
- ✓ **One comment by itself most likely is not actionable, but it may be totally inappropriate**
- ✓ **Simply because it is not significant or pervasive enough to violate the law does not mean that action will not be taken by the Company**
- ✓ **Rude or uncivil behavior is not unlawful unless it relates to a protected class but incivility is the gateway to harassing behavior and will not be tolerated**

## **Note the Importance of... Perception vs Intention**

➤ You cannot assume that your behavior is acceptable to everyone

*What is acceptable behavior to some is not always acceptable to others*

➤ By the same token, do not assume that someone knows their behavior is unacceptable

*Someone's actions or intent may be innocent, yet it is perceived as inappropriate*

➤ And what matters is how it is perceived



**do it outdoors media**

**has **zero** tolerance for**

**Workplace Harassment,**

**Discrimination, and/or**

**Sexual Harassment**

**do it outdoors media embraces Diversity**

**Diversity requires Respect and Acceptance**





# You Be the Judge

**Using slang “nicknames” that denote co-workers’ race, ethnicity, cultural heritage, religion, sex or age is okay, as long as it is done in a joking manner.**

**OK in the workplace? OK at a fish fry?**

**True or False?**



# You Be the Judge

Using slang “nicknames” that denote co-workers’ race, ethnicity, cultural heritage, religion, sex or age is okay, as long as it is done in a joking manner.

OK in the workplace? OK at a fish fry?

**FALSE. Always FALSE.**

True or False?





# **Defenses Against Discrimination & Harassment**

## **Which of the following are acceptable defenses against discrimination & harassment?**

- ▶ **Free speech**
- ▶ **No intent to make someone feel bad**
- ▶ **Conduct that occurred off-duty or off-premises**
- ▶ **Impairment**
- ▶ **Conduct not directed at victim or anyone in particular**
- ▶ **No formal complaint**
- ▶ **Lack of knowledge**
- ▶ **Complainant participated**
- ▶ **It was only a joke**
- ▶ **Employee never complained before**
- ▶ **The other employee started it**
- ▶ **Inappropriate dress or walk (“she asked for it”)**
- ▶ **I am a very important person**

## Which of the following are acceptable defenses against discrimination & harassment?

- ▶ Free speech
- ▶ No intent to make someone feel bad
- ▶ Conduct occurred off-duty or off-premises
- ▶ Impairment
- ▶ Conduct not directed at victim or anyone in particular
- ▶ No formal complaint
- ▶ Lack of knowledge
- ▶ Compulsory participation
- ▶ I was only a bystander
- ▶ I have never complained before
- ▶ The other employee started it
- ▶ Inappropriate dress or walk (“she asked for it”)
- ▶ I am a very important person

**NONE**



# You Be the Judge

**A male Driver asks a female Driver who is having a hard day if she has PMS.**

**Is this Sexual Harassment?**



# You Be the Judge



A male Driver asks a female Driver who is having a hard day if she has PMS.

**Is this Sexual Harassment?**

**It is most likely not sexual harassment. However, not only is this inappropriate and insensitive, it can be considered gender harassment. Comments regarding hot flashes or age are never okay.**



**What to Do....**

**As the Victim**

**As the Observer**

**As the Offender**

## **What to do as the Victim**

- **Approach the individual, if you are comfortable doing so**
- **Identify the behavior and Explain that you find it offensive or harassing**
- **Ask the individual to STOP**
- **If you need assistance approaching the individual, contact a Lead Driver, Operations Manager or to Human Resources**
- **If you are uncomfortable or uncertain about approaching the individual, report the behavior to a Lead Driver, Operations Manager or to Human Resources**

## **What to do as the Observer**

**Any individual who has knowledge of  
inappropriate behavior...**

- Should report the incident to a Lead Driver, Operations Manager or to Human Resources**
- Do not allow the potential problem to fester and get bigger**



## **What to do as the Offender**

- **Approach the individual – don't just “let it go”**
- **Talk it out and clear up any misunderstanding**
- **Assure the individual that you will STOP the behavior**
- **If you need assistance approaching the individual, contact a Lead Driver, Operations Manager or Human Resources**
- **Do not allow the problem to fester or get bigger**
- **DO NOT engage in any potential retaliatory action after a complaint has been made**

## **Appropriate Behavior for ALL Employees**

- ▶ **Expect misunderstandings**
- ▶ **Be aware of how people respond to what you do and say**
- ▶ **Show compassion when another person is feeling uncomfortable**
- ▶ **Heed his/her objections, listen to their concerns**
- ▶ **Respect your co-workers' rights to their dignity and their jobs**

## **Appropriate Behavior for ALL Employees**

- ▶ **Don't stereotype based on someone's dress or physical appearance**
- ▶ **Remember, perceptions of others are more important than your intentions**
- ▶ **Respect everyone in the workplace and refuse to participate in or tolerate inappropriate behavior**
- ▶ **Respect the confidential nature of any harassment investigation**



# You Be the Judge

**People whose clothing, personal articles or hairstyles indicate their cultural heritage or religion should accept the fact that fellow workers may make tasteless or offensive comments about their heritage or religion.**

**True or False?**



# You Be the Judge

People whose clothing, personal articles or hairstyles indicate their cultural heritage or religion should accept the fact that fellow workers may make tasteless or offensive comments about their heritage or religion.

**FALSE**

True or False?

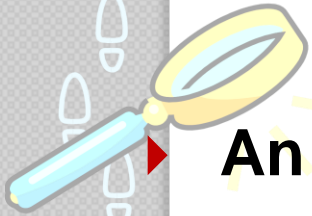
**Drivers have the right to work in an  
“environment free from discriminatory  
intimidation, ridicule, and insult.”**



# **Complaint & Investigation Process**

# Complaint & Investigation Process

- ▶ Employee Files Complaint with Supervisor or HR
- ▶ Complaints are investigated fully by HR
- ▶ Complaints are handled as discreetly as possible



- ▶ An investigation consists of a balancing act
  - Speaking with all involved
  - Being thorough
  - Cautioning against retaliation
  - Evaluating the information
  - Making a determination
  - Taking appropriate action
    - being fair and consistent
  - Advise parties of action to be taken
  - Follow up



# You Be the Judge

**A male Driver asks a female Driver out on a date. She declines saying that she already has plans for that evening but would enjoy going out with him in the future. The following week, he asks her out again.**

**Is this Sexual Harassment?**





# You Be the Judge

A male Driver asks a female Driver out on a date. She declines saying that she already has plans for that evening but would enjoy going out with him in the future. The following week, he asks her out again.

Is this Sexual Harassment?

**No** but proceed with caution. If she declines again, do not ask again. Simply let her know that if she is ever interested, to let you know.



**Retaliation**

**Adverse Action**

# Retaliation

**Retaliation is defined as an adverse action taken against an employee because s/he complained of harassment or discrimination**

**do it outdoors media will not retaliate against an employee, or allow others to retaliate against an employee, who reports discrimination or harassment or provides information relating to such a complaint**

## **Retaliation**

- ▶ **Retaliation should be reported in the same manner that harassment and discrimination are reported**
- ▶ **Retaliation claims will be investigated in the same manner as a harassment or discrimination claim**



# You Be the Judge

**Only a female can be a victim of sexual harassment.**

**True or False?**



# You Be the Judge

Only a female can be a victim of sexual harassment.

**FALSE**

True or False?



# Summary

## Things to Consider

- **Ask yourself if you would say the same thing, or want the same thing said, to a loved one**
- **Look at the other person's response to see if he or she looks uncomfortable**
- **Consider the context of the situation**
- **Put yourself in the other person's shoes.....**

*How would you feel if the same thing was said or done to you?*



## Summary

**R** – respond immediately

**E** – expect misunderstandings

**S** – set a good example

**P** – perception

**E** – empathy

**C** – communicate

**T** – tolerance

**Again, we have no expectation of changing anyone's mind, but we do ask that you ensure your behavior meet our expectations**



**HARASSMENT  
&  
DISCRIMINATION  
IN THE  
WORKPLACE**