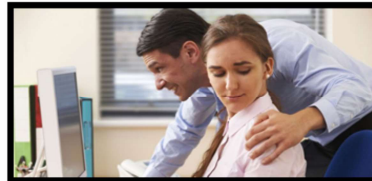
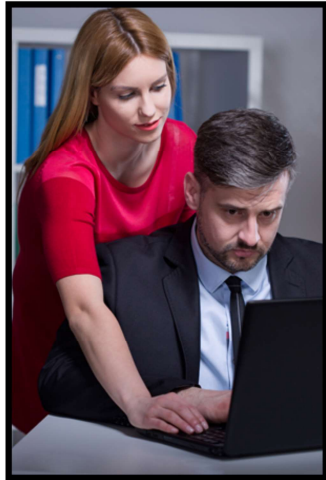


Workplace Harassment Prevention Annual Training Session



What is Workplace Harassment?

- Illegal conduct that violates Title VII of the Civil Rights Act of 1964.
- Unwelcome verbal, written, electronic or physical conduct based on sex, race, color, religion, place of national origin, place of birth, ancestry, age, sexual orientation, pregnancy, physical or mental disability, and positive HIV blood test.
- **Employers** are required to take appropriate steps to prevent and correct unlawful harassment. Likewise, **employees** are responsible to know and comply with our policy and procedure, report incidents, cooperate with investigations, and support victims.



2

Read after 2nd bullet:

To qualify as sexual harassment the offensive conduct does not have to be of a sexual nature; it also includes same-gender harassment and sexual orientation/gender identity harassment.

Age discrimination refers to 40 year-old and over category.

Disability harassment refers to mental and/or physical.

Read after 3rd bullet:

Workplace harassment is against the law.

Most Common Types

- **Bullying**
- **Racial**
- **Sexual**
- **Retaliation**

Let's talk about... Bullying

- Bullying is the persistent use of offensive behavior based on sex, race, color, religion, place of national origin, place of birth, ancestry, age, sexual orientation, or because they are pregnant, have a physical or mental disability, or have had a positive HIV blood test, which gradually undermines a person's self esteem and confidence.
- What does Vermont Law say?
- Statistically speaking, what do recent studies show?



4

Bullies are driven by the need to control. They are rarely psychopathic; the majority are intelligent and opportunistic.

Laws against discrimination/harassment only protect these certain groups of people.

Vermont Employment Law is clear on this: It is not illegal for your employer or supervisor to discipline you or to make job assignments, unless you are being targeted because you are part of a group that the law protects.

For example: if your boss curses and yells at all of the employees regularly and for no good reason, it is probably not illegal. If she only curses and yells at you, it is not unlawful harassment unless it is because you are a member of one of the groups the law protects.

Click for "Statistically speaking, what do recent studies show?"

Hitting the Target



- 45% of American workers feel they have been the target of abuse. (2007 Employment Law Alliance Poll.)
- Men bullies target women 69% of the time.
- Women bullies target women 84% of the time.
- Over 60% of all bullies are women.

5

Read Bullet 1:

Nearly half of employed Americans have experienced Bullying!

Read after Bullet 3:

Who do you think is more often the Bully? Men or Women?

Click for "Over 60% of all bullies are women"

Women are most often the perpetrators and the victims of Bullying.

Defining the Acts of Bullying

- Acts of Commission

- These acts are committed by hostile verbal or nonverbal communications and interfering actions.



- Acts of Omission

- These are committed by withholding of resources that guarantee failure.

Bullying By Commission

- Use of racially derogatory words and phrases
- Demonstrations of a racial or ethnic nature such as use of gestures, pictures or drawings which would offend
- Making disparaging remarks about an individual's gender that are not sexual in nature
- Negative comments about an employee's religious beliefs (or lack of religious beliefs)
- Negative comments regarding an employee's age
- Derogatory or intimidating references to an employee's mental or physical impairment

Bullying By Omission



- Time
- Information
- Training
- Support or Equipment

8

Read slide first:

A Supervisor will make excuses for not making time for the employee.

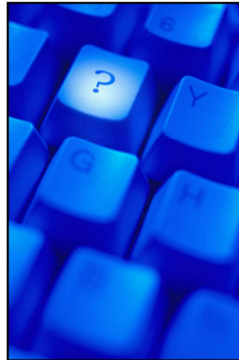
They will withhold necessary information, whether it is in the form of written or verbal communication.

Employee may require training, support or equipment to adequately perform his/her job, but it is deliberately withheld by the supervisor knowing that it will negatively affect his/her job performance.

Let's talk about... Racial Harassment

Question:

I feel like I work with
people who are
prejudiced.



Answer:



9

Read slide, immediately Click for red circle.

No need to answer this question out loud, I just want you to think about your feelings on racism and how you think the people around you view racism.

If you would have answered yes, you are certainly not alone.

Statistically Speaking... Race: Still A Big Issue

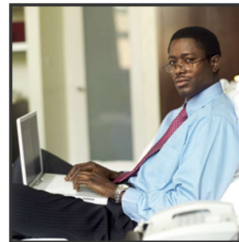


- **In America...**
 - Percentage of Americans who believe that racism is still a serious issue (Gallup and CNN Polls):
 - **84% of Blacks/African Americans**
 - **66% of Non-Hispanic Whites**

What's happening at work?

- **In the Workplace...**

- Percentage of Americans who have experienced racial discrimination in the workplace in the last 12 months (2006 Gallup Poll):
 - 31% of Asian Americans
 - 26% of African Americans
 - 18% of Hispanic Americans
 - Compared to 12% of White Americans



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According to recent comments by David Grinberg, spokesman for the Equal Employment Opportunity Commission (EEOC), racial harassment in the workplace is on the rise.

Racial harassment cases have more than doubled since the early 1990's, hitting an all time high in 2007, according to EEOC data.

We're not just talking about use of the "N" word, but also racist graffiti, Klu Klux Klan propaganda and even physical threats, including the display of hangman's nooses.

According to labor experts, there are many reasons racial harassment is escalating, ranging from a struggling economy that has caused major job insecurity, to more people of color in the workplace, and even some blame violent video games that promote desensitization to inhumane behavior.

What is Racial Harassment?

- **Racial harassment** is a form of race discrimination which includes racial jokes, ethnic slurs, offensive or derogatory comments, or other verbal or physical conduct based on an individual's race or color.
- The **conduct** has to be unwelcome and offensive, and has to be severe or pervasive. Such conduct may create an intimidating, hostile or offensive working environment, or interfere with the individual's work performance in violation of Title VII of the Civil Rights Act of 1964.

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If explanation is necessary: pervasive – all-encompassing, persistent.

What is Racial Harassment?

- A **racially hostile work environment** may be created by oral, written, graphic or physical conduct related to an individual's race, color or national origin that is sufficiently severe, persistent or pervasive so as to interfere with or limit the ability of an individual to perform his/her job.

Let's talk about... Sexual Harassment

- **Sexual harassment** is unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature, when submission to or rejection of this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment.
- **Sexual harassment** in all forms still exists and violates Title VII of the Civil Rights Act of 1964.

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Clarification if need arises:

Explicitly – Open, plain and clearly stated, no room for question or doubt. Example of harasser comment, "If you have sex with me, you will get the promotion."

Implicitly – Understood, implied, yet unspoken but intent is just as clear. Example: Same scenario except no one expressly states it, but it is understood that if you want to receive the promotion, etc. you are required to tolerate inappropriate conduct.

Statistically Speaking... Sexual Harassment

- 26% of employed adults say they have experienced sexual harassment at work
- Confusion still exists among men and women about acceptable workplace conduct



15

Statistically Speaking... Why confusion still exists?



- 46% of men think it's okay for female bosses to request a date – it's just flirting. Only 20% of women feel the same.
- 61% of men say it's okay for a female supervisor to compliment one's body or physique – it's just flirting. Only 20% of women feel the same.
- 45% of men have had an interoffice romance. Only 35% of women have done so.

(Harris Interactive Poll 2004)

Sexual Harassing Conduct

- Visual harassment: posters, magazines, calendars, etc.
- Verbal harassment or abuse: repeated requests for dates, lewd comments, sexually explicit jokes, whistling, etc.
- Written harassment: love poems or letters, graffiti
- Offensive gestures
- Subtle pressure for sexual activities

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Inappropriate conduct that constitutes sexual harassment may include, but is not limited to, the following:

Read slide and next slide.

Sexual Harassing Conduct

- Unnecessary touching, patting, pinching or kissing
- Leering or ogling
- Frequent brushing up against another's body
- Promise of promotions, favorable performance evaluations, etc. in return for sexual favors
- Demanding sexual favors accompanied by implied or overt threats to a person's job, promotion, performance evaluation, etc.
- Physical assault, rape.

18

Modeling Preventive Behavior

- Avoid behavior that has sexual overtones
- Avoid using sexual humor
- Don't go overboard during company sponsored activities
- Keep your work area decorated appropriately
- Remember the rules of proper conduct
- Prevention, prevention, prevention!

19

Avoid behavior that has sexual overtones, including:

Complimenting a person's body. Asking questions about a person's sex life. Asking to date someone who has repeatedly said *no*.

Don't go overboard:

At office parties, picnics, or after work socializing - especially when alcohol is involved. You still have to work with these people. Your company could be liable for damages even outside of work. Don't take the risk.

Keep your work area decorated appropriately:

There should not be posters, pictures or other items that some people could find offensive.

Remember the rules of proper conduct:

To your company's customers, vendors, suppliers, etc. Don't harass any of them or allow them to harass you.

Prevention, prevention, prevention:

Prevention is the best tool to eliminate sexual harassment in the workplace. Attend annual Workplace Harassment Training and familiarize yourself with the company's policy and procedure.

Let's talk about... Retaliation



Question:

An employee sues for sexual harassment and retaliation. The harassment case is dismissed because of no merit; can the employee still win the retaliation lawsuit?

Answer:

1. Yes ✓
2. No

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The victim does NOT have to prove the underlying claim of harassment or discrimination to win a retaliation lawsuit.

What is Retaliation?

- **Retaliation** violates Title VII of the Civil Rights Act of 1964.
- **Retaliation** occurs when an employer takes an **adverse action** against an employee because he or she engaged in a **protected activity**.

What is Retaliation? In other words...

- **Employee Protected Activity:**
 - Complaining to anyone about alleged discrimination against oneself or others
 - Threatening to file a charge of discrimination
 - Filing a charge of employment discrimination
 - Cooperating with an internal investigation
 - Serving as a witness in an EEO investigation or litigation
 - Picketing in opposition to discrimination
 - Refusing to obey an order reasonably believed to be discriminatory

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Read first:

If an employee participates in any of the following, it is unlawful for the employer to retaliate against him/her.

What is Retaliation? In other words...

- **Employer Adverse Actions:**

- Termination, denial of promotion
- Threats
- Unjustified negative evaluations and negative references
- Increased surveillance
- A physical assault



- **Disclaimer:**

- Adverse actions do not include petty slights and annoyances!
- Adverse actions do not include holding you accountable for your job duties and performance.



23

Read first:

The following adverse actions are examples of employer retaliation.

Click for Disclaimer:

Adverse actions do not include petty slights and annoyances, such as stray negative comments in an otherwise positive or neutral evaluation, “snubbing” a coworker, or negative comments that are justified by an employee’s poor work performance or history.

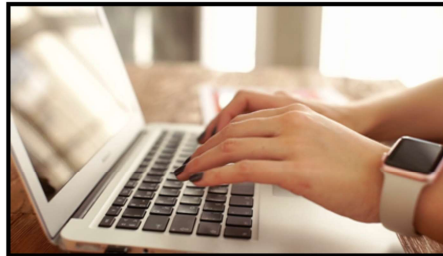
Let's talk about...
Workplace Harassment & the Technology Revolution

Question:

Have you ever posted
content on the internet?

Answer:

1. Yes ✓
2. No



24

If you answered yes, YOU are affected by this technology revolution.

Let's talk about... Workplace Harassment & the Technology Revolution



25

What started with cell phones and laptops, has quickly reached an entirely new age of technology.

Technology has changed all of our lives in ways we could not have predicted...and has created a an ever evolving risk profile for employees and employers.

Questions?

