

# DISCRIMINATION AND HARASSMENT PREVENTION

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# YOUR INSTRUCTORS

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# PRESENTATION OVERVIEW

- EEO Requirements
- Discrimination
- Harassment, Sexual and Otherwise
- Retaliation
- Reporting



## GENERAL EEO LAWS

- Title VII of the Civil Rights Act  
The Pregnancy Discrimination Act
- The Equal Pay Act of 1963
- The Age Discrimination in Employment Act of 1967
- Title I of the Americans with Disabilities Act
- Sections 101 and 103 of the Civil Rights Act of 1991
- Sections 501 and 505 of the Rehabilitation Act of 1973
- Vietnam Era Veterans' Readjustment Assistance Act
- The Genetic Information Nondiscrimination Act of 2008



# **SPECIAL REQUIREMENTS FOR GOVERNMENT CONTRACTORS**

- The OFCCP prohibits federal contractors from discriminating on the basis of race, color, religion, sex, national origin, veteran status, gender, disability, gender identity, and sexual orientation
- Affirmative Action
- Post EEO Posters



# DISCRIMINATION

- Age
- Disability
- Equal Pay/Compensation
- Genetic Information
- National Origin
- Pregnancy
- Race/Color
- Religion
- Sex
- Veteran Status
- Sexual Orientation



## SHAREHOLDER PREFERENCE

Bristol Bay Native Corporation (BBNC) aspires to provide benefits to its shareholders by creating employment opportunities for shareholders and their families. Therefore, in accordance with the intent of the Alaska Native Claims Settlement Act of 1971 and the Indian Self-Determination and Education Assistance Act, BBNC grants an employment preference first to BBNC shareholders, their spouses and descendants who meet the qualifications for the position, and next to Alaska Natives who meet the qualifications for the position.



# EQUAL EMPLOYMENT OPPORTUNITY

- ✓ Pay or benefits
- ✓ Working conditions
- ✓ Standards of employment
- ✓ Hiring
- ✓ Firing
- ✓ Training
- ✓ Testing
- ✓ Promotion
- ✓ Transfer
- ✓ Retirement
- ✓ ...





## ACCOMMODATION

- Reasonable accommodations for disability, pregnancy, religion
- Regarded as having a disability
- Contacting appropriate individuals



## HARASSMENT

- Harassment is **unwelcome conduct** that is based on race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability or genetic information.
- Physical, verbal or other form of communication
- Designed to threaten, intimidate, or coerce
- Harassment becomes unlawful where
  - enduring the offensive conduct becomes a **condition of continued employment**, or
  - the conduct is **severe or pervasive** enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.
  - Retaliation prohibited



## HARASSMENT

- Writings (cartoons, emails, calendars, posters)
- Slurs, negative stereotyping
- Threatening, intimidating, hostile acts
- Degrading jokes
- Physical gestures or conduct (rubbing up against, touching, flipping off)



# SEXUAL HARASSMENT

- Its in the news
- Media
- Fox News
- Google
- Kay Jewelers
- College Campuses and universities
- Tech companies, teachers, engineers



## SEXUAL HARASSMENT

- It is unlawful to harass a person (an applicant or employee) because of that person's sex.
- Quid Pro Quo or Hostile Work Environment.
- Includes "sexual harassment" or unwelcome sexual advances, requests for sexual favors, and other verbal or physical harassment of a sexual nature.
- Harassment does not have to be of a sexual nature. It can include offensive remarks about a person's sex.
- Severe and pervasive or results in adverse employment action.
- Does not include simple teasing, offhand comments, or isolated incidents that are not very serious. Caution.



## RETALIATION

- Do not punish job applicants or employees for complaining about employment discrimination or harassment.
- Asserting these EEO rights is called "protected activity," and it can take many forms.
- Does not have to be the person who is allegedly being discriminated against.
- Look at all circumstances before making disciplinary recommendations
- Good faith requirement



## REPORTING

- Complaint Procedures
- Investigation
- Supervisor Responsibilities



## INVESTIGATION

- By HR or another independent entity
- May not be kept confidential
- May involve multiple people who are not directly involved
- Legal responsibility





## SUPERVISOR RESPONSIBILITY

- Company liable for your actions
- Allegations against supervisors taken especially seriously
- Must relay ALL complaints to HR or appropriate person, regardless of what complainant wants
- Respond to complaining employees and let them know what the process entails. Follow-up regularly.



# LET'S PRACTICE



# Any Questions?

Thank you for joining us today.

