

<b>Lesson 01: Discrimination and Harassment</b>	<b>3</b>
Discrimination	3
Harassment	4
Severe and Pervasive Harassment	4
Unwelcome Conduct	4
Hostile Environment	5
Sexual Harassment	5
Lesson 01 Conclusion	6
<b>Knowledge Check</b>	<b>6</b>
<b>Lesson 02: Protected Classes</b>	<b>8</b>
Protected Classes – Introduction	8
Sex Discrimination	8
Genetic Information Discrimination	10
Pregnancy Discrimination	10
Age Discrimination	11
Religious Discrimination	12
Race and Color Discrimination	13
National Origin Discrimination	13
Disability Discrimination	14
Human Trafficking	14
Associational Discrimination	15
Retaliation	15
Lesson Conclusion	15
<b>Knowledge Check</b>	<b>16</b>
<b>Lesson 03: Responsibilities - Supervisor</b>	<b>18</b>
Complaints	18
Reporting	19
Policies	20
Investigations	21
Warning Signs	22
Lesson Conclusion (Countrywide)	23
<b>Knowledge Check</b>	<b>23</b>
<b>Lesson 04: Illinois</b>	<b>25</b>
State Law	25
Illinois Law	26
Individual Liability	26
Reporting in Illinois	26
Unlawful Criteria & Protected Classes (Illinois)	27
Human Trafficking	28
<b>IL Knowledge Check</b>	<b>28</b>
<b>Lesson 05: Five Core Principles</b>	<b>29</b>
Five Core Principles	29
Core Principle #1	30
Core Principle #2	30
Core Principle #3	30
Core Principle #4	30
Core Principle #5	31
Lesson Conclusion (Countrywide)	31
<b>Knowledge Check</b>	<b>31</b>
<b>Final Quiz</b>	<b>32</b>
<b>Conclusion</b>	<b>38</b>



## Title Slides 1-5

### Introduction

*SexHar\_Audio01.wav*

*Slide 4*

In this training course you will be receiving multiple lessons with a knowledge check following each lesson and a final comprehensive assessment that will require a 70% to complete this course.

### Introduction - Supervisor

*SexHar\_Audio02\_SUP.wav*

*Slide 6*

In the United States federal laws outlaw discrimination and harassment in the workplace based on race, color, religion, sex (including gender identity, sexual orientation, and pregnancy), national origin, age, disability, or genetic information (including family medical history).

In this training we will be covering the following topics:

- The definition of discrimination and harassment.
- Examples of discrimination and harassment.
- What are protected classes? And,
- Your responsibilities as a supervisor.

### Introduction – Supervisor (State specific)

*SexHar\_Audio02\_SUP\_ST.wav*

*Slide 7*

In the United States federal and state laws outlaw discrimination and harassment in the workplace based on race, color, religion, sex (including gender identity, gender expression, sexual orientation, sexual harassment, and pregnancy), national origin, age, disability or genetic information (including family medical history).

In this training we will be covering the following topics:

- The definition of discrimination and harassment.
- Examples of discrimination and harassment.
- What are protected classes? And
- Your responsibilities as a supervisor.

You will also receive information specific to your state. Keep in mind whichever law is the strictest, whether federal or state, applies.

## Lesson 01: Discrimination and Harassment

### Discrimination

*SexHar\_Audio03.wav*

*Slide 9*

There are several separate federal laws that make discrimination unlawful in the workplace: The Civil Rights Act of 1964 (Title VII), The Age Discrimination in Employment Act (ADEA), the Americans with Disabilities Act (ADA) and others. The US Equal Employment Opportunity Commission (EEOC) enforces most of the federal laws that prohibit workplace discrimination.

Unlawful discrimination occurs when there is unfair or unequal treatment of an individual or group of a protected class. Discrimination in the workplace against job applicants and employees violates federal, and in some cases, state law.

Unlawful discrimination occurs whenever the employer makes a work decision based on the unlawful criteria of protected class, including: hiring and firing; compensation, assignment, or classification of employees; transfer, promotion, layoff, or recall; job advertisements; recruitment; testing; use of company facilities; training and apprenticeship programs; fringe benefits; pay, retirement plans, disability leave; or other terms and conditions of employment.

## Harassment

*SexHar\_Audio04.wav*

*Slide 10*

Harassment is one type of discrimination under Title VII. Harassment is unwelcome conduct that is targeted at an individual or group of a protected class. To be unlawful, the conduct must create a work environment that would be intimidating, hostile, or offensive to *reasonable people*.

The EEOC defines harassment as “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.”

While many people associate harassment with sexual harassment, harassment is unlawful when based on any of the protected classes.

## Severe and Pervasive Harassment

*SexHar\_Audio05.wav*

*Slide 11*

To be actionable, harassment is unwelcome conduct that is severe or pervasive, meaning:

Severe enough to alter an employee’s workplace experience, even though the conduct occurred only once or rarely, such as sexual assault, or;

When it is *pervasive* enough to be more than merely an accidental or isolated event, becoming a defining condition of the workplace. Examples might include repeatedly rubbing against an employee’s body, or persistent aggressively charged comments.

## Unwelcome Conduct

*SexHar\_Audio06.wav*

*Slide 12*

To be harassment, the conduct must also be unwelcome. This means that the person did not invite or participate in the conduct. For example, mutual sexual flirting or mutual sexual joking is not harassment because it is not “unwelcome.”

Acts of unwelcome conduct include the following:

- Offensive images in displays, posters, calendars, or websites.
- Verbal conduct such as jokes, innuendoes, slurs, degrading comments, or requests for inappropriate favors.
- Verbal harassment may consist of either offensive remarks or offensive statements of a discriminatory nature.
- Unwelcome comments about a person’s appearance or clothing.
- Physical conduct such as touching, crowding, rubbing against, blocking, or leering.

A sexual advance could be unwelcome, if:

- It is rejected initially,
- It is initially accepted and later rejected, or
- If acceptance is coerced. This is the most challenging situation—a circumstance that looks consensual but, in fact, is not.

Coercion is using force or threats to persuade or leverage someone, contrary to their own interest. This type of behavior may be inflicted physically or psychologically. Coercion is against the law.

Unwelcome conduct need not be directed at the complaining employee; they may in certain instances simply be made in her or his presence.

Unwelcome conduct that is severe or pervasive harassment creates a hostile work environment.

### **Hostile Environment**

*SexHar\_Audio07.wav*  
*Slide 13*

United States labor law considers a “hostile” work environment a form of harassment. Hostile conduct goes beyond rudeness or casual joking. Conduct and speech may be considered hostile when it has reached a level of intimidation, offensiveness, abuse, ridicule, or relentless teasing.

Behavior considered to be hostile in a court of law is not only qualified by a person’s subjective basis but also a “reasonable people” basis.

### **Sexual Harassment**

*SexHar\_Audio08.wav*  
*Slide 14*

Sexual harassment is one form of harassment, which is a form of discrimination. It is unlawful to harass a person (an applicant or employee) because of that person’s sex. Harassment can include “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, however, and can include offensive remarks about a person's sex. For example, it is illegal to harass a woman by making offensive comments about women in general.

Both victim and the harasser can be any gender, and the victim and harasser can be the same gender.

## Lesson 01 Conclusion

*SexHar\_Audio09.wav*

*Slide 15*

We have now covered the basics of discrimination. Remember each of the following points is Federal law regulated by the EEOC:

- Discrimination – Unfair or unequal treatment of an individual or group of a protected class.
- Harassment – Unwelcome conduct that is motivated by an individual or group of a protected class. Harassment can be severe or pervasive and creates a hostile environment.
- Unwelcome conduct – Offensive images, verbal conduct that is abusive or offensive, and physical conduct that is unwelcome.
- Sexual harassment – Discrimination based on a person's sex and may be physical or verbal.

Although the law doesn't prohibit simple teasing, offhand comments, or isolated incidents that are not very serious, it is illegal when it is so frequent or severe that it creates a hostile or offensive work environment or when it results in an adverse employment decision (such as the victim being fired or demoted).

The harasser can be the complaining employee's supervisor, a supervisor in another area, a co-worker, or someone who is not an employee of the employer, such as a client or customer.

You have completed the first lesson of this module. Now that you have a basic understanding of discrimination and harassment, we will review what you have learned in a quick Knowledge Check.

## Knowledge Check

*Slides 16-21*

### Quiz Question 1 (Lesson 01):

Federal law defines "discrimination" as:

- A. Disciplining someone that is considered an individual of a protected class.
- B. Paying one person more than another for the same duties and tenure.
- C. When an employer sets a higher standard of conduct than the law requires.
- D. Unfair or unequal treatment of an individual or group of a protected class.**

The best answer is D. Unfair or unequal treatment of a protected class is prohibited and applies not only to employees but also job applicants. Behavior violates federal, and in some cases, state law. Click anywhere to continue.

### Quiz Question 2 (Lesson 01):

Which of the following are considered "discrimination" under federal law?

- A. Physical conduct
- B. Verbal conduct
- C. Retaliation
- D. Unfair terms and conditions of employment
- E. All of the above**

The best answer is E. Unlawful discrimination occurs when there is unfair or unequal treatment of an individual or group of a protected class. Discrimination in the workplace against job applicants and employees violates federal, and in some cases, state law. This includes physical, verbal, retaliation, and terms and conditions of employment. Click anywhere to continue.

### Quiz Question 3 (Lesson 01):

Federal law defines "harassment" as:

- A. Physical threatening conduct that includes touching, grabbing, shaking, or hitting someone.
- B. Unwelcome conduct motivated at a protected class.**
- C. Sometimes called workplace bullying and is with intent to sabotage another employee.
- D. Verbal threatening conduct that includes offensive language or threats directed at someone.

The best answer is B. Harassment is unwelcome conduct that is targeted at an individual or group of a protected class. Conduct may be physical, verbal, or visual. To be unlawful, the conduct must create a work environment that is severe or pervasive enough to be considered intimidating, hostile, or offensive to a *reasonable people*. Click anywhere to continue.

### Quiz Question 4 (Lesson 01):

Unwelcome conduct in offensive images, verbal conduct, and physical conduct must be directed at the complaining individual.

- A. True
- B. False**

The best answer is B. Unwelcome conduct need not be directed at the complaining person; they may, in certain instances, simply be made in her or his presence. Unwelcome conduct that is severe or pervasive harassment creates a hostile work environment. Click anywhere to continue.

### Quiz Question 5 (Lesson 01):

Federal law defines "sexual harassment" as:

- A. Discrimination or harassment based on someone's gender has occurred.**
- B. Sexual behavior in the workplace is occurring.
- C. A supervisor and employee are dating.
- D. Someone of the opposite gender discriminates or harasses someone based on their gender.

The best answer is A. Sexual harassment or unwelcome sexual advances are motivated by someone's gender. Advances include requests for sexual favors, and other verbal or physical harassment of a sexual nature. Harassment does not have to be of a sexual nature, however, and can include offensive remarks about a person's gender. Click anywhere to continue.

## Lesson 02: Protected Classes

No Slide

### Protected Classes – Introduction

*SexHar\_Audio10.wav*

Slide 22

The law and your employer forbid discrimination when it comes to any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoff, training, fringe benefits, and any other term or condition of employment. You might think of it this way: employment discrimination is when an employer makes any decision on the unlawful criteria of protected class.

Remember that protected classes are sex (including gender identity, gender expression, sexual orientation, sexual harassment and pregnancy), genetic information, religion, race, color, national origin, age and disability. So, at work, you can't use any of these criteria to make a decision. In addition, you cannot harass another worker based on these things. In this lesson we will go into further detail on each of these protected classes.

### Sex Discrimination

*SexHar\_Audio11.wav*

Slide 23

Sex discrimination involves treating someone (an applicant or employee) *differently* or harassing someone because of that person's gender.

Discrimination against an individual because of gender, gender identity or expression, including transgender status, or because of sexual orientation is considered sex discrimination.

### Sex Discrimination

*SexHar\_Audio12.wav*

Slide 24

Harassment can include "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, however, and can include offensive remarks about a person's sex. For example, it is illegal to harass a woman by making offensive comments about women in general.

Both victim and the harasser can be any gender, and the victim and harasser can be of the same gender.



## Sex Discrimination

*SexHar\_Audio13.wav*

Slide 25

The following could constitute sex discrimination:

- Cursing that includes terms demeaning to a specific gender.
- Asking regularly about an employee's personal life (For example, social life, sexual preferences, or dating habits).
- Touching or standing especially close to an employee while talking with them.
- Not treating an employee as the gender they identify as or not providing work accommodations consistent with that gender (for example, allowing a transgender female to use a female locker room).
- Regularly commenting on an employee's manner of dress or appearance.
- Asking an employee for a date, *again*, after being turned down once.
- Making fun of a person based on assumptions of "typical" gender roles and stereotypical characteristics. What one employee means in jest may be perceived as an insult by another.
- Discussing an employee's physique or dress, even when the employee is not within earshot.
- Asking a subordinate on a date in ways that a reasonable person would find coercive.

One thing that should be clear at this point is that many kinds of conduct can amount to sexual harassment: words, gestures, touches, visual images, etc.

## Sex Discrimination

*SexHar\_Audio14\_sup.wav*

Slide 26

Sex discrimination laws prohibit discrimination and harassment based on gender identity, gender expression, or sexual orientation, including discrimination based on *perceived* sexual orientation.

Additionally, it is recommended to use an individual's pronouns if they are known, as not doing so could lead to real or perceived harassment.

The law prohibits discrimination in the workplace on the basis of one's gender identity— how the person sees themselves in regard to gender regardless of assigned sex at birth. Under the law, an employee must be permitted to dress consistent with the employee's gender identity and expression.

The idea that there are only two genders is sometimes called a gender binary, because binary means having two parts (male and female). Therefore, "non-binary" is one term people use to describe genders that don't fall into one of these two categories, male or female. While there are many possible ways to identify gender, non-binary is a commonly accepted umbrella term for this spectrum of identities.

Gender expression is defined as "a person's gender-related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth."

Think of gender identity as the internal compass a person has that tells them who they are and gender expression simply to be how they externally express themselves through clothing, hair, behavior, voice, etc.

### **Genetic Information Discrimination**

*SexHar\_Audio15.wav*

*Slide 27*

Under Title II of Genetic Information Discrimination Act (GINA), it is illegal to discriminate against employees or applicants because of genetic information. Title II of GINA prohibits the use of genetic information in making employment decisions, restricts employers and other covered entities from requesting, requiring or purchasing genetic information, and strictly limits the disclosure of genetic information. There are very few limited exceptions to this non-disclosure rule.

### **Genetic Information Discrimination**

*SexHar\_Audio16.wav*

*Slide 28*

Genetic information includes information about an individual's genetic tests and the genetic tests of family members, as well as information about the manifestation of a disease or disorder in an individual's family members. Family medical history is included in the definition of genetic information because it is often used to determine whether someone has an increased risk of getting a disease, disorder, or condition in the future.

Genetic information also includes an individual's request for, or receipt of, genetic services, or the participation in clinical research that includes genetic services by the individual or a family member of the individual, and the genetic information of a fetus carried by an individual or by a pregnant woman who is a family member of the individual and the genetic information of any embryo legally held by the individual or family member using an assisted reproductive technology.

### **Pregnancy Discrimination**

*SexHar\_Audio17.wav*

*Slide 29*

Pregnancy discrimination involves treating a person differently because of pregnancy, childbirth, or a medical condition related to pregnancy or childbirth.

The Pregnancy Discrimination Act (PDA) forbids discrimination based on pregnancy when it comes to any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoff, training, fringe benefits, such as leave and health insurance, and any other term or condition of employment.

### **Pregnancy Discrimination (PWFA)**

*PWFA.wav*

*Slide 30*

The Pregnant Workers Fairness Act (PWFA) requires covered employers to reasonably accommodate qualified employees and applicants with *known limitations* or medical conditions related to pregnancy or childbirth. The PWFA applies to employers with 15 or more employees.

A *known limitation* is a physical or mental condition related to, affected by, or arising out of pregnancy, childbirth, or related medical conditions that the employee has communicated to the you. This limitation does *not* have to meet the definition of disability under the ADA.

The PWFA prohibits a covered employer from:

- Requiring a qualified employee to accept an accommodation that is not reached collaboratively
- Denying employment opportunities to a qualified employee when the denial is based on the need to make a reasonable accommodation
- Requiring an employee to take paid or unpaid leave if another reasonable accommodation can be provided
- Taking adverse action against a qualified employee because the employee requested or used a reasonable accommodation

Examples of reasonable accommodations for pregnant workers include, but are not limited to:

- The ability to sit or drink water
- Closer parking
- Flexible hours
- Appropriately sized uniforms and safety apparel
- Additional break time to use the bathroom, eat, and rest
- Leave or time off to recover from childbirth, and
- Being excused from strenuous activities and/or activities that involve exposure to compounds not safe for pregnancy

## **Pregnancy Discrimination**

*SexHar\_Audio19.wav*

*Slide 31*

Under the Pregnancy Disability Act (PDA), an employer that allows temporarily disabled employees to take disability leave or leave without pay, must allow an employee who is temporarily disabled due to pregnancy to do the same.

If an employer requires its employees to submit a doctor's statement concerning their ability to work before granting leave or paying sick benefits, the employer may require such statements.

Further, under the Family and Medical Leave Act (FMLA), a new parent (including foster and adoptive parents) may be eligible for 12 weeks of leave that may be used for care of the new child. To be eligible, the employee must have worked for the employer for 12 months prior to taking the leave and the employer must be an eligible and covered employer.

## **Age Discrimination**

*SexHar\_Audio20.wav*

*Slide 32*

Age discrimination involves treating someone (an applicant or employee) less favorably because of their age. The Age Discrimination in Employment Act (ADEA) only forbids age discrimination against people who are age 40 or older. It does not protect workers under the age of 40, although some states do have laws that protect younger workers from age discrimination. Harassment can include, for example, offensive remarks about a person's age.

It is not illegal for an employer or other covered entity to favor an older worker over a younger one, even if both workers are age 40 or older. Discrimination can occur when the victim and the person who inflicted the discrimination are both over 40.

### **Religious Discrimination**

*SexHar\_Audio21.wav*  
Slide 33

The law protects not only people who belong to traditional, organized religions, such as Buddhism, Christianity, Hinduism, Islam, and Judaism, but also all those who have sincerely held religious, ethical or moral beliefs.

Religious discrimination can also involve treating someone differently because that person is married to (or associated with) an individual of a particular religion.

### **Religious Discrimination**

*SexHar\_Audio22.wav*  
Slide 34

The law also prohibits workplace or job segregation based on religion (including religious garb and grooming practices), such as assigning an employee to a non-customer contact position because of actual or feared customer preference.

The law requires an employer or other covered entity to reasonably accommodate an employee's religious beliefs or practices, unless doing so would cause more than a minimal burden on the operations of the employer's business. This means an employer may be required to make reasonable adjustments to the work environment that will allow an employee to practice their religion.

Examples of some common religious accommodations include flexible scheduling, voluntary shift substitutions or swaps, job reassignments, and modifications to workplace policies or practices.

### **Religious Discrimination**

*SexHar\_Audio23.wav*  
Slide 35

When an employee or applicant needs a dress or grooming accommodation for religious reasons, they should notify the employer that they need such an accommodation for religious reasons. If the employer reasonably needs more information, the employer and the employee should engage in an interactive process to discuss the request.

An employer does not have to accommodate an employee's religious beliefs or practices if doing so would cause undue hardship to the employer. An accommodation may cause undue hardship if it is costly, compromises workplace safety, decreases workplace efficiency, infringes on the rights of other employees, or requires other employees to do more than their share of potentially hazardous or burdensome work.

## **Race and Color Discrimination**

*SexHar\_Audio24.wav*

*Slide 36*

It is unlawful to harass a person because of that person's race or color. Race discrimination involves treating someone (an applicant or employee) differently because he or she is of a certain race or because of personal characteristics associated with race (such as hair texture, skin color, or certain facial features). Color discrimination involves treating someone differently because of skin color complexion.

This can include, for example, racial slurs, offensive or derogatory remarks about a person's race or color, or the display of racially offensive symbols.

An employment policy or practice that applies to everyone, regardless of race or color, can be illegal if it has a negative impact on the employment of people of a particular race or color and is not job-related and necessary to the operation of the business. For example, a "no-beard" employment policy that applies to all workers without regard to race may still be unlawful if it is not job-related and has a negative impact on the employment.

## **National Origin Discrimination**

*SexHar\_Audio25.wav*

*Slide 37*

The Immigration Reform and Control Act (IRCA) makes it illegal for an employer to discriminate based upon an individual's citizenship or immigration status. The law prohibits employers from hiring only U.S. citizens or lawful permanent residents unless required to do so by law, regulation or government contract. Employers may not refuse to accept lawful documentation that establishes the employment eligibility of an employee, or demand additional documentation beyond what is legally required.

## **National Origin Discrimination**

*SexHar\_Audio26.wav*

*Slide 38*

National origin discrimination means making a work decision based on or treating people (applicants or employees) differently because they are from a particular country or part of the world. This includes ethnicity or accent, or because they appear to be of a certain ethnic background (even if they are not).

National origin discrimination also can involve treating people differently because they are married to (or associated with) a person of a certain national origin.

Discrimination can occur when the victim and the person who inflicted the discrimination are the same national origin.

### **National Origin Discrimination**

*SexHar\_Audio27.wav*

*Slide 39*

The law makes it illegal for an employer or other covered entity to use an employment policy or practice that applies to everyone, regardless of national origin, if it has a negative impact on people of a certain national origin and is not job-related or necessary to the operation of the business.

An employer can only require an employee to speak fluent English if fluency in English is necessary to perform the job effectively but never requiring English-only at breaks, lunch, etc. An "English-only rule", which requires employees to speak only English on the job, is only allowed if it is needed to ensure the safe or efficient operation of the employer's business and is put in place for nondiscriminatory reasons.

An employer may not base an employment decision on an employee's foreign accent, unless the accent seriously interferes with the employee's job performance.

### **Disability Discrimination**

*SexHar\_Audio28.wav*

*Slide 40*

Disability discrimination occurs when an employer or other entity covered by the Americans with Disabilities Act, as amended, or the Rehabilitation Act, as amended, treats a qualified individual with a disability who is an employee or applicant differently because he or she has a disability.

Disability discrimination also occurs when a covered employer or other entity treats an applicant or employee differently because he or she has a disability, a history of a disability, appears to have a disability (even if he or she does not), or has a relationship with a disabled person (such as the parent of a disabled child). Not everyone with a medical condition is protected by the law. In order to be protected, a person must be qualified for the job and have a disability as defined by the law. Generally, a disability is a physical or mental impairment that is not transitory (lasting or expected to last six months or less) and minor (even if they do not have such an impairment).

The law requires an employer to provide reasonable accommodation to an employee or job applicant with a disability, unless doing so would cause an undue hardship of a significant difficulty or expense for the employer.

### **Human Trafficking**

*SexHar\_Audio29.wav*

*Slide 41*

Human Trafficking is a crime involving the exploitation of someone for the purposes of compelled labor or a commercial sex act through the use of force, fraud, or coercion. Where a person younger than 18 is induced to perform a commercial sex act, it is a crime regardless of

whether there is any force, fraud, or coercion. Victims can be anyone from around the world or right next-door: women and men, adults and children, citizens and noncitizens alike.

Anti-discrimination laws prohibiting discrimination on the bases of race, national origin, sex, and sexual harassment, are an integral part of the fight against human trafficking. For example, foreign workers recruited to the US through a guest worker visa program cannot be treated differently or unfavorably than US workers performing the same jobs. Foreign workers cannot be forced to live in dormitories, for example, or assigned the less fair work hours or tasks. When these sorts of decisions happen, employers may be violating not only criminal laws but also the anti-discrimination laws enforced by the EEOC.

### **Associational Discrimination**

*SexHar\_Audio30.wav*  
*Slide 42*

Employees and prospective employees are also protected from associational discrimination and harassment. This refers to situations when employees are discriminated against because they are the significant other, friend, family, or ally of a protected class, or because of other association with someone or group of a protected class.

### **Retaliation**

*SexHar\_Audio31.wav*  
*Slide 43*

All of the laws we have covered make it illegal to make an adverse decision – to fire, demote, harass, or otherwise "retaliate" – against people because they filed a charge of discrimination. This includes complaining to their employer or other covered entity about discrimination on the job, or because they participated in an employment discrimination proceeding (such as an investigation or lawsuit).

For example, it is illegal for an employer to refuse to promote an employee because they filed a charge of discrimination with the EEOC, even if EEOC later determined no discrimination occurred.

### **Lesson Conclusion**

*SexHar\_Audio32\_SUP.wav*  
*Slide 44*

You should now have a clear understanding of classes protected from discrimination and harassment in the workplace.

Remember that protected classes are sex (including gender identity, gender expression, transgender, sexual orientation, sexual harassment, and pregnancy) genetic information, religion, race, color, national origin, age and disability.

You yourself as a supervisor or manager have responsibilities to employees and your employer. Now that you have a better understanding of the protected classes, we will review what you have learned in a quick Knowledge Check.

## Knowledge Check

Slides 45-54

### Quiz Question 1 (Lesson 02):

Federal law protects which of the following under "sex discrimination?" Select all that apply.

- A. Familial status
- B. Gender**
- C. Gender identity**
- D. Marital status
- E. Sexual orientation**

Answer B, C, and E is the best answer. Sex, gender identity, sexual orientation, transgender, gender expression, and perceived sexual orientation are all protected under sex discrimination. Sex discrimination does not have to be between opposite genders. Click anywhere to continue.

### Quiz Question 1 (Lesson 02):

Federal law protects which of the following under "pregnancy discrimination?" Select all that apply.

- A. Pregnancy**
- B. Childbirth**
- C. Medical condition, related to pregnancy or childbirth**
- D. Adoption or foster care**
- E. Provides paid time off

Answer A, B, C, and D is the best answer. Federal law protects discrimination on pregnancy, childbirth, related medical condition, and adoption or foster care. Employers do not have to provide paid time off under federal law. A new parent (including foster and adoptive parents) may be eligible for 12 weeks of leave under the Family and Medical Leave Act (FMLA). Click anywhere to continue.

### Quiz Question 3 (Lesson 02):

Under federal law, which of the following age group(s) does "age discrimination" apply to?

- A. 18 and under
- B. 40 and over**
- C. 40 and over, including 18 and under
- D. 50 and over
- E. 60 and over

Answer B is the best answer. Federal law that covers age discrimination only applies to people 40 and over, although some states do have laws that protect younger workers. This federal law only applies to employers with 20 or more employees. Click anywhere to continue.



**Quiz Question 4 (Lesson 02):**

Federal law addresses which of the following under "religious discrimination?" Select all that apply.

- A. Segregation**
- B. Dress and grooming practices**
- C. Associated discrimination**
- D. Reasonable accommodations**

Answer A, B, C, and D is the best answer. Religious discrimination under federal law protects all of these. Click anywhere to continue.

**Quiz Question 5 (Lesson 02):**

Federal law protects which of the following under "race/color discrimination?" Select all that apply.

- A. Personal characteristics**
- B. Complexion of skin**
- C. Assumptions/Stereotypes about abilities**
- D. Race**
- E. Association**

Answer A, B, C, D, and E are the best answer. When someone is treated less favorably because of these characteristics, race/color discrimination is occurring. Click anywhere to continue.

**Quiz Question 6 (Lesson 02):**

Federal law protects which of the following under "national origin discrimination?" Select all that apply.

- A. Citizenship status**
- B. Ethnicity**
- C. Accent**
- D. Unauthorized alien
- E. Association**

Answer A, B, C, and E are the best answer. Under federal law, national origin discrimination under federal law protects these classes. Click anywhere to continue.

**Quiz Question 7 (Lesson 02):**

Federal law protects which of the following under "disability discrimination?" Select all that apply.

- A. Special privileges
- B. Segregation**
- C. Employment opportunities**
- D. Terms and conditions of employment**
- E. Reasonable accommodations**

Answers B, C, D, and E are the best answers. A special privilege is the only incorrect answer. Laws and reasonable accommodations allow equal employment opportunity to the disabled. Laws allow disabled individuals to perform the essential functions to a job without special privileges. Click anywhere to continue.

### Quiz Question 8 (Lesson 02):

Under federal law, "human trafficking" only applies to underage commercial sex.

- A. True
- B. False**

Answer B is the best answer. Human trafficking is not limited to underage individuals. It includes commercial sex acts and employment by use of force, fraud, or coercion. Click anywhere to continue.

### Quiz Question 9 (Lesson 02):

Federal law protects which of the following individuals under "associational discrimination?"  
Select all that apply.

- A. Friend**
- B. Family**
- C. Ally**
- D. Significant other**

Answers A, B, C, and D is the best answer. This refers to situations when individuals are discriminated against because they are the significant other, friend, family, or ally of a protected class, or because of other association with someone or group of a protected class. Click anywhere to continue.

## Lesson 03: Responsibilities - Supervisor

No Slide

### Complaints

*SexHar\_Audio33\_SUP.wav*

*Slide 56*

Discrimination and harassment can occur anywhere in an organization. Supervisors, fellow coworkers, top leaders and third-party participants are all prohibited from committing these types of acts.

Who are these third-party participants? They are people who interact with employees as they do their jobs. They could be clients, customers, vendors, independent contractors, employees' family members, board members, investors, or even members of the public.

Discrimination and harassment may occur onsite or offsite. This includes a workplace outing, client meeting, or third-party site.

We will now cover some of your responsibilities as a supervisor. This includes:

- Complaints
- Policies
- Reporting
- Retaliation
- Investigations, and
- Warning signs

## Reporting

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Slide 57

Train and re-train all of your employees—not just managers and supervisors—to understand discrimination and harassment. Remind employees of the options available to them for reporting and encourage them to report any conduct that makes them feel uncomfortable. Suggest an alternate person to report to in the event the employee’s supervisor is the source of the discrimination and harassment.

Have multiple reporting avenues for employees that make it possible for an employee to report wrongdoing without embarrassment or fear of reprisal. A great practice is to include the ability to report to a third party outside the organization’s regular reporting channels.

Possible reporting intake avenues include:

- Report to immediate supervisor
- Report to human resources or committee
- Report to supervisor’s supervisor
- Report to internal reporting hotline or mechanism
- Report to a third-party hotline or mechanism, typically allowing anonymous reporting

## Reporting

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Slide 58

Employees may file a charge of discrimination and harassment, whether or not your organization is investigating the matter. The United States Equal Employment Opportunity Commission (EEOC) has several local field offices. Employees can reach the nearest EEOC field office by calling their toll-free number or visiting the EEOC website.

Employees can call toll free 1-800-669-4000 EEOC’s toll-free Telecommunications Device for the Deaf (TDD) number is 1-800-800-3302.

There are time limits within which to file a charge of discrimination. This is an employees legal right; they may contact the EEOC when they believe discrimination is believed to have occurred. An employer’s investigation of a claim does not extend the mandated filing time. Employees should have a clear understanding that they may report to the EEOC directly.

Your state may have additional laws that are more stringent. Look to your state, local and jurisdiction laws for any clarification. States have their own outlets to file charges of discrimination and harassment.

## Policies

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*Slide 59*

Be sure to have a policy aimed at preventing discrimination and harassment in the workplace. In addition, employer responsibilities require dissemination of policies to employees. Reporting policies and practices should include:

- List of all current protected characteristics.
- Providing confidentiality throughout the investigation process to the extent possible.
- Indicate that remedial measures will be taken following an investigation, if appropriate.
- Specify that retaliation for making a complaint or participating in an investigation is prohibited.
- Contain complaint reporting procedures that, among other things, provide a mechanism for employees to report complaints to someone other than a direct supervisor.
- Ensure timely investigations and responses for all complaints.
- Instruct supervisors to report complaints of misconduct to designated personnel.
- Be in writing, disseminated to all employees and accessible in printed copy, email, or online portal for employees to sign.
- Ensure all employees read and receipt of acknowledge are kept with employee's records.
- Translated into other languages if the "spoken language" of at least 10 percent of the workforce is a language other than English.
- Discuss and review policies upon new hire or during new-hire orientation sessions.
- Review and update periodically.
- Make reference to and provide guidance regarding third-party liability.
- Identify an investigation team and train on procedures.

## Policies

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*Slide 60*

Have an anti-retaliation policy and train your employees on it. Confirm their understanding of the policy. Your sexual harassment prevention program is only as effective as your anti-retaliation policy is. You need to provide sufficient training for employees to assist them in understanding that they are safe from retaliation, whether they reported the discrimination and harassment or participated in the investigation.

Upon a finding of some liability, damage reduction can depend upon a variety of factors, including the organization's policy, how the policy was communicated, details involving any related training and workplace procedures, whether there was a delay in the accuser's reporting of the incident, the outcome of the related investigation, and the steps the employer took to prevent retaliation.

## Policies

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Slide 61

In these cases, the employer has the responsibility to show that it was unreasonable for the employee to fail to use the employer's complaint procedures. Had the employee reasonably used the employer's complaint procedures that were designed and in place to prevent and eliminate discrimination and harassment, some of the harm suffered would have been prevented.

However, an employee's failure to complain immediately after an incident will not bar a claim. The employee might have hoped the behavior would stop and didn't want to be viewed as a troublemaker who complained about every perceived slight.

## Policies

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Slide 62

For example, an employee who was the victim of racial harassment by a coworker was able to pursue a claim, even though they had not used the employer's complaint procedures. The employee showed that:

- Management "already knew" about the coworker's harassment;
- The person designated to receive such complaints participated in the harassment;
- The employee was afraid to complain because the coworker carried a gun;

Have multiple reporting avenues for employees that make it possible for an employee to report without embarrassment or fear of reprisal. This should include the ability to report to a third party outside the organization's regular reporting channels.

## Investigations

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Slide 63

Make sure complaints are promptly, thoroughly, and objectively investigated. Those charged with the investigation will need procedural guidelines and take care to make certain your employees understand the investigative process.

Take effective corrective action. If you don't, and an employee brings a lawsuit, failure to take corrective action may be stated as a totally separate legal claim, potentially increasing the amount of any damages awarded against the employer.

## Investigations

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Slide 64

When a report is made, refer the report to the HR department or the person designated to begin the investigation, find out the facts, and take steps to eliminate the behavior. Make sure your employees are not further subjected to the discrimination and harassment they have reported.

Document! Documentation should state the date, time, place, and a factual description of what you observed, heard or was reported by the employee. Personal opinions and conclusions should not be considered as part of the record and should be avoided.

### Investigations

*SexHar\_Audio42\_SUP.wav*

*Slide 65*

You should cooperate with the investigator, and work through your HR department, if the investigator requests documentation. When the investigation is over a written report should be submitted to the management team in charge of making a reasonable decision, which is based on the facts revealed in the investigation report. Documentation on every action should be kept during and after an investigation.

Your job as a supervisor is to make sure reported allegations are taken seriously and investigated promptly. Only a timely response ensures that the surrounding facts can be discovered and addressed in an effective manner.

You should have an understanding of the investigation process so you can better assist your employees in understanding it as well.

### Warning Signs

*SexHar\_Audio43\_SUP.wav*

*Slide 66*

Some warning signs that discrimination and harassment may be occurring under your watch are:

- A protected class employee refuses to work with another employee or group of employees.
- A protected class employee asks for a transfer or resigns for no apparent reason.
- A protected class employee misses work, is consistently tardy, or has a drop in productivity, for no apparent reason.
- Arguments, or other examples of tension, arise between protected class employees and non-protected class employees.

Managers must watch for signs of discrimination and inquire further into casual remarks from protected class employees. Comments regarding a co-worker's behavior or actions demand attention. A comment from an employee such as, "Kim is unfair" or "Kim is hard to work with," should prompt an inquiry of, "How is Kim unfair?" or "In what way is Kim hard to work with?"

### Warning Signs

*SexHar\_Audio44\_SUP.wav*

*Slide 67*

Discrimination claims are often inferred from analyzing objective factors. Here are some ways to identify discrimination:

- For instance, James and Susan are interviewing for a vice president position. All 20 vice presidents in this organization are male. Susan has more experience and education than James. However, James gets the job. Susan's point of view may be that she was denied the job because she is female.

- Nguyen is the organization's only non-Caucasian employee. Robert, her supervisor, makes racial jokes and slurs to Nguyen, but to no one else. Nguyen's view may be that she is being discriminated against because of her race.

Smart Risk Managers® celebrate diversity in their workforce. Diversity opens the workplace to new ideas and perspectives. New ideas create growth, benefiting the organization, its supervisors, and its employees.

### Warning Signs

*SexHar\_Audio45\_SUP.wav*

*Slide 68*

Under federal law - if an employee can show that he or she suffered an adverse tangible employment action because of a supervisor's improper conduct of any type, then the employer will be liable. This is true even if the organization had no knowledge that discrimination and harassment was occurring. The organization will be automatically or strictly liable.

Under many state laws - as a supervisor you may be held personally liable. Meaning, an employee may file a claim directly against you as an individual, on top of a claim directed at the employer/organization.

### Lesson Conclusion (Countrywide)

*SexHar\_Audio46\_SUP.wav*

*Slide 69*

These responsibilities are just some of the obligations you have as a supervisor. Now that you have a better understanding of your responsibilities, we will review what you have learned in a quick Knowledge Check.

The next and final lesson will cover the Five Core Principles of Smart Risk Management.

### Lesson Conclusion (State Specific)

*Slide 70*

These responsibilities are just some of the obligations you have as a supervisor. Now that you have a better understanding of your responsibilities, we will review what you have learned in a quick Knowledge Check.

In the next lesson we will cover laws particular to your state.

### Knowledge Check

*Slides 71-77*

### Quiz Question 1 (Lesson 03):

Which individuals are prohibited from committing discrimination and harassment in the workplace under federal law? Select all that apply.

- A. Supervisors
- B. Employees
- C. Clients
- D. Customers
- E. Vendors
- F. Top\_leaders
- G. Investors
- H. Members of the public

A, B, C, D, E, F, G, H are the best answers. All of these individuals can be responsible and held liable for misconduct. Discrimination and harassment may occur onsite or offsite. This includes a workplace outing, client meeting, or third-party site. Click anywhere to continue.

### Quiz Question 2 (Lesson 03):

Under federal law, employees must report to their immediate supervisor in order to have a report of sexual harassment investigated.

- A. True
- B. False

Answer B is the best answer. Employees are not required to complain to their direct supervisor. Complaints may be filed with a designated company representative, such as a direct supervisor or indirect supervisor, a human resources (HR) manager, a complaint hotline, an equal employment opportunity officer, or through a federal or state agency. Click anywhere to continue.

### Quiz Question 3 (Lesson 03):

Under federal law, supervisors, employees, and third parties may be held liable for sexual harassment and discrimination in what manner?

- A. Federal law does not hold individuals personally liable but holds the employer solely liable.
- B. Federal law holds individuals such as supervisors, employees and third parties just as responsible as the employer.
- C. Supervisors, employees, and third parties must be reprimanded and investigated.
- D. May only be held liable if they partook in the sexual harassment or discrimination more than once.

Answer A is the best answer. Federal law holds the employer responsible and does not define an individual as an employer, though some state laws do hold individuals to be personally liable. Click anywhere to continue.

### Quiz Question 4 (Lesson 03):

Anti-harassment and anti-discrimination policies avoid employer liability if an employee files a claim.



- A. True
- B. False**

The best answer is B. Employers should disseminate these policies and have employees acknowledge their understanding of them. Policies and reporting procedures assist with reducing damages if liability were to arise. Click anywhere to continue.

### Quiz Question 5 (Lesson 03):

Under federal law, if an employee fails to use an employer's complaint procedures, the employer cannot be held liable.

- A. True
- B. False**

The best answer is B. If reasonably shown that an employee feared retaliation and avoided the employer's reporting procedures, an employee can still pursue a claim. Having reporting procedures in place, including third party reporting, can assist with damage reduction if a claim were to arise. Click anywhere to continue.

### Quiz Question 6 (Lesson 03):

As a supervisor, it is your responsibility to investigate reports of discrimination and harassment.

- A. True
- B. False**

The best answer is B. Report and submit claims to be investigated by your HR department or investigative team. Your job as a supervisor is to make sure reported allegations are taken seriously and investigated promptly. Not to investigate yourself. Click anywhere to continue.

## Lesson 04: Illinois

### State Law

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In this lesson, we will discuss the discrimination and harassment laws of your particular state: Illinois.

The United States has a “bifurcated” or “divided” legal system. That means that we have a federal government and that each state has its own state government, as well. We have a federal legislature in Washington, DC that passes laws that apply to every state in the nation. We have a federal court system, at the top of which is the US Supreme Court, which interprets these federal laws. So far in this course we have been addressing these sort of federal laws.

However, in a bifurcated system, anywhere that the federal government has not legislated, state governments are free to pass their own laws. So, every state has a state legislature and a state

court system. State laws cannot negate or “opt out of” federal law, but states many times set additional requirements of their local citizens. In other words, states often set a higher standard for conduct under state law. On an even more local level, towns and cities can set even higher standards for their citizens – however, this class will not address the laws that exist on the city or town level.

## Illinois Law

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For many kinds of discrimination and harassment, both federal and Illinois state law apply to employers with 15 or more workers. However, in some cases, Illinois law covers smaller employers not otherwise covered by federal law for harassment, retaliation, and discrimination claims. For example, if your workplace has between 1 and 14 employees, employees may file a state pregnancy or genetic discrimination claim. If your workplace has between 15 and 20 employees, employees can file a state age discrimination claim, while federal law covers only employers with 20 or more employees for age discrimination cases. So, in Illinois, even smaller organizations need to be careful.

## Individual Liability

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Illinois law sets a higher standard for discrimination and harassment in several ways. First, under federal law, the employer as an entity – corporation, etc. – is liable for discrimination when it occurs. Illinois state law extends liability to individuals who “aid and abet” discrimination. This means that the coworkers who harass a peer can be sued under state law as can the responsible supervisor. Individuals who can be liable are not limited to employees of the liable employer, but persons such as customers, contractors, vendors and even the public.

## Reporting in Illinois

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Employees may also report sexual harassment and discrimination to the Illinois Department of Human Rights (IDHR). A discrimination charge can be initiated by calling, emailing, faxing, mailing, or appearing in person at the IDHR’s Chicago or Springfield offices within 300 days of the date the alleged discrimination took place.

In addition to contacting the IDHR, public sector employees who experience sexual harassment and discrimination can report such incidents in the following ways:

- contact the agency’s assigned Ethics Officer;
- contact the Office of the Executive Inspector General; and/or
- contact the Office of the Legislative Inspector General.

For more information and resources, you may call the State of Illinois Sexual Harassment and Discrimination Helpline at 877-236-7703 Monday through Friday, 8:30 a.m. to 5:00 p.m.

## Reporting in Illinois

*SexHar\_Audio36\_2\_EMP.wav*

You should know that the EEC may levy a fine of up to \$5,000 against anyone who intentionally makes a false, frivolous, or bad faith allegation. Anyone who intentionally makes a false report alleging sexual harassment to the OEIG, EEC, or to certain law enforcement agencies or officials is guilty of a misdemeanor.

## Reporting in Illinois

*SexHar\_Audio36\_3\_EMP.wav*

Employers with complainants who prevail on a claim of discrimination will be liable for a combination of the following:

- Actual damages for injury or loss suffered;
- Specific relief such as hire, reinstatement, promotion, back pay, and fringe benefits;
- Attorney fees; and
- Other relief to make the Complainant whole.

Also, know that a company or organization's licensure with the State of Illinois may be refused, suspended, or revoked if a complainant prevails on a claim of discrimination.

## Unlawful Criteria & Protected Classes (Illinois)

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The state of Illinois makes it illegal for an employer to discriminate on the basis of a few more criteria or protected classes than does federal law. In Illinois, employment discrimination is unlawful on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions), national origin, ancestry, citizenship status, age (40 and over), marital status, unfavorable military discharge, military status, genetic information, arrest record, victims of domestic violence, physical, mental or perceived handicap/disability, or sexual orientation (including gender-related identity).

Let's discuss the items that, under state law, differ significantly from federal law: Marital status. In Illinois, it is unlawful to pay someone less because they are single and "not supporting a family" or to not hire someone because you disapprove of his or her divorce. This law does not, however, prevent employers from having a policy that prevents spouses from working together.

Sexual harassment. In Illinois, the employer is strictly liable for the harassment by any supervisor at the organization. The defenses to liability under federal law are not available in Illinois. And, as discussed above, Illinois law makes individuals liable - as well as employers - for the harassment they are involved in. Age discrimination. As discussed, employers with 15 or more employees can be charged with age discrimination, while the minimum is 20 employees under federal law. There are a few other procedural differences in state and federal age discrimination, as well.

Disability discrimination. Both federal and state law requires that employers reasonably accommodate disabled employees under certain circumstances. Under federal law, such accommodation would mean considering transferring the employee to another job. That required analysis does not exist under Illinois law. English-only rules. In Illinois, it is specifically unlawful to require employees to speak English at work at times when they are not performing work duties.

In addition to these significant differences, there are some smaller differences between federal and Illinois state law.

## Human Trafficking

*SexHar\_Audio52\_SUP\_ST\_IL.wav*

In Illinois, certain employers have to post notices informing employees and the public of a helpline at the National Human Trafficking Resource to assist anyone subject to human trafficking. The notice defines trafficking as “being forced to engage in any activity and cannot leave, whether it is commercial sex, housework, farm work, construction, factory, retail, or restaurant work, or any other activity...” The notice must be posted at:

1. Businesses where the sale of alcohol is the principal business and that hold on-premise consumption retailer licenses under the Liquor Control Act of 1934;
2. Adult entertainment facilities;
3. Primary airports;
4. Intercity passenger rail or light rail stations;
5. Bus stations;
6. Truck stops;
7. Emergency rooms within general acute care hospitals;
8. Urgent care centers;
9. Farm labor contractors; and
10. Private job recruitment centers.

## IL Knowledge Check

### Quiz Question 1 (IL)

The primary statute that is state specific to Illinois and makes discrimination and harassment unlawful is:

- A. Illinois Human Rights Act
- B. Illinois State Labor Law
- C. Fair Labor Standards Act
- D. Day and Temporary Labor Services Act

The best answer is A. Illinois’s IHRA law sets a higher standard for discrimination and harassment in several ways. Understand not only state law, but also local level laws that may apply. Click anywhere to continue.

### Quiz Question 2 (IL)

Under Illinois law, a supervisor or fellow coworker who discriminates or harasses an employee can be sued under state law.

- A. True
- B. False

The best answer is A. Under federal law, the employer as an entity, corporation, etc. is liable for discrimination when it occurs. Illinois state law extends liability to supervisors and coworkers

who aid and abet in discrimination. Persons such as customers, contractors, vendors and even the public can also be liable. Click anywhere to continue.

### Quiz Question 3 (IL)

The State of Illinois recognizes a few additional protected classes in addition to those that are recognized at the federal level. Which of the classes listed below are protected in Illinois?

- A. Citizenship status
- B. Gender identity and gender stereotyping
- C. Unfavorable military discharge
- D. Protection order
- E. All of the above**

The best answer is E. Protected classes in Illinois, in addition to those recognized at the federal level, include citizenship status, marital status, gender identity, gender stereotyping, sexual orientation, genetic information, pregnancy, ancestry, handicap status, unfavorable military discharge, and protection order. Click anywhere to continue.

### Quiz Question 4 (IL)

Which of the following is an avenue employees can use to file a claim of discrimination and/or harassment?

- A. United States Equal Opportunity Commission (EEOC)
- B. Illinois Department of Human Rights (IDHR)
- C. Their human resources department, manager, and/or supervisor
- D. All of the above**

Correct. D is the best answer. Click anywhere to continue.

### Quiz Question 5 (IL)

In Illinois, certain employers have to do which of the following?

- A. Notify all employees of state English-only rules.
- B. Post notices informing employees and the public of a helpline at the National Human Trafficking Resource.**
- C. Post notices and provide signed acknowledgement of state's right to work rules.
- D. None of the above.

Correct. The best answer is B. In Illinois, certain employers have to post notices informing employees and the public of a helpline at the National Human Trafficking Resource to assist anyone subject to human trafficking. Click anywhere to continue.

## Lesson 05: Five Core Principles

### Five Core Principles

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As a supervisor, manager or team lead you should understand and apply the Five Core Principles of Smart Risk Management™ when preventing or confronted with discrimination and harassment in the workplace.

### **Core Principle #1**

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Core Principle #1: No Tolerance.

Smart Risk Management always begins with “no tolerance.” Never commit, allow or condone unlawful conduct (in words or actions) against anyone in your workplace or any applicants for employment. Be sure you have an enforced, written, and disseminated policy against unlawful discrimination and harassment.

Show "no tolerance" for any behavior that falls under these policies.

### **Core Principle #2**

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Core Principle #2: Observation.

Always be on the lookout for risk and wrongdoing. Remember that each employee is different. What appears to be a harmless joke or innuendo to you may actually be unwelcome to another. Outwardly, an employee may seem accepting of statements, jokes or innuendoes, but may, in reality, be offended.

Be observant and don't let outside appearances fool you regarding whether the behavior in question is welcome.

### **Core Principle #3**

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Core Principle #3: Communication

Quick and decisive communication is the key to prevention. An effective risk manager knows which employees to contact in the organization when discrimination and harassment is discovered or alleged. Communicate the information to the individuals designated to manage the situation in your organization and make yourself available to assist. Concentrate on communicating the facts: "I saw Joe force a kiss on Carol." Avoid giving your personal interpretation: "Carol didn't seem to mind the kiss."

A report is an allegation only and should be promptly investigated by your organization or, if appropriate, by third party investigators. Keep any report as confidential as possible. Only those individuals in your organization who have a "need to know" should be made aware of the report.

### **Core Principle #4**

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Core Principle #4: Empathy.

Managerial empathy is the ability to identify with your employees so you can understand their feelings and needs. You should understand that discrimination and harassment reports are traumatic and emotionally charged for the accuser, the accused, and for the witnesses.

Smart Risk Managers always try to place themselves in their employees' shoes by showing empathy.

### **Core Principle #5**

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Core Principle #5: Fairness.

Finally, Smart Risk Management requires fairness to all employees. Always remember that the accused should be considered innocent until a thorough investigation is conducted which may prove otherwise.

Uniformly and consistently apply laws, regulations, rules, policies, procedures and practices to all employees. No employee is above or below the law or your organization's rules and policies. Put aside your personal prejudice, bias and fear to make objective decisions.

Fairness goes a long way.

### **Lesson Conclusion (Countrywide)**

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This concludes this lesson on the Five Core Principles of Smart Risk Management®. You are nearly complete with your training. Next is a final Knowledge Check to see what you have learned through out this course.

## **Knowledge Check**

### **Quiz Question 1 (5CP)**

The Five Core Principles of Smart Risk Management™ includes: Select all that apply.

- A. No tolerance**
- B. Observation**
- C. Communication**
- D. Empathy**
- E. Fairness**
- F. Accountability
- G. Confidentiality

Answers A, B, C, D, and E are the best answers. You should understand and apply the Five Core Principles of Smart Risk Management when preventing or confronted with discrimination and harassment in the workplace. Click anywhere to continue.

## Final Quiz

### Quiz Question 01 (Lesson 01):

Federal law defines “discrimination” as:

- A. Disciplining someone that is considered an individual of a protected class.
- B. Paying one person more than another for the same duties and tenure.
- C. When an employer sets a higher standard of conduct than the law requires.
- D. Unfair or unequal treatment of an individual or group of a protected class.**

The best answer is D. Unfair or unequal treatment of a protected class is prohibited and applies not only to employees but also job applicants. Behavior violates federal, and in some cases, state law. Click anywhere to continue.

### Quiz Question 02 (Lesson 01):

Which of the following are considered “discrimination” under federal law?

- A. Physical conduct
- B. Verbal conduct
- C. Retaliation
- D. Unfair terms and conditions of employment
- E. All of the above**

The best answer is E. Unlawful discrimination occurs when there is unfair or unequal treatment of an individual or group of a protected class. Discrimination in the workplace against job applicants and employees violates federal, and in some cases, state law. This includes physical, verbal, retaliation, and terms and conditions of employment. Click anywhere to continue.

### Quiz Question 03 (Lesson 01):

Federal law defines “harassment” as:

- A. Physical threatening conduct that includes touching, grabbing, shaking, or hitting someone.
- B. Unwelcome conduct motivated by a protected class.**
- C. Sometimes called “workplace bullying” and is with intent to sabotage another employee.
- D. Verbal threatening conduct that includes offensive language or threats directed at someone.



The best answer is B. Harassment is unwelcome conduct that is targeted at an individual or group of a protected class. Conduct may be physical, verbal, or visual. To be unlawful, the conduct must create a work environment that is severe or pervasive enough to be considered intimidating, hostile, or offensive to a *reasonable people*. Click anywhere to continue.

**Quiz Question 04 (Lesson 01):**

Federal law defines “sexual harassment” as:

- A. **Discrimination or harassment based on someone’s sex or gender has occurred.**
- B. Sexual behavior in the workplace is occurring.
- C. A supervisor and employee are dating.
- D. Someone of the opposite gender discriminates or harasses someone based on their gender.

The best answer is A. Sexual harassment or unwelcome sexual advances are motivated by someone’s gender. Advances include requests for sexual favors, and other verbal or physical harassment of a sexual nature. Harassment does not have to be of a sexual nature, however, and can include offensive remarks about a person’s gender. Click anywhere to continue.

**Quiz Question 05 (Lesson 02):**

Federal law protects which of the following under “sex discrimination?” Select all that apply.

- A. Familial status
- B. Gender**
- C. Gender identity**
- D. Marital status
- E. Sexual orientation**

Answer B, C, and E is the best answer. Sex, gender identity, sexual orientation, transgender, gender expression, and perceived sexual orientation are all protected under sex discrimination. Sex discrimination does not have to be between opposite genders. Click anywhere to continue.

**Quiz Question 06 (Lesson 02):**

Federal law protects which of the following under “pregnancy discrimination?” Select all that apply.

- A. **Pregnancy**
- B. **Childbirth**
- C. **Medical condition, related to pregnancy or childbirth**
- D. **Adoption or foster care**
- E. Provides paid time off

Answer A, B, C, and D is the best answer. Federal law protects discrimination on pregnancy, childbirth, related medical condition, and adoption or foster care. Employers do not have to provide PAID time off under federal law. A new parent (including foster and adoptive parents(s) may be eligible for 12 weeks of leave under the Family and Medical Leave Act (FMLA). Click anywhere to continue.

**Quiz Question 07 (Lesson 02):**

Under federal law, which of the following age group(s) does “age discrimination” apply to?

- A. 18 and under
- B. **40 and over**
- C. 40 and over, including 18 and under
- D. 50 and over
- E. 60 and over

Answer B is the best answer. Federal law that covers age discrimination only applies to people 40 and over, although some states do have laws that protect younger workers. This federal law only applies to employers with 20 or more employees. Click anywhere to continue.

**Quiz Question 08 (Lesson 02):**

Federal law addresses which of the following under “religious discrimination?” Select all that apply.

- A. **Segregation**
- B. **Dress and grooming practices**
- C. **Associated discrimination**
- D. **Reasonable accommodations**

Answer A, B, C, and D is the best answer. Religious discrimination under federal law addresses all of these. Click anywhere to continue.

**Quiz Question 9 (Lesson 02):**

Federal law protects which of the following under “race/color discrimination?” Select all that apply.

- A. Personal characteristics**
- B. Complexion of skin**
- C. Assumption/Stereotypes about abilities**
- D. Race**
- E. Association**

Answer A, B, C, D, and E is the best answer. When someone is treated less favorably because of these characteristics, race/color discrimination is occurring. Click anywhere to continue.

**Quiz Question 10 (Lesson 02):**

Federal law protects which of the following under “national origin discrimination?” Select all that apply.

- A. Citizenship status**
- B. Ethnicity**
- C. Accent**
- D. Unauthorized alien
- E. Association**

Answer A, B, C, and E are the best answer. National origin discrimination under federal law protects these classes. Click anywhere to continue.

**Quiz Question 11 (Lesson 02):**

Federal law protects which of the following under “disability discrimination?” Select all that apply.

- A. Special privileges**
- B. Segregation**
- C. Employment opportunities**
- D. Terms and conditions of employment
- E. Reasonable accommodations**

Answer B, C, D, and E are the best answer. A special privilege is the only incorrect answer. Laws and reasonable accommodations allow equal employment opportunity to the disabled. Laws allow disabled individuals to perform the essential functions to a job without special privileges. Click anywhere to continue.

**Quiz Question 12 (Lesson 02):**

Under federal law, “human trafficking” only applies to underage commercial sex.

- A. True
- B. False**

Answer B is the best answer. Human trafficking is not limited to underage individuals. It includes commercial sex acts and employment by use of force, fraud, or coercion. Click anywhere to continue.

**Quiz Question 13 (Lesson 02):**

Federal law protects which of the following individuals under “associational discrimination”  
Select all that apply.

- A. Friend**
- B. Family**
- C. Ally**
- D. Significant other**

Answers A, B, C, and D is the best answer. This refers to situations when individuals are discriminated against because they are the significant other, friend, family, or ally of a protected class, or because of other association with someone or group of a protected class. Click anywhere to continue.

**Quiz Question 14 (Lesson 03) :**

Which individuals are prohibited from committing discrimination and harassment in the workplace under federal law? Select all that apply.

- A. Supervisors**
- B. Employees**
- C. Clients**
- D. Customers**
- E. Vendors**
- F. Top leaders**
- G. Investors**
- H. Members of the public**

A, B, C, D, E, F, G, H are the best answers. All of these individuals can be responsible and held liable for misconduct. Discrimination and harassment may occur onsite or offsite. This includes a workplace outing, client meeting, or third-party site. Click anywhere to continue.

**Quiz Question 15 (Lesson 03):**

Under federal law, employees must report to their immediate supervisor in order to have a report of sexual harassment investigated.

- A. True
- B. False**

Answer B is the best answer. Employees are not required to complain to their direct supervisor. Complaints may be filed with a designated company representative, such as a direct supervisor or indirect supervisor, a human resources (HR) manager, a complaint hotline, an equal employment opportunity officer, or through a federal or state agency. Click anywhere to continue.

**Quiz Question 16 (Lesson 03):**

Under federal law, supervisors, employees, and third parties may be held liable for sexual harassment and discrimination in what manner?

- A. Federal law does not hold individuals personally liable but holds the employer solely liable.**
- B. Federal law holds individuals such as supervisors, employees and third parties just as responsible as the employer.
- C. Supervisors, employees, and third parties must be reprimanded and investigated.
- D. May only be held liable if they partook in the sexual harassment or discrimination more than once.

Answer A is the best answer. Federal law holds the “employer” responsible and does not define an individual as an “employer.” Though some state laws do hold individuals to be personally liable. Click anywhere to continue.

**Quiz Question 17 (Lesson 03):**

Anti-harassment and anti-discrimination policies avoid employer liability under federal law if an employee files a claim.

- A. True.
- B. False.**

The best answer is B. Employers should disseminate these policies and have employees acknowledge their understanding of them. Policies and reporting procedures assist with reducing damages if liability were to arise. Click anywhere to continue.

**Quiz Question 18 (Lesson 03):**

Under federal law, if an employee fails to use an employer’s complaint procedures, the employer cannot be held liable.

- A. True.
- B. False.**

The best answer is B. If reasonably shown that an employee feared retaliation and avoided the employers reporting procedures, an employee can still pursue a claim. Having reporting procedures in place, including third party reporting, can assist with damage reduction if a claim were to arise. Click anywhere to continue.

**Quiz Question 19 (Lesson 03):**

As a supervisor, it is your responsibility to investigate reports of discrimination and harassment.

- A. True.
- B. False.**

The best answer is B. Report and submit claims to be investigated by your HR department or investigative team. Your job as a supervisor is to make sure reported allegations are taken seriously and investigated promptly. Not to investigate yourself. Click anywhere to continue.

**Quiz Question 20:**

The Five Core Principles of Smart Risk Management include: Select all that apply:

- A. No tolerance**
- B. Observation**
- C. Communication**
- D. Empathy**
- E. Fairness**
- F. Accountability
- G. Confidentiality

Answers A, B, C, D, and E are the best answers. You should understand and apply the Five Core Principles of Smart Risk Management when preventing or confronted with discrimination and harassment in the workplace. Click anywhere to continue.

## Conclusion

### Conclusion - Supervisor

*SexHar\_Audio61\_SUP.wav*

You should now have a better understanding of discrimination and harassment in the workplace.

In this course you have reviewed:

- What is considered discrimination
- What is considered harassment
- What the protected classes are and,

- Your responsibilities as a supervisor

Unlawful discrimination and harassment in your workplace disempowers your employees, fosters poor morale, reduces productivity, and exposes your organization to costly litigation losses—loss of your organization’s valuable money, time, energy, and employees. All supervisors have the power to eliminate discrimination in their workplace.

Employment anti-discrimination laws are aimed at promoting ability-based decisions regarding employees.

If you face a workplace challenge that may be considered discrimination and harassment be sure to contact an expert for advice. This will assure you are making the best risk management practices.

You may now exit this training and print a certificate from your training report.