

Preventing Discrimination and Harassment

Dating back to the late 1800s, common law in the U.S. defined the employment relationship as "at will," meaning that employers were free to hire and fire at will. Employers could, for example, refuse to hire minorities, segregate the workforce, assign unpleasant work to women, and deny such groups opportunities for advancement. That's all changed. Federal laws now prohibit discrimination and harassment in the workplace on the basis of age, sex, race, religion, national origin, disability, pregnancy and genetic information, and some state and local laws protect even more characteristics.

Training employees to prevent workplace discrimination and harassment is nothing less than essential. Not only can workplace discrimination and harassment affect employee productivity, it can divert resources from the organization's real business. Improper conduct can also lead to liability for the organization and/or individual employees for workplace discrimination and harassment. The U.S. Supreme Court has established legal standards that employers must meet to avoid — or at least minimize — incidents of discrimination and harassment and avoid liability for punitive damages. Employee training is a key part of the defense.

Course Summary

There are separate training courses for managerial (45 minutes) and nonmanagerial (35 minutes) employees. Both include pop-quizzes, news clippings and a final quiz highlighting real-world compliance issues that employees should learn to recognize and deal with appropriately.

Preventing Discrimination and Harassment (cont'd)

The "employee" course covers the following topics:

- Reasons for concern
- Anti-discrimination laws
- Sexual harassment defined
- Types of sexual harassment
- Walking the fine line
- Consensual relationships
- Considering all of the circumstances
- Conduct to be avoided
- Internet and e-mail harassment
- Other protected characteristics
- Other conduct to be avoided
- Retaliation
- What you should do
- Maintaining a respectful work environment

The "manager" course covers the topics listed above and the following additional topics:

- Liability for supervisor misconduct
- Liability for other misconduct
- Supervisor responsibilities
- Set the right tone
- Document employee actions
- Documentation tips
- Respond properly to complaints
- Assist with the investigation
- Prevent retaliation