

2014 CoS Harassment and Discrimination Refresher

Introduction

Slide 1

This e-learning module is a mandatory refresher for every City of Seattle Employee. It will take approximately 15 minutes to complete. Once you have completed it, your participation will be recorded in our Learning Management System. Thank you for completing this important refresher on harassment and discrimination.

Slide 2 – Open-Ended, Ask for Input

Why is the communication of our harassment and discrimination policy so important to the City of Seattle?

Slide 3 – Comparison

Here's what you said: (repeat back what learner entered on prior slide)

The communication of our harassment and discrimination policy so important to the City of Seattle because -

- The City wants to create a productive environment free of harassment and discrimination for all employees so that they can come to work and do their best work.
- The City wants all employees to know what might be considered harassment and discrimination, so they can avoid any behaviors that might harass or discriminate.
- The City wants all employees to know how to get support in addressing inappropriate or illegal behavior.
- The City would rather spend public funds on City infrastructure and programs and services for residents than to pay fines for failing to protect employees from harassment and discrimination.

Slide 4-7

Activity: You decide if it's possible harassment or not.

Purpose: Learner is presented with scenarios and they are asked to identify if the situation is likely harassment or not.

Reference Material – Available in Resource section (or on demand pop-up)

What is Harassment?

Illegal harassment may be sexual in nature or it might be related to a personal factor such as race, gender, religion, sexual orientation [click here for a list of all personal factors protected by law from harassment].

An employee might also encounter harassment that is inappropriate, but not illegal. For example, an employee who is harassed based on the color of her hair or his size has no legal protection, but the City of Seattle will not tolerate inappropriate harassment even if there is no protection under the law.

The City of Seattle wants to foster an environment where employees can do their best work and not be distracted by harassment of any kind.

Harassment may be verbal, non-verbal, or physical in nature. Test your understanding of harassment on the following pages.

Verbal links to a list of verbal behaviors: jokes, stories, slurs
Non-verbal links to a list of non-verbal behaviors: cartoons, e-mails, photos
Physical links to a list of physical behaviors: touching, kissing, blocking movement

Slide 4

Harassment

You decide if it's possible harassment or not.

1. Your manager asks you out to dinner to discuss your being reclassified at a higher level.

Possibly harassment

Not likely harassment

Whichever option is chosen learner gets this message preceded by Correct! or Incorrect and an explanation.

Possibly harassment

This could possibly be considered to be sexual harassment if your manager is offering support for a promotion in exchange for a sexual favor. It is not legal for anyone in a position of authority at the City to offer a tangible employment benefit in exchange for a sexual favor.

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Harassment

You decide if it's possible harassment or not.

2. Your manager, after multiple coaching conversations, and an official counseling in the presence of an HR representative, gives you a verbal warning for poor work quality.

Possibly harassment Not likely harassment

Whichever option is chosen learner gets this message preceded by Correct! or Incorrect and an explanation.

Not likely harassment

If a manager is holding you accountable for expected job performance, and that manager is consistent in holding all employees accountable, this would not likely be considered harassment. Only if a manager is singling out and holding employees accountable based on something not related to job performance: race, age, religion, gender, disability, would it be likely to be considered harassment.

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Harassment

You decide if it's possible harassment or not.

3. A colleague in another department sends you jokes once a week via e-mail that disparage a specific ethnic group.

Possibly harassment Not likely harassment

Whichever option is chosen learner gets this message preceded by Correct! or Incorrect and an explanation.

Possibly harassment

If you are offended by these jokes, this is inappropriate and possibly harassing behavior. If you are not offended by these jokes, it is still an inappropriate use of City equipment and should stop immediately. Ask the person to stop or ask a member of your management or HR staff to intervene on your behalf.

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Harassment

You decide if it's possible harassment or not.

4. You share a cartoon with a colleague that disparages a specific political party. Is this one cartoon considered illegal harassment.

Possibly harassment Not likely harassment

This time, whichever option is chosen receives this response:

Correct! This one cartoon may or may not meet the definition of illegal harassment, but it is inappropriate and you are taking a risk of being disciplined for this behavior. Employees are protected from harassment based on political ideology by a City of Seattle ordinance. If in doubt, ask yourself, is telling this story, sharing this joke, sending this e-mail worth risking my reputation at work or jeopardizing my good standing at work.

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What is Discrimination?

Discrimination

Discrimination has two components:

- Being treated differently based on personal factors.
- Being harmed by that treatment.

[click here for a list of all personal factors protected by law from discrimination].

[verbiage from the Personnel rule]

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Examples of discrimination in employment include:

- Not being hired because of your race.
- Not being promoted because of your age.
- Not being given an out-of-class opportunity because of your gender identity.
- Being fired because of a disability.

It is considered legal to require a specific physical ability if it's a bona fide occupational qualification: for example, a given role may have the requirement of being able to lift 50 pounds.

Test your understanding of harassment on the following pages.

Slide 10-13

Activity: You decide if it's possible discrimination or not.

Purpose: Learner is presented with scenarios and they are asked to identify if the situation is likely discrimination or not.

Slide 10

Discrimination

You decide if it's possible discrimination or not.

1. You are being disciplined because you are making errors in your accounting job. During the discussion, you bring up the fact that your eyesight has deteriorated, and a \$250 magnifying screen will allow you to continue to use your PC and reduce the number of errors you are making. Your manager refuses to purchase the magnifying screen.

Possibly discrimination Not likely discrimination

Whichever option is chosen learner gets this message preceded by Correct! or Incorrect and an explanation.

Possibly discrimination

A \$250 magnifying screen would be considered to be a reasonable accommodation to provide for an employee. Refusal may be seen as discriminatory.

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Discrimination

You decide if it's possible discrimination or not.

2. An employee lets her manager know that she will be having gender re-assignment surgery. The manager says, "I know we had talked about your doing an out-of-class assignment in the field, but I need to reconsider

that. Our customers may not be comfortable with working with someone who is transgender.”

Possibly discrimination Not likely discrimination

Whichever option is chosen learner gets this message preceded by Correct! or Incorrect and an explanation.

Possibly discrimination

Being turned down for an out-of-class assignment based on your gender identity is likely illegal discrimination.

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Discrimination

You decide if it's possible discrimination or not.

3. You are a 59-year-old employee. You are turned down for an internal job posting. You meet with the hiring manager in the hopes of getting feedback and becoming a stronger candidate for future positions of a similar nature. The only feedback the hiring manager is able to give you is that the chosen candidate was more in touch with current trends and brought an energy to the job that was required. You find out that the job went to a 27-year-old colleague.

Possibly discrimination Not likely discrimination

Whichever option is chosen learner gets this message preceded by Correct! or Incorrect and an explanation.

Possibly discrimination

While this is not necessarily discrimination, the comments might suggest a bias in the hiring manager toward a younger demographic. It would certainly be within your rights to contact a member of management or Human Resources and voice a concern.

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Discrimination

You decide if it's possible discrimination or not.

4. Your manager holds you accountable for meeting deadlines and high expectations for work quality. She tells you that she needs you to be operating at the top of your job classification. You have heard that she holds all of her staff accountable for high expectations.

Possibly discrimination Not likely discrimination

Whichever option is chosen learner gets this message preceded by Correct! or Incorrect and an explanation.

Not likely discrimination

It is not discriminatory to hold all of one's employees to high work standards. It is only when a manager holds just one class of employees to a higher standard that it might be considered discrimination: for example, a manager holds only female employees to a high standard, or a manager only disciplines employees of one religion for a particular breach of conduct.

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How do you get a complaint heard?

Here are all the ways you might get a complaint of harassment or discrimination heard:

- A member of Management
- A member of Human Resources
- An employee from the Office of Civil Rights

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What happens when a complaint is brought forward?

[verbiage from Personnel Rule 1.1.1]

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Retaliation

[verbiage about retaliation]

Slide 17

What might retaliation look like?

Which of these management decisions could be seen as retaliation after an individual files a complaint of harassment or discrimination?

The individual is terminated. [yes]

The whole work group is moved to a less desirable location. [no]

The individual is moved to a less desirable work shift. [yes]

The individual loses desirable project assignments. [yes]

New attendance guidelines are communicated for the entire work group. [no]

[Dialog box appears at the end of activity that proclaims:]

The City of Seattle will protect you from retaliation for bringing forward a concern of harassment or discrimination.

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Thank you for completing this mandatory online refresher of the City's harassment and discrimination policies.

We hope that your career at the City of Seattle is free of harassment and discrimination and that we succeed in creating an environment where employees can do their best work and serve the residents of this great city.