Managers & Supervisors

Your Annual EEO / Sexual Harassment Training

This base has a zero tolerance policy on sexual harassment and discrimination.
A New Look
Today we are going to share with you some valuable information regarding Harassment and Discrimination. Unfortunately, sexual harassment is a common occurrence, and claims are on the rise.

We’re going to give you information to help you recognize, prevent and report any behaviors or actions that could be considered sexual harassment. We will be discussing what MCCS expects from you as Supervisors/Managers and we’ll review the different kinds of behavior that are not appropriate here at work. We depend on you, our Supervisor/Manager, to be our first line of defense in creating a work environment free from harassment and discrimination.

With respect to the EEO Complaint process, you need to realize that from an incident of harassment or discrimination, you have 45 days from the time you realized that you were harassed to make contact with the EEO Counselor, Dan Grissom at 725-3845, he will then schedule an appointment to meet with you.
Our Objectives for this class is as follows: To Define the 2 types of Harassment. Also to look at Bullying Behavior, then to understand what Third Party Harassment is and what can be done about it. This presentation will also touch on Age Discrimination, Digital Harassment (new subject this year). Then it will look at Your Responsibilities in the work place as Managers and Supervisors and rounding things out with the ACTs and the Constitution Day training.
A New Look

What is Harassment?
Most people recognize that harassment occurs when someone openly bullies, threatens or even terrorizes another person. However, harassment isn’t always that obvious; it is often subtle in nature. A behavior doesn’t have to be intentional to be considered harassment. In fact, most people don’t consciously harass others.

Harassment occurs when people are treated inappropriately or unfairly because they are perceived to be part of a protected group. Usually a one time offense is not considered harassment in the eyes of the law. In order for behaviors to be considered harassment, they must create a hostile work environment. A hostile work environment results from behavior that is offensive and on going (pervasive). “Hostile” does not necessarily mean behaving in an angry or violent manner. “Hostile” can mean being derogatory or saying or doing things that make another person feel inferior or uncomfortable.

Though one insensitive or derogatory comment is not usually considered harassment, this may not be true for highly offensive words or deeds. Behavior is more likely to be deemed harassment when the offender is intentionally trying to make another person feel uncomfortable or intimidated.
A New Look

Quid Pro Quo
The first type of harassment is called Quid Pro Quo = meaning this for that, the exchanging of job benefits for sexual favors or threatening to deny job benefits if sexual favors aren’t given. Another example would be: Someone in authority such as a supervisor or a manager, requests a sexual favor of an employee or engages in unwelcome advances or other sexually related behavior. Then the submission to or rejection of that behavior by the employee is used as the basis for a tangible employment action.

A Tangible Employment Action is any action(s) that result in a significant change to the employee’s job status or working conditions, such as: Hiring, Firing, Promotion, Demotion, Denial of training, Undesirable reassignment or a change to benefits or compensation.
A New Look

Hostile Environment
Hostile environment harassment usually involves a pattern of behavior. It is created when an employee is repeatedly exposed to behavior that causes the person to feel uncomfortable, disrespected or threatened, to the point where it is difficult to focus on work. Hostile environment harassment is more common than quid pro quo harassment and can be more subtle. However, its effect on employees can be just as damaging. Hostile environment harassment can occur between: People of the same sex, a supervisor and employee, employees of the same or different ranks and third parties. The harassed party doesn’t even have to be the direct target of the behavior, employees can claim hostile environment if they repeatedly witness behaviors that make them uncomfortable enough that it affects their work.
Some forms of Hostile Environment would be:

• Unwanted sexual advances
• Leering or ogling (“elevator eyes”)
• Making sexual gestures or displaying sexually suggestive objects, pictures, cartoons, or posters.
• Sending sexually inappropriate email or displaying Internet pornography or “pop-ups”
• Making or using derogatory comments, slurs, or jokes
• “Cat-calls” or whistling
• Making sexual comments about a person’s body
• Using sexually degrading words to describe an individual
• Sending suggestive or obscene notes, cards, or invitations
• Physically touching someone in a sexual way
• Blocking or impeding someone’s movements
Title VII of the Civil Rights Act of 1964 prohibits discrimination in the workplace. Based on:

- Race
- Color
- Religion
- Sex
- National origin

Other federal and state laws protect people on the basis of things such as age and disability. The law further states that all employees have a right to work in an environment that is free from these types of harassment.
People have different ways of looking at the same situation because of many factors, such as their upbringing, education and experiences. These different perceptions can benefit an organization, but they can also cause conflict in the workplace.

Often in a court of law, more emphasis is placed on the victim’s perception rather than the offender’s intention. This means that you the Manager should take responsibility for how your behavior affects others.
In order to prevent employees from being unfairly accused of harassment, the Reasonable Person Standard was created. The Reasonable Person Standard basically asks “Would a reasonable person find the behavior offensive?”
A New Look

BULLYING
Employees who are bullied often experience a high level of stress and emotional anguish. However, unless an employee falls into a protected class, there are no laws that prohibit an employee from being bullied in the workplace. But remember that we have a zero tolerance policy and also this type of behavior can lead to a hostile work environment. The good news is that people are becoming more aware of the damaging effects of the bullying; in fact, several states are considering anti-bullying legislation.

- Yelling
- Throwing objects
- Making offensive remarks or insults
- Sabotaging someone’s work
- Constantly criticizing
- Spreading gossip
- Withholding important information
- Vandalizing personal property
- Excluding workers from meetings or other office activities.
While employees are more likely to be bullied by a supervisor, bullying can also occur between employees. In fact, there have been cases where one employee encourages other employees to gang up on a co-worker. This behavior is sometimes referred to as “mobbing.” Mobbing or bullying behaviors should not be tolerated. If you feel that you are being bullied, report it the same way you would report harassment or discrimination using your Divisions grievance procedures.
Bullies

- Tend to treat employees inconsistently or unfairly
- Often use humiliation or intimidation to control others
- Can be emotionally unpredictable or have frequent emotional outbursts
- Often intend to negatively affect employees’ performance
- Act in their own self-interest

Tough Managers

- Treat employees consistently and fairly
- Set reasonable standards and expect employees to meet them
- Are generally predictable in their actions and reactions
- Aim to positively affect employees’ performance
- Act in the interest of the organization.
A New Look
Third Party Harassment
Third party harassment takes place when an employee of an organization is harassed by someone who is not an employee of that organization.

Third parties include:

• Suppliers
• Vendors
• Military Customers
• Contractors
• Visitors

If you believe one of your staff members are being harassed by a third party, put a stop to it and report the incident to your Manager or Supervisor as soon as possible.
A New Look
Age
Discrimination
When most people hear the term “age discrimination,” they tend to think of older employees being treated unfairly, but news reports and surveys show that younger workers are also facing unfair treatment due to their age.

The Age Discrimination in Employment Act (ADEA) is a federal law that prohibits discrimination based on age against employees who are at least 40 years old.

Although there is currently no federal law prohibiting discrimination against workers younger than 40, several states have enacted laws to protect younger workers. With more discrimination claims being made by workers under the age of 40, it’s likely that more states, and possibly the federal government, will consider discrimination laws that protect younger workers.
A New Look
Digital Harassment

ROFL!

TGIF

You Have Mail!
Digital harassment is now a growing issue because technologies develop faster than some organizations’ policies can keep up. New technologies have helped workers become more productive, but they also present challenges. Unfortunately, when it comes to technology, people often act more casually and with less restraint than they would in person, things they wouldn’t say or do face-to-face are done in the virtual world without a second thought. Since technology is here to stay, it’s important that you use it with care.
Digital Harassment (Con’t)

• Read through what you have written before you send or post it.
• Don’t send or upload anything you wouldn’t want our IT department or your mom to see.
• Remember that most forms of technology leave a record, even if you delete something.
• Technology doesn’t have to be used during work hours in order for communications to be considered harassment. Posting a harassing comment on a co-workers blog, Facebook or MySpace page when you’re at home after work can still get you in trouble.
• Always keep in mind that our company’s policies apply to all types of technologies, even if they aren’t company-owned. For instance, sending an offensive text message from your personal mobile phone can still be considered harassment.
Guard your contact information and passwords. Be careful who you allow to have access to your personal information. Make sure you know and trust the people you confirm as friends on social networking sites.

If you do receive harassing messages, keep a record of them. You want to have evidence in case you need it. You may need to block texts and e-mail or un-friend someone who is harassing you.

When we use technology responsibly, we can take advantage of its benefits, such as efficiency and productivity, while also maintaining a respectful work environment.
If you believe you are being harassed, you have the responsibility to take reasonable action.

• Inform the offender that the behavior is unwelcome and needs to stop. Often, this action alone will resolve the problem.

• If you are too uncomfortable with talking to the offending person or if the behavior is severe and ongoing, talk to your supervisor or call HR for guidance.

• You can also talk with an EEO counselor. (Dan Grissom) 725-3845
Your Responsibilities as a Manager or Supervisor
Before we start looking at your specific responsibilities, there is one area that we would like to address. **This area of concern is the ADA (Americans with Disabilities Act).** The ADA is related to EEO and requires consideration for reasonable accommodation.

When it comes to accommodating people in the workplace due to an injury or condition that is non-work related, please take a step back and contact Human Resources prior to making accommodations. A word of caution, remember if you accommodate one person, you may have to accommodate all. It is imperative it is handled properly, according to laws and regulations. In addition, you don’t want to put yourself at risk of breaking the HIPAA regulations. (Health Insurance Portability Accountability Act of 1996) which protects the employees medical privacy.
Let's talk about your responsibilities in the area of Equal Employment Opportunity or EEO. The company's procedures focus on Recognizing, Responding and Preventing EEO liability and harassment. You're responsible for the working environment of your facility. How do you set the right tone? Again, you establish your expectations of professional behavior that doesn't offend or intimidate your employees. You should provide:

• A clear set of guidelines, policies, and procedures for dealing with sexual harassment issues.
• Ongoing communication regarding guidelines, policies and procedures.
• Different avenues for reporting a claim of sexual harassment.
• An open-door policy where employees feel comfortable coming to you with a potential problem.

If you allow a hostile work environment, you will face disciplinary action. It doesn't happen very often, but it can. This includes if you allow vendors or customers to harass your employees.
Sometimes a Manager will say, “That’s just the way we talk or act here, no one cares.” That is only good until someone files a complaint; then it is not a defense. Remember…Perception is reality. It is the perception of the employee, not how the manager / supervisor feels.
When Handling a Complaint.

- Listen attentively without interrupting
- Document everything by taking careful notes
- Ask questions to get all the details and facts
- Be objective and fair
- Show concern
- Take the complaint seriously
When Getting Information.

While it’s important to acknowledge and allow the victim’s emotions, it’s also important to obtain specific information about the alleged harassment, such as dates, times, and frequency of the offense.

Ask the person to:

• Explain the context and nature of the relationship with the individual accused
• Name any witnesses who may have seen or been aware of the alleged behavior
• List any action taken regarding the incident
• Past Problems? Past Complaints?
It’s important to document this information thoroughly, to contact your Human Resources department (Layla Shields 725-5299) and to make arrangements for an investigation.

In MCCS you, as a supervisor/manager, must report any incidents that you are aware of to your Division Director and to the Labor Specialist, Layla Shields, at 725-5299. Our supervisors and managers are not to investigate or take any disciplinary actions regarding discrimination without the input of Human Resources. You also can not disclose what action is being taken, you may just let them know that it has been addressed.

If you receive a complaint, it really doesn’t matter what you think. You must take all claims of harassment or discrimination seriously and report them all. You do not have the option of ignoring. Encourage your employees to feel free to come to you.

The organization also has the responsibility to protect someone from retaliation who participates in the complaint process.
1. **Policy Statement** - Each Division / Section should have Mr. Farmers EO Policy Statement Posted.

2. **Training** – Every employee in MCCS receives annual EEO training. The purpose of this yearly training requirement is to educate and give people the opportunity to ask questions,

3. **Enforcement Action** – We’ve already discussed the reporting requirements.

4. **Posting the EEO Complaint Process** – should be posted in all of our facilities, visible to all employees (possibly in the break room)

5. **Supervisory Style** – Most important is the supervisory style you use. If you’re approachable, people will come to you with their problems. If you’re firm about not allowing questionable actions, then you’ll have a good work environment that will be fair to all.
For an individual and the company, dealing with harassment issues is costly, time consuming and emotional. That is why it’s best to prevent harassment from occurring in the first place.
What Does This Training Mean to You?

Congress passed the No FEAR Act to ensure that the rights of employees, former employees, and applicants for employment are protected under discrimination, whistleblower and retaliation laws. This training will inform you of the No FEAR Act and other laws making discrimination and retaliation in the workplace illegal.
No Fear Act

Congress enacted the Notification and Federal Employee Antidiscrimination and Retaliation Act (NO FEAR ACT) on May 15, 2002. The act required “Federal agencies be accountable for violations of antidiscrimination and Whistleblower protection laws.”

1. Reimburse the Treasury Judgment fund for payments made in Federal District Court cases involving violations of discrimination and whistleblowers laws.

2. Post information on its public website relating to complaints of discrimination and annually report to congress.

3. Train and notify employees on their right and protections under the antidiscrimination and whistleblower laws.
Antidiscrimination Laws

As you learned earlier in this session as a Federal employee, you are protected from illegal discrimination in employment matters on the basis of your race, color, religion, sex, national origin, age, and disability.

While these protections are not addressed in the No FEAR Act, you should be aware that discrimination on these basis is prohibited and covered by specific procedures within Department of the Navy and United States Marine Corps.

If you believe you have been discriminated against on any of these basis, the same procedures and time frames (45 Days) for EEO counselor contact outlined earlier in this training will apply.
The Rehabilitation Act of 1973 prohibits employment discrimination against Federal employees with disabilities. In addition, agencies must provide reasonable accommodation for an employee or applicant with a disability.

- A “disability” is a physical or mental impairment that substantially limits a major life activity (breathing, walking, seeing, hearing, performing manual tasks.)
- A temporary or short term illness is not a disability
- An inability to work in only one type of job, for a particular supervisor, or in one location is not a disability
- You must be qualified for your position
- If you cannot perform the essential functions of the job, with or without reasonable accommodations, you are not qualified.
Rehabilitation Act

The accommodation does not have to be specifically what is requested by the employee. It does have to be a reasonable, effective accommodation.

The Agency has no obligation to change performance standards or to eliminate essential functions of your position as a reasonable accommodation.

A reasonable accommodation is an adjustment to the work situation or environment to enable you to perform your job, as long as it is not an undue hardship to the agency.
The Equal Pay Act of 1963 prohibits federal agencies from paying employees of one sex lower wages than those of the opposite sex for performing substantially equal work.
Whistleblower Protection Laws
A Federal employee with authority must not use that authority against an employee or applicant because of disclosure of information by that individual that is reasonably believed to evidence:

- Violations of a law, a rule, or a regulation(s)
- Gross mismanagement
- Gross waste of funds
- An abuse of authority; or
- A substantial and specific danger to public health or safety

Employees may not disclose information if disclosure is specifically prohibited by law or if the information is required under Executive Order to be protected from disclosure of interest of national security.

A federal agency cannot retaliate against an employee or applicant because that individual exercises his or her rights under the Whistleblower Protection Act.

Title 5 Section 2302 (b) (8) prohibits retaliation against an employee or applicant for making a protected disclosure.
Filing a Whistleblower Protection Complaint

A complaint may be filed with the DOD component Inspector General or with DODIG at Department of Defense Inspector General, ATTENTION: Defense Hotline, 1900 Defense Pentagon, Washington, DC, 20301-1900

For guidance for the content of Complaint of Reprisal or for on-line submission see DoD Hotline web site at www.dodig.osd.mil/hotline/index.html
September 17th Constitution Day and Citizen Day

Click on link below to do training

http://constitutionday.cpms.osd.mil/
Congratulations!

You have completed EEO /POSH for Managers

Click Here to E-Mail to HR

By sending this email you are stating that you have read through the training materials; you understand what you have read and you have addressed any questions regarding the materials to either the Training Department or to your Supervisor or Manager.

You must include in the body of the email:

Your Full Name

Employee ID Number

To get credit for the course