

Welcome to The Prevention of Workplace Harassment



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Montgomery County Office of Human
Resources: EEO Compliance and Diversity
Division

EEO Team



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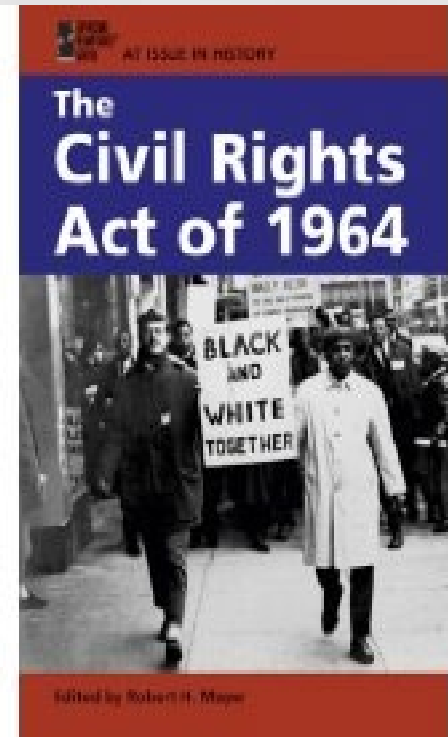
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EEO Basics

1964 Civil rights Act, Title VII





Title VII of the Civil Rights Act
of 1964 prohibits
discrimination on the basis of:

Race

Color

Sex (Gender)

National Origin

Religion

Retaliation



RACE

- Asian, African American, White, Pacific Islander, Native Hawaiian, American Indian and Alaskan Native.
- Persons of Mixed races
- Everyone is a member of a protected class
- Race includes immutable characteristics

Examples of Race Discrimination & Harassment

- Racial Slurs Teasing and Joking
- Offensive or derogatory remarks about a persons race
- Display of Racially offensive symbols
- Different Treatment because of a person's race



Color Discrimination

- Offensive or derogatory remarks about a person's color referring to complexion.
- Teasing and joking
- Includes immutable characteristics

National Origin Discrimination



- Persons from other countries and cultures
- Accents
- Cultural norms
- Jokes and comments in the workplace
- Grooming habits, dress, hairstyles
- English only rules

Religion

- Discrimination
- Religious Accommodations
- Covers all religions
- Sincerely held beliefs
- Agnostic & Atheist
- Segregation



Religious Discrimination & Reasonable Accommodation

- Covers all faiths as well as those who are agnostic or atheist
- Employee must request
- Manifests itself as a difference in treatment or as a denial of a reasonable religious accommodation for a religious practice/observance
- An employee cannot be forced to participate (or not participate) in a religious activity as a condition of employment.

Accommodation

Scheduling

- ☐ Can never work, days/times observance
- ☐ Grooming standards (hair, beard, wash)
- ☐ Other workplace issue
- ☐ Holiday parties, food, prayers

Sex/Gender

- Discrimination based on sex (male or female)
- Pregnancy Discrimination Act
- Sexual Harassment



Scenario

- Complainant: Sarah King has been an Equipment Operator on the department for eight years. She recently returned from maternity leave and approached her supervisor requesting a private place to pump breast milk. Her supervisor advised her that he would place a reclining chair in the ladies bathroom. Ms. King has complained that the supervisor's actions are discriminatory.

Sex-Based Discrimination

- Sex discrimination involves treating someone unfavorably because of that person's sex.
- Sex discrimination also can involve treating someone less favorably because of his or her connection with an organization or group that is generally associated with people of a certain sex.
- Assignments, job duties, scheduling, specialized unit, overtime, promotion, mentoring, evaluations, and other terms, and conditions

Gender Identity

- Which restroom facilities are used
- However an individual identifies and presents
- Respect individuals and address them as they have requested
- Have you had the operation is not an appropriate question
- Joking about someone's gender identity is a violation of the EEO policy

Sexual Harassment

- Unwelcome sexual advances
- Requests for sexual favors
- Verbal, visual or physical conduct of a sexual nature
- Implicit v Explicit behavior

Define Sexual harassment:

- Unwelcome sexual advances, requests for sexual favors, and other verbal, visual or physical conduct of a sexual nature when submission to or rejection of:
 - Such conduct by an individual is used as a basis for employment decisions affecting such individual; or
 - Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment; or
 - Such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
 - Includes same-sex sexual harassment (*Oncale v. Sundowner Offshore Services, Inc.*, 1998).

Types of Sexual Harassment

- Quid Pro Quo: (This for that) a person in authority (manager, supervisor) conditions a job related benefit on a sexual act or favor and rejection of such results in an adverse employment action.
- Hostile Work Environment: Unwelcomed conduct of a sexual nature which has the purpose or effect of creating an intimidating, hostile or offensive work environment.

Examples of Harassing Behavior

<u>Verbal</u>	<u>Visual</u>	<u>Physical</u>	<u>Written</u>
<ul style="list-style-type: none">*Unwelcome or offensive comments*racial jokes*sexually oriented teasing*offensive comments about a particular gender, race, or group	<ul style="list-style-type: none">*Offensive Pictures/photos, cartoons, posters, calendars, magazines, objects, screen savers,*inappropriate internet use*obscene videos, gestures	<ul style="list-style-type: none">*Unwelcome touching, hugging, kissing, patting, stroking, standing too close, staring	<ul style="list-style-type: none">*Unwelcome personal*suggestive letters,*notes,*offensive e-mails, emailed photos or jokes or links to offensive sitesFlirting via emailTextual harassmentSocial media

Dating in the Workplace

- Supervisor has a responsibility to disclose relationship to the Department Director
- Policy and guidelines strongly recommend against engaging in such activity. The Director may reassign the employee or supervisor to another department.

RETALIATION



- Illegal to fire, demote, harass, or otherwise “retaliate”
- Complainant of discrimination
- Witness in a discrimination complaint
- Or participant in the process

Americans Disability Act (1990)

- Prohibits discrimination against **Qualified** individuals with a disability.
- Undue hardship
- Failure to accommodate-employee's request to accommodate
- ADAAA

A qualified individual with a disability is one who:

- Has a physical or mental impairment that substantially limits one or more major life activities;
- Has a record of such impairment; or
- Is regarded as having such an impairment
- Employees are required to perform the essential functions of the position

Age Discrimination Employment Act (1967)

- Prohibits discrimination against individuals age 40 and above
- Examples: RIF's, diminished responsibilities, training, working condition changes, lack of opportunity for advancement, force retirement

SCENARIO

- Complainant: Employee James Johnson is a 60-year-old white male. For the past couple of months his coworkers have begun teasing him. They constantly refer to him as “old timer” and ask him when he is planning to retire. While James Johnson performs his duties well, his coworkers constantly tease him about trying to keep up with “the young bucks”. Mr. Johnson complains to his supervisor.

State and local laws

- Article 49B Annotated Maryland Code prohibits discrimination on the basis of marital status, sexual orientation Gender identity, genetics and age (any age).
- Chapter 27 Montgomery County Code prohibits discrimination on the same bases as title VII , ADA, ADEA, Article 49B, marital status, sexual orientation, genetic status, gender identity, family responsibilities and age.

Sexual Orientation

- Do not tease or joke about someone's sexual orientation
- Do not attribute stereotypes to individuals regarding sexual orientation

Montgomery County EEO

Section 5 of Montgomery County Personnel
Regulations (MCPR)

EEO Complaint Processing Guidelines

Policy on Sexual Harassment

Who to report your complaints and concerns

- Direct supervisor and managers
- Departmental HR Professionals
- Montgomery County Police (IAD)
- Montgomery County Human Resources-Equal Employment Opportunity Division (EEO)

101 Monroe Street, 7th floor

Office of Human Resources

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You may also file on our **new on-line EEO Complaint filing system** or obtain a complaint form at
[https://www.montgomerycountymd.gov/HR/EqualEmploymentOpportunity/EEO.htm](https://www.montgomerycountymd.gov/HR/EqualEmploymentOpportunity/EEO.html#1)
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Other resources

- Additionally, employees should be aware that any individual with a discrimination complaint has the right to file a discrimination complaint with the following external organizations.
- Supervisors/Manager may not retaliate against you for filing an external Complaint.
- You may dual file an internal and external complaint.
- You may contact those agencies directly to file.
- You must also comply with the strict filing timelines and other requirements to file a mandated by those external agencies, so that you do not compromise/waive your rights:
- The United States Equal Employment Opportunity Commission
- <https://www.eeoc.gov/employees/charge.cfm>
- Maryland Commission on Civil Rights
- <https://mccr.maryland.gov/Pages/Intake.aspx>
- Montgomery County Human Rights Commission
- http://www.montgomerycountymd.gov/humanrights/Resources/Files/INTAKE_FORM_2018.pdf
- **NON-EEO MATTERS MAY BE ADDRESSED BY YOUR SUPERVISOR/MANAGER, YOUR UNION, OR THE MONTGOMERY COUNTY OFFICE OF LABOR RELATIONS**

What to do if harassment or discrimination occurs at work?

- Report the harassment/discrimination to your employer.
 - Supervisor
 - Commander
 - Internal Affairs
 - EEO Compliance & Diversity Management
 - Outside Agencies
- Report promptly, there are strict time requirements.
- Verbal, email, formal complaint, off the record, roll call

When can it occur

- On duty
- In your station or your mobile workplace-cruiser
- During meal times/ breaks
- Afterhours
- In Department sponsored social events
- In Department sponsored business events outside the “normal” workplace
- On and off site training, conference
- Off duty

Who investigates . . .

- Montgomery County Police (IAD)
- Montgomery County Human Resources (EEO)
- Montgomery County Human Relations Commission
- Maryland Commission on Human Relations
- U.S. Equal Employment Opportunity Commission

Why employees do not report

- Some of the reasons why victims don't report sexual harassment include:
 - they blame themselves
 - they feel helpless, hopeless, and/or powerless, embarrassed
 - they don't know how to report the harassment
 - they think that their complaint won't be taken seriously
 - they don't trust their own perceptions of what happened -- maybe they "misunderstood"
 - they don't want to "rock the boat", labeled, not a "team player"
 - they are afraid of the harasser or others
 - they don't think their friends/family will support them
 - they don't believe that anything will be done about it
 - they don't want to get the harasser into trouble
 - they are prevented or blocked by sex role stereotyping
- NOT REQUIRED TO REPORT
- FEAR OF RETALIATION!

Office of Human Resources

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Questions

