Speaking With One Voice Civil Rights Virtual Symposium

HONORING THE PAST, SHAPING THE FUTURE May 17-18, 2017

Building a More Respectful Workplace: The Imperative to Address Harassment



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Purpose of the Session

- The goal of this training is to heighten awareness of the need to address all forms of harassment in the workplace.
- Quality education and training are critical to effective anti-harassment programs and creating a workplace environment in which everyone is treated with respect and dignity.



Harassment

- Harassment is employment discrimination under federal law.
- Federal law prohibits harassment based on:
 - Race, color, religion, sex, and national origin;
 - –Disability;





Hostile Work Environment Harassment

To state a claim, a hostile work environment must be "sufficiently severe or pervasive 'to alter the conditions of [the victim's] employment and create an abusive working environment."



Severe

A hostile work environment may include a variety of offensive acts and conduct:

- physical or sexual assaults or threats;
- offensive jokes, slurs, epithets, or name calling;
- intimidation, bullying, ridicule, or mockery;
- insults or put-downs, ostracism;
- offensive objects or pictures; and
- interference with work performance.





Pervasive

- More frequent but less serious acts. No magic number.
- Focus on the cumulative effect of related acts, not the individual acts themselves;
- Consider the frequency of the conduct and whether the actions occurred close together in time.





Subjectively and Objectively Hostile

 Subjectively hostile (i.e., the complainant perceived the conduct to be severe or pervasive); and

 Objectively hostile (i.e., a reasonable person in the complainant's position would have perceived the conduct to be severe or pervasive.)





Questions









Addressing Other Forms of Harassment

6.

John D. Cunningham

Employee and Labor Relations Program Manager Office of the Secretary Department of Transportation

Harassing Behavior₁



Bullying
Intimidation
Threatening or Provoking Remarks
Threats of Physical Violence

Harassing Behavior₂



Supervisor
Co-Worker
Contractor
Other

Impacts on Organization



Compromise Organization's Ability to Accomplish Mission

- Poor Employee Morale
- High Turnover
- Increased Absenteeism

Reporting Harassment₁



Management
Human Resources Office
Union
Security
Outside Agency

Reporting Harassment₂



Management

If Aware, Need to Intervene to Stop

Reporting Harassment₃



Human Resources Office

- Investigate
- Intervene to Stop
- Address Misconduct

Reporting Harassment₄



Union

- Available to Bargaining Unit Employees
- File Grievance Under Negotiated Grievance Procedure
- Management Must Investigate and Respond
- Potential for Outside Arbitration

Reporting Harassment₅



Non-Bargaining Unit Employees

- File Grievance Under Administrative Grievance Procedure
- Management Must Investigate and Respond
- Internal Investigation

Reporting Harassment₆



Security

- Zero Tolerance for Violence in Workplace
- Acts of Violence
- Threats of Violence
- Intervene to Stop

Reporting Harassment₇



- Outside Agency
- Office of Special Counsel
- Investigates Prohibited Personnel Practices

Reporting Harassment₈



Indicators of Potential Harassment

- Grievances and Complaints
- Survey Results
- Townhall or Staff Meetings
- Turnover and Absenteeism

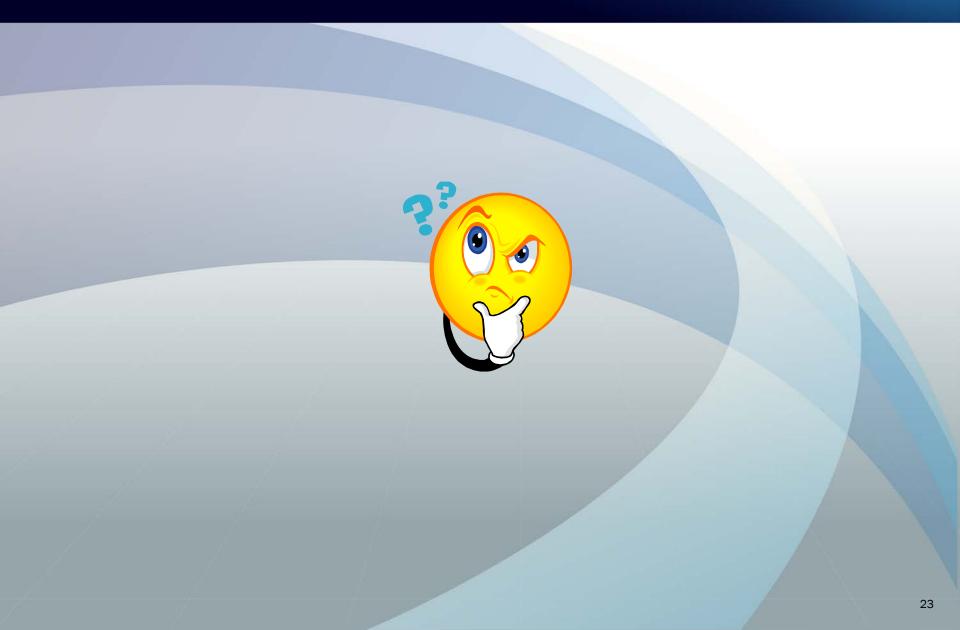
Reporting Harassment₉



Do Not Wait for Complaints to be Filed

Questions???





Thank you very much!

Request additional information or pose questions to the following:

crlc@dot.gov



