



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**

Your Speakers

- Carol Miaskoff, Office of Legal Counsel, Equal Employment Opportunity Commission
- John Cunningham, Employee and Labor Relations Program Manager, Office of the Secretary of Transportation



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;
 - Age.



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





U.S. Department of Transportation
Office of the Secretary of Transportation

Addressing Other Forms of Harassment

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**

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

❑ Human Resources Office

- ✓ Investigate
- ✓ Intervene to Stop
- ✓ Address Misconduct

Union

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

- ❑ **Non-Bargaining Unit Employees**
 - ✓ **File Grievance Under Administrative Grievance Procedure**
 - ✓ **Management Must Investigate and Respond**
 - ✓ **Internal Investigation**

❑ 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**

❑ Indicators of Potential Harassment

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

**Do Not Wait for
Complaints to be Filed**

Questions???



Thank you very much!

Request additional information or pose questions to the following:

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