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Introduction

SexHar_Audio01.wav

Slide 4

In this training course you will be reviewing multiple lessons with a knowledge check following each lesson and a final comprehensive assessment that will require a 70% to complete this course.

Introduction - Employee

SexHar_Audio02_EMP.wav

Slide 6/7

In the United States federal laws outlaw discrimination and harassment in the workplace based on race, color, religion, sex (including gender identity, sexual orientation, and pregnancy), national origin, age, disability, or genetic information (including family medical history).

In this training we will be covering the following topics:

- What is discrimination?
- What is harassment?
- What are protected classes? And,
- Your rights and responsibilities as an employee.

Lesson 01: Discrimination and Harassment

Slide 8

Discrimination

SexHar_Audio03.wav

Slide 9

There are several separate federal laws that make discrimination unlawful in the workplace: The Civil Rights Act of 1964 (Title VII), The Age Discrimination in Employment Act (ADEA), the Americans with Disabilities Act (ADA) and others. The US Equal Employment Opportunity Commission (EEOC) enforces most of the federal laws that prohibit workplace discrimination.

Unlawful discrimination occurs when there is unfair or unequal treatment of an individual or group of a protected class. Discrimination in the workplace against job applicants and employees violates federal, and in some cases, state law.

Unlawful discrimination occurs whenever the employer makes a work decision based on the unlawful criteria of protected class, including: hiring and firing; compensation, assignment, or classification of employees; transfer, promotion, layoff, or recall; job advertisements; recruitment; testing; use of company facilities; training and apprenticeship programs; fringe benefits; pay, retirement plans, disability leave; or other terms and conditions of employment.

Harassment

SexHar_Audio04.wav

Slide 10

Harassment is one type of discrimination under Title VII. Harassment is unwelcome conduct that is targeted at an individual or group of a protected class. To be unlawful, the conduct must create a work environment that would be intimidating, hostile, or offensive to *reasonable people*.

The EEOC defines harassment as “1) *enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.*”

While many people associate harassment with sexual harassment, harassment is unlawful when based on any of the protected classes.

Severe and Pervasive Harassment

SexHar_Audio05.wav

Slide 11

To be actionable, harassment is unwelcome conduct that is severe or pervasive, meaning:

Severe enough to alter an employee’s workplace experience, even though the conduct occurred only once or rarely, such as sexual assault, or;

When it is *pervasive* enough to be more than merely an accidental or isolated event, becoming a defining condition of the workplace. Examples might include repeatedly rubbing against an employee’s body, or persistent aggressively charged comments.

Unwelcome Conduct

SexHar_Audio06.wav

Slide 12

To be harassment, the conduct must also be unwelcome. This means that the person did not invite or participate in the conduct. For example, mutual sexual flirting or mutual sexual joking is not harassment because it is not “unwelcome.”

Acts of unwelcome conduct include the following:

- Offensive images in displays, posters, calendars, or websites.
- Verbal conduct such as jokes, innuendoes, slurs, degrading comments, or requests for inappropriate favors.
- Verbal harassment may consist of either offensive remarks or offensive statements of a discriminatory nature.
- Unwelcome comments about a person’s appearance or clothing.
- Physical conduct such as touching, crowding, rubbing against, blocking, or leering.

A sexual advance could be unwelcome, if:

- It is rejected initially,
- It is initially accepted and later rejected, or
- If acceptance is coerced. This is the most challenging situation—a circumstance that looks consensual but, in fact, is not.

Coercion is using force or threats to persuade or leverage someone, contrary to their own interest. This type of behavior may be inflicted physically or psychologically. Coercion is against the law.

Unwelcome conduct need not be directed at the complaining employee; they may in certain instances simply be made in her or his presence.

Unwelcome conduct that is severe or pervasive harassment creates a hostile work environment.

Hostile Environment

SexHar_Audio07.wav

Slide 13

United States labor law considers a “hostile” work environment a form of harassment. Hostile conduct goes beyond rudeness or casual joking. Conduct and speech may be considered hostile when it has reached a level of intimidation, offensiveness, abuse, ridicule, or relentless teasing.

Behavior considered to be hostile in a court of law is not only qualified by a person’s subjective basis but also a “reasonable people” basis.

Sexual Harassment

SexHar_Audio08.wav

Slide 14

Sexual harassment is one form of harassment, which is a form of discrimination. It is unlawful to harass a person (an applicant or employee) because of that person’s sex. Harassment can include “sexual harassment” or unwelcome sexual advances, requests for sexual favors, and other verbal or physical harassment of a sexual nature.

Harassment does not have to be of a sexual nature, however, and can include offensive remarks about a person’s sex. For example, it is illegal to harass a woman by making offensive comments about women in general.

Both victim and the harasser can be any gender, and the victim and harasser can be the same gender.

Lesson 01 Conclusion

SexHar_Audio09.wav

Slide 15

We have now covered the basics of discrimination. Remember each of the following points is Federal law regulated by the EEOC:

- Discrimination – Unfair or unequal treatment of an individual or group of a protected class.
- Harassment – Unwelcome conduct that is motivated by an individual or group of a protected class. Harassment can be severe or pervasive and creates a hostile environment.
- Unwelcome conduct – Offensive images, verbal conduct that is abusive or offensive, and physical conduct that is unwelcome.
- Sexual harassment – Discrimination based on a person’s sex and may be physical or verbal.

Although the law doesn't prohibit simple teasing, offhand comments, or isolated incidents that are not very serious, it is illegal when it is so frequent or severe that it creates a hostile or offensive work environment or when it results in an adverse employment decision (such as the victim being fired or demoted).

The harasser can be the complaining employee's supervisor, a supervisor in another area, a co-worker, or someone who is not an employee of the employer, such as a client or customer.

You have completed the first lesson of this module. Now that you have a basic understanding of discrimination and harassment, we will review what you have learned in a quick Knowledge Check.

Knowledge Check

Slides 16-21

Quiz Question 01 (Lesson 01):

Federal law defines "discrimination" as:

- A. Disciplining someone that is considered an individual of a protected class.
- B. Paying one person more than another for the same duties and tenure.
- C. When an employer sets a higher standard of conduct than the law requires.
- D. **Unfair or unequal treatment of an individual or group of a protected class.**

The best answer is D. Unfair or unequal treatment of a protected class is prohibited and applies not only to employees but also job applicants. Behavior violates federal, and in some cases, state law. Click anywhere to continue.

Quiz Question 02 (Lesson 01):

Which of the following are considered discrimination" under federal law?

- A. Physical conduct
- B. Verbal conduct
- C. Retaliation
- D. Terms and conditions of employment
- E. **All of the above**

The best answer is E. Unlawful discrimination occurs when there is unfair or unequal treatment of an individual or group of a protected class. Discrimination in the workplace against job applicants and employees violates federal, and in some cases, state law. This includes physical, verbal, retaliation, and terms and conditions of employment. Click anywhere to continue.

Quiz Question 03 (Lesson 01):

Federal law defines harassment as:

- A. Physical threatening conduct that includes touching, grabbing, shaking, or hitting someone.
- B. **Unwelcome conduct motivated by a "protected class."**
- C. Sometimes called workplace bullying and is with intent to sabotage another employee.

- D. Verbal threatening conduct that includes offensive language or threats directed at someone.

The best answer is B. Harassment is unwelcome conduct that is motivated by an individual or group of a protected class. Conduct may be physical, verbal, or visual. To be unlawful, the conduct must create a work environment that is severe or pervasive enough to be considered intimidating, hostile, or offensive to a reasonable person. Click anywhere to continue.

Quiz Question 04 (Lesson 01):

Unwelcome conduct in offensive images, verbal conduct, and physical conduct must be directed at the complaining individual.

- A. True
- B. False

The best answer is B. Unwelcome conduct need not be directed at the complaining person; they may in certain instances simply be made in her or his presence. Unwelcome conduct that is severe or pervasive harassment creates a hostile work environment. Click anywhere to continue.

Quiz Question 05 (Lesson 01):

Federal law defines sexual harassment as:

- A. **Discrimination or harassment based on someone's sex has occurred.**
- B. Sexual behavior in the workplace is occurring.
- C. A supervisor and employee are dating.
- D. Someone of the opposite gender discriminates or harasses someone based on their gender.

The best answer is A. Sexual harassment or unwelcome sexual advances are motivated by someone's gender. Advances include requests for sexual favors, and other verbal or physical harassment of a sexual nature. Harassment does not have to be of a sexual nature, however, and can include offensive remarks about a person's gender. Click anywhere to continue.

Lesson 02: Protected Classes

No slide

Protected Classes – Introduction

SexHar_Audio10.wav

Slide 22

The law and your employer forbid discrimination when it comes to any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoff, training, fringe benefits, and any other term or condition of employment. You might think of it this way: employment discrimination is when an employer makes any decision on the unlawful criteria of protected class.

Remember that protected classes are sex (including gender identity or expression, sexual orientation, sexual harassment, and pregnancy), genetic information, religion, race, color, national origin, age and disability. So, at work, you can't use any of these criteria to make a decision. In addition, you cannot harass another worker based on these things. In this lesson we will go into further detail on each of these protected classes.

Sex Discrimination

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Slide 23

Sex discrimination involves treating someone (an applicant or employee) *differently* or harassing someone because of that person's gender.

Discrimination against an individual because of gender, gender identity, including transgender status, or because of sexual orientation is considered sex discrimination.

Sex Discrimination

SexHar_Audio12.wav

Slide 24

Harassment can include "sexual harassment" or unwelcome sexual advances, requests for sexual favors, and other verbal or physical harassment of a sexual nature. Harassment does not have to be of a sexual nature, however, and can include offensive remarks about a person's sex. For example, it is illegal to harass a woman by making offensive comments about women in general.

Both victim and the harasser can be any gender, and the victim and harasser can be of the same gender.

Sex Discrimination

SexHar_Audio13.wav

Slide 25

The following could constitute sex discrimination:

- Cursing that includes terms demeaning to a specific gender, identity, or orientation.
- Asking regularly about an employee's personal life (for example, social life, sexual preferences, or dating habits).
- Touching or standing especially close to an employee while talking with them.
- Not treating an employee as the gender they identify as or not providing work accommodations consistent with that gender (for example, allowing a transgender female to use a female locker room).
- Regularly commenting on an employee's manner of dress or appearance.
- Asking an employee for a date, *again*, after being turned down once.
- Making fun of a person based on assumptions of "typical" gender roles and stereotypical characteristics. What one employee means in jest may be perceived as an insult by another.
- Discussing an employee's physique or dress, even when the employee is not within earshot.
- Asking a subordinate on a date in ways that a reasonable person would find coercive.

One thing that should be clear at this point is that many kinds of conduct can amount to sexual harassment: words, gestures, touches, visual images, etc.

Sex Discrimination

SexHar_Audio14.wav

Slide 26

Sex discrimination laws prohibit discrimination and harassment based on gender identity, gender expression, or sexual orientation, including discrimination based on *perceived* sexual orientation.

Additionally, it is recommended to use an individual's pronouns if they are known, as not doing so could lead to real or perceived harassment.

The law prohibits discrimination in the workplace on the basis of one's gender identity— how the person sees themselves in regard to gender regardless of assigned sex at birth. Under the law, an employee must be permitted to dress consistent with the employee's gender identity and expression.

Gender expression is defined as “a person's gender-related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth.”

Genetic Information Discrimination

SexHar_Audio15.wav

Slide 27

Under Title II of Genetic Information Discrimination Act (GINA), it is illegal to discriminate against employees or applicants because of genetic information. Title II of GINA prohibits the use of genetic information in making employment decisions, restricts employers and other covered entities from requesting, requiring or purchasing genetic information, and strictly limits the disclosure of genetic information. There are very few limited exceptions to this non-disclosure rule.

Genetic Information Discrimination

SexHar_Audio16.wav

Slide 28

Genetic information includes information about an individual's genetic tests and the genetic tests of family members, as well as information about the manifestation of a disease or disorder in an individual's family members. Family medical history is included in the definition of genetic information because it is often used to determine whether someone has an increased risk of getting a disease, disorder, or condition in the future.

Genetic information also includes an individual's request for, or receipt of, genetic services, or the participation in clinical research that includes genetic services by the individual or a family member of the individual, and the genetic information of a fetus carried by an individual or by a pregnant woman who is a family member of the individual and the genetic information of any embryo legally held by the individual or family member using an assisted reproductive technology.

Pregnancy Discrimination

SexHar_Audio17.wav
Slide 29

Pregnancy discrimination involves treating a person differently because of pregnancy, childbirth, or a medical condition related to pregnancy or childbirth.

The Pregnancy Discrimination Act (PDA) forbids discrimination based on pregnancy when it comes to any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoff, training, fringe benefits, such as leave and health insurance, and any other term or condition of employment.

Pregnancy Discrimination

SexHar_Audio18.wav
Slide 30

If a person is temporarily unable to perform their job due to a medical condition related to pregnancy or childbirth, the employer or other covered entity must treat them in the same way as it treats any other temporarily disabled employee. For example, the employer may have to provide light duty, alternative assignments, disability leave, or unpaid leave to pregnant employees if it does so for other temporarily disabled employees.

Additionally, impairments resulting from pregnancy (for example, gestational diabetes or preeclampsia) may be disabilities under the Americans with Disabilities Act (ADA). An employer may have to provide a reasonable accommodation (such as leave or modifications that enable an employee to perform their job) for a disability related to pregnancy.

Pregnancy Discrimination

SexHar_Audio19.wav
Slide 31

Under the Pregnancy Disability Act (PDA), an employer that allows temporarily disabled employees to take disability leave or leave without pay, must allow an employee who is temporarily disabled due to pregnancy to do the same.

If an employer requires its employees to submit a doctor's statement concerning their ability to work before granting leave or paying sick benefits, the employer may require such statements.

Further, under the Family and Medical Leave Act (FMLA), a new parent (including foster and adoptive parents) may be eligible for 12 weeks of leave that may be used for care of the new child. To be eligible, the employee must have worked for the employer for 12 months prior to taking the leave and the employer must be an eligible and covered employer.

Age Discrimination

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Slide 32

Age discrimination involves treating someone (an applicant or employee) less favorably because of their age. The Age Discrimination in Employment Act (ADEA) only forbids age

discrimination against people who are age 40 or older. It does not protect workers under the age of 40, although some states do have laws that protect younger workers from age discrimination. Harassment can include, for example, offensive remarks about a person's age.

It is not illegal for an employer or other covered entity to favor an older worker over a younger one, even if both workers are age 40 or older. Discrimination can occur when the victim and the person who inflicted the discrimination are both over 40.

Religious Discrimination

SexHar_Audio21.wav
Slide 33

The law protects not only people who belong to traditional, organized religions, such as Buddhism, Christianity, Hinduism, Islam, and Judaism, but also all those who have sincerely held religious, ethical or moral beliefs.

Religious discrimination can also involve treating someone differently because that person is married to (or associated with) an individual of a particular religion.

Religious Discrimination

SexHar_Audio22.wav
Slide 34

The law also prohibits workplace or job segregation based on religion (including religious garb and grooming practices), such as assigning an employee to a non-customer contact position because of actual or feared customer preference.

The law requires an employer or other covered entity to reasonably accommodate an employee's religious beliefs or practices, unless doing so would cause more than a minimal burden on the operations of the employer's business. This means an employer may be required to make reasonable adjustments to the work environment that will allow an employee to practice their religion.

Examples of some common religious accommodations include flexible scheduling, voluntary shift substitutions or swaps, job reassignments, and modifications to workplace policies or practices.

Religious Discrimination

SexHar_Audio23.wav
Slide 35

When an employee or applicant needs a dress or grooming accommodation for religious reasons, they should notify the employer that they need such an accommodation for religious reasons. If the employer reasonably needs more information, the employer and the employee should engage in an interactive process to discuss the request.

An employer does not have to accommodate an employee's religious beliefs or practices if doing so would cause undue hardship to the employer. An accommodation may cause undue hardship if it is costly, compromises workplace safety, decreases workplace efficiency, infringes on the

rights of other employees, or requires other employees to do more than their share of potentially hazardous or burdensome work.

Race and Color Discrimination

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Slide 36

It is unlawful to harass a person because of that person's race or color. Race discrimination involves treating someone (an applicant or employee) differently because he or she is of a certain race or because of personal characteristics associated with race (such as hair texture, skin color, or certain facial features). Color discrimination involves treating someone differently because of skin color complexion.

This can include, for example, racial slurs, offensive or derogatory remarks about a person's race or color, or the display of racially offensive symbols.

An employment policy or practice that applies to everyone, regardless of race or color, can be illegal if it has a negative impact on the employment of people of a particular race or color and is not job-related and necessary to the operation of the business. For example, a "no-beard" employment policy that applies to all workers without regard to race may still be unlawful if it is not job-related and has a negative impact on the employment.

National Origin Discrimination

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Slide 37

The Immigration Reform and Control Act (IRCA) makes it illegal for an employer to discriminate based upon an individual's citizenship or immigration status. The law prohibits employers from hiring only U.S. citizens or lawful permanent residents unless required to do so by law, regulation or government contract. Employers may not refuse to accept lawful documentation that establishes the employment eligibility of an employee.

National Origin Discrimination

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Slide 38

National origin discrimination means making a work decision based on or treating people (applicants or employees) differently because they are from a particular country or part of the world. This includes ethnicity or accent, or because they appear to be of a certain ethnic background (even if they are not).

National origin discrimination also can involve treating people differently because they are married to (or associated with) a person of a certain national origin.

Discrimination can occur when the victim and the person who inflicted the discrimination are the same national origin.

National Origin Discrimination

SexHar_Audio27.wav

Slide 39

The law makes it illegal for an employer or other covered entity to use an employment policy or practice that applies to everyone, regardless of national origin, if it has a negative impact on people of a certain national origin and is not job-related or necessary to the operation of the business.

An employer can only require an employee to speak fluent English if fluency in English is necessary to perform the job effectively but never requiring English-only at breaks, lunch, etc. An "English-only rule", which requires employees to speak only English on the job, is only allowed if it is needed to ensure the safe or efficient operation of the employer's business and is put in place for nondiscriminatory reasons.

An employer may not base an employment decision on an employee's foreign accent, unless the accent seriously interferes with the employee's job performance.

Disability Discrimination

SexHar_Audio28.wav

Slide 40

Disability discrimination occurs when an employer or other entity covered by the Americans with Disabilities Act, as amended, or the Rehabilitation Act, as amended, treats a qualified individual with a disability who is an employee or applicant differently because they have a disability.

Disability discrimination also occurs when a covered employer or other entity treats an applicant or employee differently because he or she has a disability, a history of a disability, appears to have a disability (even if he or she does not), or has a relationship with a disabled person (such as the parent of a disabled child). Not everyone with a medical condition is protected by the law. In order to be protected, a person must be qualified for the job and have a disability as defined by the law. Generally, a disability is a physical or mental impairment that is not transitory (lasting or expected to last six months or less) and minor (even if they do not have such an impairment).

The law requires an employer to provide reasonable accommodation to an employee or job applicant with a disability, unless doing so would cause an undue hardship of a significant difficulty or expense for the employer.

Human Trafficking

SexHar_Audio29.wav

Slide 41

Human Trafficking is a crime involving the exploitation of someone for the purposes of compelled labor or a commercial sex act through the use of force, fraud, or coercion. Where a person younger than 18 is induced to perform a commercial sex act, it is a crime regardless of whether there is any force, fraud, or coercion. Victims can be anyone from around the world or right next-door: women and men, adults and children, citizens and noncitizens alike.

Anti-discrimination laws prohibiting discrimination on the bases of race, national origin, sex, and sexual harassment, are an integral part of the fight against human trafficking. For example, foreign workers recruited to the US through a guest worker visa program cannot be treated

differently or unfavorably than US workers performing the same jobs. Foreign workers cannot be forced to live in dormitories, for example, or assigned the less fair work hours or tasks. When these sorts of decisions happen, employers may be violating not only criminal laws but also the anti-discrimination laws enforced by the EEOC.

Associational Discrimination

SexHar_Audio30.wav

Slide 42

Employees and prospective employees are also protected from associational discrimination and harassment. This refers to situations when employees are discriminated against because they are the significant other, friend, family, or ally of a protected class, or because of other association with someone or group of a protected class.

Retaliation

SexHar_Audio31.wav

Slide 43

All of the laws we have covered make it illegal to make an adverse decision – to fire, demote, harass, or otherwise "retaliate" – against people because they filed a charge of discrimination. This includes complaining to their employer or other covered entity about discrimination on the job, or because they participated in an employment discrimination proceeding (such as an investigation or lawsuit).

For example, it is illegal for an employer to refuse to promote an employee because they filed a charge of discrimination with the EEOC, even if EEOC later determined no discrimination occurred.

Lesson Conclusion - Employee

SexHar_Audio32_EMP.wav

Slide 44

You should now have a clear understanding of classes protected from discrimination and harassment in the workplace. Remember that protected classes are sex (including sexual harassment, gender identity and expression, and pregnancy), genetic information, religion, race, color, national origin, age and disability.

You yourself as an employee also have obligations. Be aware of your personal behavior in the workplace and respect others around you. Your unwelcome conduct may be reported by a fellow coworker, whether directly or indirectly made to an individual.

Now that you have a better understanding of the protected classes, we will review what you have learned in a quick Knowledge Check.

Knowledge Check

Slides 45-55

Quiz Question 1 (Lesson 02):

Federal law protects which of the following under sex discrimination?" Select all that apply.

- A. Familial status
- B. Gender**
- C. Gender identity**
- D. Marital status
- E. Sexual orientation**

Answer B, C, and E are the best answer. Sex, gender identity, sexual orientation, transgender, gender expression, and perceived sexual orientation are all protected under sex discrimination. Sex discrimination does not have to be between opposite genders. Click anywhere to continue.

Quiz Question 2 (Lesson 02):

Federal law protects which of the following under pregnancy discrimination? Select all that apply.

- A. Pregnancy**
- B. Childbirth**
- C. Medical condition, related to pregnancy or childbirth**
- D. Adoption or foster care**
- E. Provides paid time off

Answer A, B, C, and D is the best answer. Federal law protects discrimination on pregnancy, childbirth, related medical condition, and adoption or foster care. Employers do not have to provide paid time off under federal law. A new parent (including foster and adoptive parents) may be eligible for 12 weeks of leave under the Family and Medical Leave Act (FMLA). Click anywhere to continue.

Quiz Question 3 (Lesson 02):

Under federal law, which of the following age group(s) does "age discrimination" apply to?

- A. 18 and under
- B. 40 and over**
- C. 40 and over, including 18 and under
- D. 50 and over
- E. 60 and over

Answer B is the best answer. Federal law that covers age discrimination only applies to people 40 and over, although some states do have laws that protect younger workers. This federal law only applies to employers with 20 or more employees. Click anywhere to continue.

Quiz Question 4 (Lesson 02):

Federal law addresses which of the following under "religious discrimination?" Select all that apply.

- A. Segregation**
- B. Dress and grooming practices**

- C. Associated discrimination**
- D. Reasonable accommodations**

Answer A, B, C, and D is the best answer. Religious discrimination under federal law addresses all of these. Click anywhere to continue.

Quiz Question 5 (Lesson 02):

Federal law protects which of the following under "race/color discrimination"? Select all that apply.

- A. Personal characteristics**
- B. Complexion of skin**
- C. Dress and grooming practices**
- D. Race**
- E. Nationality**

Answer A, B, C, D, and E is the best answer. When someone is treated less favorably because of these characteristics race/color discrimination is occurring. Click anywhere to continue.

Quiz Question 6 (Lesson 02):

Federal law protects which of the following under "national origin discrimination?" Select all that apply.

- A. Citizenship status**
- B. Ethnicity**
- C. Accent**
- D. Unauthorized alien
- E. Association**

Answer A, B, C, and E are the best answers. Under federal law, national origin discrimination under federal law protects all of these classes. Click anywhere to continue.

Quiz Question 7 (Lesson 02):

Federal law protects which of the following under "disability discrimination?" Select all that apply.

- A. Special privileges
- B. Segregation**
- C. Employment opportunities**
- D. Terms and conditions of employment**
- E. Reasonable accommodations**

Answer B, C, D, and E are the best answer. A special privilege is the only incorrect answer. Laws and reasonable accommodations allow equal employment opportunity to the disabled. Laws allow disabled individuals to perform the essential functions to a job without special privileges. Click anywhere to continue.

Quiz Question 8 (Lesson 02):

Anyone with a medical condition is protected by federal law.

- A. True
- B. **False**

Answer B is the best answer. In order to be protected, a person must be qualified for the job and have a disability as defined by the law. Generally, a disability is a physical or mental impairment that is not transitory (lasting or expected to last six months or less) and minor (even if they do not have such an impairment). Click anywhere to continue.

Quiz Question 9 (Lesson 02):

Under federal law, human trafficking only applies to underage commercial sex.

- A. True
- B. **False**

Answer B is the best answer. Human trafficking is not limited to underage individuals. It includes commercial sex acts and employment by use of force, fraud, or coercion. Click anywhere to continue.

Quiz Question 10 (Lesson 02):

Federal law protects which of the following individuals under “associational discrimination?”
Select all that apply.

- A. **Friend**
- B. **Family**
- C. **Ally**
- D. **Significant other**

Answer A, B, C, and D is the best answer. This refers to situations when individuals are discriminated against because they are the significant other, friend, family, or ally of a protected class, or because of other association with someone or group of a protected class. Click anywhere to continue.

Lesson 03: Reporting

Reporting - Employee

SexHar_Audio33_EMP.wav

Slide 56

Discrimination and harassment can occur anywhere in an organization. Supervisors, fellow coworkers, top leaders and third-party participants are all prohibited from committing these types of acts.

Who are these third-party participants? They are people who interact with employees as they do their jobs. They could be clients, customers, vendors, independent contractors, employees’ family

members, board members, investors, or even members of the public. So, an employer can be liable if customers harass a worker.

Discrimination and harassment may occur onsite or offsite. This includes a workplace outing, client meeting, or third-party site.

In this final lesson we will cover reporting and resources available to you as an employee.

Reporting - Employee

SexHar_Audio34_EMP.wav

Slide 57

When challenged with a situation of discrimination and harassment you should communicate to an offender that their behavior is unwelcome and request that it be discontinued immediately. This practice is likely to resolve the behavior. If the behavior continues it is encouraged to promptly report complaints or concerns.

Your workplace anti-discrimination and anti-harassment policies should outline complaint procedures. Your employer may have multiple reporting intake avenues. Including:

- Report to your immediate supervisor
- Report to human resources or committee
- Report to your supervisor's supervisor
- Report to internal reporting hotline or mechanism
- Report to a third-party hotline or mechanism, typically allowing anonymous reporting.

Reporting - Employee

SexHar_Audio35_EMP.wav

Slide 58

Employees may file a charge of discrimination and harassment, whether or not your organization is investigating the matter. The United States Equal Employment Opportunity Commission (EEOC) has several local field offices. Employees can reach the nearest EEOC field office by calling their toll-free number or visiting EEOC.gov.

Employees can call toll free 1-800-669-4000 EEOC's toll-free Telecommunications Device for the Deaf (TDD) number is 1-800-800-3302.

There are time limits within which to file a charge of discrimination. To protect your legal rights, contact the EEOC promptly.

Your state may have additional laws that are more stringent. Look to your state, local and jurisdiction laws for any clarification. States have their own outlets to file charges of discrimination and harassment.

Reporting - Employee

SexHar_Audio36_EMP.wav

Slide 59

Reported allegations will be properly investigated. You and others may be interviewed during an investigation. The complainer or any participant's confidentiality will be kept throughout the investigation process to the extent possible. Know that a request for anonymity may limit the employer's ability to fully investigate. If necessary, remedial measures with appropriate corrective action will be taken following an investigation.

Remember, retaliation for making a complaint or participating in an investigation is prohibited.

Lesson Conclusion - Employee

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Slide 60

You are nearly complete with your discrimination and harassment training. In this final Knowledge Check you will be graded on what you have learned throughout this course.

Knowledge Check

Slides 61-66

Quiz Question 1 (Lesson 03):

Under federal law, supervisors, employees, and third parties may be held liable for sexual harassment and discrimination in what manner?

- A. **Federal law does not hold individuals personally liable but holds the employer solely liable.**
- B. Federal law holds individual such as supervisors, employees and third parties just as responsible as the employer.
- C. Supervisors, employees, and third parties must be reprimanded and investigated.
- D. May only be held liable if they partook in the sexual harassment or discrimination more than once.

Answer A is the best answer. Federal law holds the employer responsible and does not define an individual as an employer, though some state laws do hold individuals to be personally liable. Click anywhere to continue.

Quiz Question 2 (Lesson 03):

Sexual harassment and discrimination must occur at the worksite, where the employee works 30 hours or more a week.

- A. True
- B. **False**

The best answer is B. Workplace laws apply to all employees while under active duty of their employer, regardless of number of hours worked a week. This includes on and off the workplace site. There are no limitations on distance from a worksite. Click anywhere to continue.

Quiz Question 3 (Lesson 03):

Under federal law, employees must report to their immediate supervisor in order to have a report of sexual harassment investigated.

- A. True
- B. False**

Answer B is the best answer. Employees are not required to complain to their direct supervisor. Complaints may be filed with a designated company representative, such as a direct supervisor or indirect supervisor, a human resources (HR) manager, a complaint hotline, an equal employment opportunity officer, or through a federal or state agency. Click anywhere to continue.

Quiz Question 4 (Lesson 03):

If you make a report of sexual harassment or discrimination, your confidentiality is fully protected.

- A. True.
- B. False.**

The best answer is B. The complainer or any participant's confidentiality will be kept throughout the investigation process to the extent possible. Know that a request for anonymity may limit the employer's ability to fully investigate. Click anywhere to continue.

Quiz Question 5 (Lesson 03):

Retaliation for reporting or being a part of an investigation of sexual harassment or discrimination is unlawful. Which of the following is considered retaliation?

- A. Fire or layoff
- B. Harassment
- C. Demote or not promote
- D. Limiting or excluding fringe benefits
- E. All of the above.**

The best answer is E. All of the laws we have covered make it illegal to fire, demote, harass, or otherwise "retaliate" against people because they filed a charge of discrimination, because they complained to their employer or other covered entity about discrimination on the job, or because they participated in an employment discrimination proceeding (such as an investigation or lawsuit). Click anywhere to continue.

Final Quiz

Slides 67-88

Quiz Question 01

Federal law defines discrimination as:

- E. Disciplining someone that is considered an individual of a protected class.
- F. Paying one person more than another for the same duties and tenure.

- G. When an employer sets a higher standard of conduct than the law requires.
- H. **Unfair or unequal treatment of an individual or group of a protected class.**

The best answer is D. Unfair or unequal treatment of a protected class is prohibited and applies not only to employees but also job applicants. Behavior violates federal, and in some cases, state law. Click anywhere to continue.

Quiz Question 02

Which of the following are considered discrimination under federal law?

- A. Physical conduct
- B. Verbal conduct
- C. Retaliation
- D. Unfair terms and conditions of employment
- E. **All of the above**

The best answer is E. Unlawful discrimination occurs when there is unfair or unequal treatment of an individual or group of a protected class. Discrimination in the workplace against job applicants and employees violates federal, and in some cases, state law. This includes physical, verbal, retaliation, and terms and conditions of employment. Click anywhere to continue.

Quiz Question 03

Federal law defines harassment as:

- E. Physical threatening conduct that includes touching, grabbing, shaking, or hitting someone.
- F. **Unwelcome conduct motivated by a “protected class.”**
- G. Sometimes called workplace bullying and is with intent to sabotage another employee.
- H. Verbal threatening conduct that includes offensive language or threats directed at someone.

The best answer is B. Harassment is unwelcome conduct that targets an individual or group of a protected class. Conduct may be physical, verbal, or visual. To be unlawful, the conduct must create a work environment that is severe or pervasive enough to be considered intimidating, hostile, or offensive to a reasonable people. Click anywhere to continue.

Quiz Question 04

Unwelcome conduct in offensive images, verbal conduct, and physical conduct must be directed at the complaining individual.

- C. True
- D. **False**

The best answer is B. Unwelcome conduct need not be directed at the complaining person; they may in certain instances simply be made in her or his presence. Unwelcome conduct that is severe or pervasive harassment creates a hostile work environment. Click anywhere to continue.

Quiz Question 05

Federal law protects which of the following under "sex discrimination?" Select all that apply.

- E. Discrimination or harassment based on someone's sex has occurred.**
- F. Sexual behavior in the workplace is occurring.
- G. A supervisor and employee are dating.
- H. Someone of the opposite gender discriminates or harasses someone based on their gender.

The best answer is A. Sexual harassment or unwelcome sexual advances are motivated by someone's gender. Advances include requests for sexual favors, and other verbal or physical harassment of a sexual nature. Harassment does not have to be of a sexual nature, however, and can include offensive remarks about a person's gender. Click anywhere to continue.

Quiz Question 06

Federal law protects which of the following under "sex discrimination?" Select all that apply.

- A. Familial status
- B. Gender**
- C. Gender identity**
- D. Marital status
- E. Sexual orientation**

Answer B, C, and E is the best answer. Sex, gender identity, sexual orientation, transgender, gender expression, and perceived sexual orientation are all protected under sex discrimination. Sex discrimination does not have to be between opposite genders. Click anywhere to continue.

Quiz Question 07

Federal law protects which of the following under "pregnancy discrimination?" Select all that apply.

- A. Pregnancy**
- B. Childbirth**
- C. Medical condition, related to pregnancy or childbirth**
- D. Adoption or foster care**
- E. Provides paid time off

Answer A, B, C, and D is the best answer. Federal law protects discrimination on pregnancy, childbirth, related medical condition, and adoption or foster care. Employers do not have to provide paid time off under federal law. A new parent (including foster and adoptive parents) may be eligible for 12 weeks of leave under the Family and Medical Leave Act (FMLA). Click anywhere to continue.

Quiz Question 08

Under federal law, which of the following age group(s) does "age discrimination" apply to?

- A. 18 and under

- B. 40 and over**
- C. 40 and over, including 18 and under
- D. 50 and over
- E. 60 and over

Answer B is the best answer. Federal law that covers age discrimination only applies to people 40 and over, although some states do have laws that protect younger workers. This federal law only applies to employers with 20 or more employees. Click anywhere to continue.

Quiz Question 09

Federal law addresses which of the following under "religious discrimination?" Select all that apply.

- A. Segregation**
- B. Dress and grooming practices**
- C. Associated discrimination**
- D. Reasonable accommodations**

Answer A, B, C, and D is the best answer. Religious discrimination under federal law addresses all of these. Click anywhere to continue.

Quiz Question 10

Federal law protects which of the following under "race/color discrimination?" Select all that apply.

- A. Personal characteristics**
- B. Complexion of skin**
- C. Dress and grooming practices**
- D. Race**
- E. Nationality**

Answer A, B, C, D, and E is the best answer. When someone is treated less favorably because of these characteristics, race/color discrimination is occurring. Click anywhere to continue.

Quiz Question 11

Federal law protects which of the following under "national origin discrimination"? Select all that apply.

- A. Citizenship status**
- B. Ethnicity**
- C. Accent**
- D. Unauthorized alien
- E. Association**

Answer A, B, C, and E are the best answer. National origin discrimination under federal law protects these classes. Click anywhere to continue.

Quiz Question 12

Federal law protects which of the following under "disability discrimination?" Select all that apply.

- A. Special privileges
- B. Segregation**
- C. Employment opportunities**
- D. Terms and conditions of employment**
- E. Reasonable accommodations**

Answer B, C, D, and E are the best answer. A special privilege is the only incorrect answer. Laws and reasonable accommodations allow equal employment opportunity to the disabled. Laws allow disabled individuals to perform the essential functions to a job without special privileges. Click anywhere to continue.

Quiz Question 13

Anyone with a medical condition is protected by federal law.

- A. True
- B. False**

Answer B is the best answer. In order to be protected, a person must be qualified for the job and have a disability as defined by the law. Generally, a disability is a physical or mental impairment that is not transitory (lasting or expected to last six months or less) and minor (even if they do not have such an impairment). Click anywhere to continue.

Quiz Question 14

Under federal law, human trafficking only applies to underage commercial sex.

- A. True
- B. False**

Answer B is the best answer. Human trafficking is not limited to underage individuals. It includes commercial sex acts and employment by use of force, fraud, or coercion. Click anywhere to continue.

Quiz Question 15

Federal law protects which of the following individuals under "associational discrimination"? Select all that apply.

- A. Friend**
- B. Family**
- C. Ally**
- D. Significant other**

Answer A, B, C, and D is the best answer. This refers to situations when individuals are discriminated against because they are the significant other, friend, family, or ally of a protected

class, or because of other association with someone or group of a protected class. Click anywhere to continue.

Quiz Question 16

Under federal law, supervisors, employees, and third parties may be held liable for sexual harassment and discrimination in what manner?

- A. **Federal law does not hold individuals personally liable but holds the employer solely liable.**
- B. Federal law holds individuals such as supervisors, employees and third parties just as responsible as the employer.
- C. Supervisors, employees, and third parties must be reprimanded and investigated.
- D. May only be held liable if they partook in the sexual harassment or discrimination more than once.

Answer A is the best answer. Federal law holds the “employer” responsible and does not define an individual as an “employer.” Though some state laws do hold individuals to be personally liable. Click anywhere to continue.

Quiz Question 17

Sexual harassment and discrimination must occur at the worksite, where the employee works 30 hours or more a week.

- A. True
- B. **False**

The best answer is B. Workplace laws apply to all employees while under active duty of their employer. Regardless of amount of hours worked a week. This includes on and off the workplace site. There are no limitations on distance from a worksite. Click anywhere to continue.

Quiz Question 18

Under federal law, employees must report to their immediate supervisor in order to have a report of sexual harassment investigated.

- A. True
- B. **False**

Answer B is the best answer. Employees are not required to complain to their direct supervisor. Complaints may be filed with a designated company representative, such as a direct supervisor or indirect supervisor, a human resources (HR) manager, a complaint hotline, an equal employment opportunity officer, or through a federal or state agency. Click anywhere to continue.

Quiz Question 19

If you make a report of sexual harassment or discrimination your confidentiality is fully protected.

- A. True.
- B. **False.**

The best answer is B. The complainer or any participant's confidentiality will be kept throughout the investigation process to the extent possible. Know that a request for anonymity may limit the employer's ability to fully investigate. Click anywhere to continue.

Quiz Question 20

Retaliation for reporting or being a part of an investigation of sexual harassment or discrimination is unlawful. Which of the following is considered retaliation?

- A. Fire or layoff
- B. Harassment
- C. Demote or not promote
- D. Limiting or excluding fringe benefits
- E. All of the above.

The best answer is E. All of the laws we have covered make it illegal to fire, demote, harass, or otherwise "retaliate" against people because they filed a charge of discrimination, because they complained to their employer or other covered entity about discrimination on the job, or because they participated in an employment discrimination proceeding (such as an investigation or lawsuit). Click anywhere to continue.

Conclusion - Employee

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Slide 89

You should now have a better understanding of discrimination and harassment in the workplace. In this course you have reviewed:

- What is considered discrimination
- What is considered harassment
- What the protected classes are and,
- Your rights and responsibilities as an employee

Unlawful discrimination and harassment in your workplace disempowers you and your fellow coworkers, fosters poor morale, and reduces productivity. All employees, including yourself, have the power to eliminate discrimination in your workplace.

If you believe you, or a fellow coworker, is a victim of discrimination and harassment. Follow your workplace policies and procedures to report any incident.

You may now exit this training and print a certificate from your training report.