

SC Discrimination Awareness in the Workplace

Full Course

Tammy L. Hodo, PhD

Catherine Mattice



Discrimination Awareness in the Workplace

Introduction

Our Diverse Workplace

Our country, workplaces and schools increasingly comprise various cultures, groups and individuals. Although we've long understood that discrimination and harassment are unlawful in the workplace, it's clear from news headlines that it's still prevalent.

Every day, people find themselves a target of discrimination or harassment based on individual characteristics, including:

- race
- ethnicity
- sex
- sexual orientation

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Our Diverse Workplace

Every day, people find themselves a target of discrimination or harassment based on individual characteristics, including:

- gender identity or expression
- religion
- disability (and)
- age

That's why it's critical that employees understand their policies regarding discrimination and know their role and obligations.

Discrimination Awareness in the Workplace

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A History of Discrimination

Our nation prides itself on individuality and the principle of equality. However, our history includes several examples of oppression, racism, genocide and discrimination.

Discrimination means showing prejudice toward an individual or group based on the categories of characteristics we discussed earlier. Often, this prejudice occurs because the offender sees others as “different.”

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Equal Employment Opportunities

At one point, discrimination was so pervasive in the workplace that, in 1965, President Johnson issued an executive order to address discrimination in the hiring practices of the federal government and its contractors.

The federal government – and each state – has stepped in to help ensure that everyone in the workplace is treated with respect and fairness. As such, the Equal Employment Opportunity Commission (or EEOC) was formed to help monitor employers and certify they are following a variety of laws.

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Implicit Bias

While employment laws are a good first step, employees must also address their own implicit biases.

Implicit bias refers to the beliefs and attitudes that affect our understanding, actions and decisions in an unconscious way. Unlike explicit bias, where we're fully aware of our prejudices and are overt in our attitudes about others, implicit bias stems from subtle cognitive processes that are developed through experiences – whether actual or perceived.

Every human has bias, as we're exposed to them through the media, peers, family and even our curriculums.

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Implicit Bias in the Workplace

Implicit bias can have negative connotations when we make assumptions about people that help create or maintain stereotypes.

For example, a popular study from the National Bureau of Economic Research found that résumés with white-sounding names received 50 percent more callbacks than the ones with black-sounding names and the same qualifications. Furthermore, black-sounding names were 33 percent less likely to receive a response.

We must recognize and acknowledge our implicit biases, or they can hinder our interactions with people from different ethnicities, religions, sexual orientations or gender identities, races or even political affiliations.

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Actions and Consequences

Faculty and staff face consequences when someone says or does something – even unintentionally – that causes offense to a coworker, student, the student’s family or community groups.

Insensitive actions or words may result in legal action against the college or university, as well as legal and disciplinary action against the employee. These consequences can result in time and money spent on their resolution – resources that could be invested instead in the institution’s mission.

Although the repercussions can be serious, the good news is that these negative consequences can be avoided through awareness, effective communication and carefully following your institution’s policies. Employees who recognize and understand the value of diversity in the work environment are a great asset to the workplace.

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Goal

This course is designed to provide faculty and staff members with a basic awareness and understanding of discrimination. This awareness can help you avoid discriminatory behaviors and build a workplace culture that reflects inclusivity and respect for all.

We will:

- review the definition of discrimination and the law (and)
- discuss how to avoid discrimination and harassment

At the end of the course, you'll have a chance to test what you've learned with a short quiz.

So, if you're ready, let's begin.

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Discrimination and the Law

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Discrimination and the Law

Discrimination Defined

Discrimination in the workplace occurs whenever an employee makes a distinction in favor of or against another person based on the group, class or category to which that person belongs, rather than on individual merit.

Laws against discrimination are focused on the following categories:

- race
- ethnicity
- religion
- sex
- sexual orientation

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Discrimination and the Law

Discrimination Defined (cont.)

Laws against discrimination are focused on the following categories:

- gender identity and expression
- national origin
- age
- disability (and)
- genetics

These categories are known as protected classes.

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Examples of Discrimination

Discrimination can occur in a variety of ways, and it doesn't necessarily require overt, or obvious, behaviors.

Examples of discrimination may include:

- preventing someone from joining a group or committee because of their ethnicity
- failing to make appropriate accommodations for people whose religion prevents them from participating in a work activity
- not including employees in a work function solely because of their age (and)
- excluding someone's same-sex partner from a work function while others may bring their opposite-sex partners

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Discrimination and the Law

Harassment Defined

Harassment is a form of discrimination. According to the EEOC, harassment is unwelcome conduct that becomes unlawful when:

- enduring the offensive conduct becomes a condition of continued employment (or)
- the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile or abusive

In other words, harassment is discrimination that hinders or prevents a person from doing their job.

Examples of Harassment

Examples of harassment may include:

- using racially derogatory terms or phrases
- telling inappropriate jokes
- making offensive remarks about skin color or age
- sending or forwarding inappropriate emails, notes, letters, images or videos
- hanging offensive posters
- expressing negative stereotypes

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Examples of Harassment (cont.)

Examples of harassment may include:

- making derogatory comments about a person's mental or physical impairment (and)
- making inappropriate facial expressions or gestures

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Harassment and Hostile Work Environment

As we mentioned, harassment is illegal if it's so frequent or severe that it creates a hostile work environment.

A hostile work environment means the unwelcome behaviors unreasonably interfere with an employee's ability to work and/or create an intimidating, aggression-filled or offensive work environment.

Hostile work environments can make employees not look forward to coming to work, which affects the quality of their performance and can lead to increased absentee rates and decreased productivity.



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Humor vs. Harassment

Mild, inoffensive, good-natured joking among employees isn't usually harassment. Generally, harassment doesn't include simple teasing, an offhand comment or an isolated incident.

However, one-time incidents can easily escalate into frequent or more severe behaviors. Therefore, addressing even the smallest inappropriate remark or a seemingly harmless incident immediately is imperative for building a respectful workplace free from discrimination and harassment.

While it's usually OK to joke around with your coworkers and have fun, you should always avoid making jokes about race, sex, sexual orientation, gender identity and expression, religion, disabilities and other protected classes, even if you think others won't mind.

Avoiding those topics will help ensure you have a positive workplace.

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Harassers and Their Victims

A victim of harassment can be anyone affected by the conduct, not just the individual at whom the offensive conduct is directed.

For example, if Davis overhears Miguel and Ray telling derogatory jokes every day, Davis could view that as a hostile work environment, even if the jokes aren't about him or told directly to him.

It's also important to note that a perpetrator of harassment can be the victim's supervisor, a supervisor in another area, a coworker or even someone who's not an employee, such as a parent, community member or vendor.



Sexual Harassment

Harassment also includes sexual harassment. Although it doesn't have to be motivated by sexual desire, unlawful sexual harassment often includes unwanted or unwelcome behavior that's sexual in nature.

This includes:

- unwelcome sexual advances
- requests for sexual favors (and)
- other verbal, visual or physical conduct of a sexual nature

Defining Sexual Harassment

Individuals of any gender can be the target of sexual harassment.

In fact, sexual harassment may involve harassment of a person of the same sex as the harasser, regardless of either person's sexual orientation or gender identity.

That's because sexual harassment is a form of discrimination based on:

- sex, including pregnancy, childbirth or related medical conditions
- gender identity
- gender expression (or)
- sexual orientation

Two Types of Harassment

Sexual harassment usually takes two forms:

- quid pro quo (and)
- hostile environment

Let's review each.

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Quid Pro Quo Harassment

Quid pro quo is Latin for “this for that.” In other words, something is given or withheld in exchange for something else, like when submission to sexual misconduct is explicitly or implicitly made a condition of employment.

Although it’s less common than hostile environment harassment, quid pro quo is what most people think of when they hear “sexual harassment.”

In quid pro quo harassment, a power imbalance exists between the two parties. One person has the power to grant or deny benefits to the other based on sexual behavior.



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Hostile Environment Harassment

A hostile work environment applies when unwanted sexual or gender-based behavior:

- creates an intimidating, hostile or offensive work environment (or)
- unreasonably interferes with an employee's work performance

Common examples of a hostile work environment include inappropriate or offensive content, images, comments, jokes, emails or text messages in the workplace.

Even though some might perceive the content as humorous, this is behavior that could be considered hostile.

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Offensive Behaviors

Offensive behaviors that contribute to a hostile work environment can have devastating effects – not only on individuals in the workplace but on the organization as a whole.

Examples of verbal sexual harassment include:

- sexual or derogatory comments, jokes and innuendos
- offensive emails, text messages, videos and social media posts
- ogling or leering (and)
- touching, groping, patting, pinching, stroking, squeezing, tickling or brushing against someone

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EEOC Laws

Important legislation that addresses discrimination includes:

- Title VII of the Civil Rights Act of 1964, which makes it illegal to discriminate against someone on the basis of race, religion, national origin or sex
- The Pregnancy Discrimination Act, which amends Title VII of the Civil Rights Act of 1964 to prohibit discrimination against women because of pregnancy or childbirth
- The Equal Pay Act, which protects against wage discrimination based on sex or gender identity (and)
 - The Americans with Disabilities Act, which makes it illegal to discriminate against a person with a disability if that person is qualified to perform the requirements of the job

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State Laws and Your Institution's Policies

In addition to federal laws, every state has laws that require employers to maintain an environment free from hostility, discrimination and harassment. Your institution also has antidiscrimination and antiharassment policies to which you must adhere.

How do you ensure you're not in violation of these laws and policies? Begin by always treating others with respect. Next, read and follow your institution's policies.

If you're unsure about a policy or need assistance or guidance, contact your manager or someone in your human resources department.

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Discrimination and the Law

Retaliation

Individuals are protected by law from retaliation, or harassment, because a person:

- filed a discrimination charge
- reported an employer's unlawful conduct (called whistle-blowing) (or)
- participated in an investigation, proceeding or lawsuit

For example, if Danielle files a complaint against Jordan for sexual harassment, and Jordan's friends harass her, they, too, could and should be disciplined.

The institution could also be held responsible if its administrators didn't take action to help Danielle.

Avoiding Discrimination and Harassment

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Avoiding Discrimination and Harassment

First Steps

Considering the number of federal and state laws, as well as your institution's own policies, the goal of eliminating discrimination might seem overwhelming.

However, the simplest approach is just to treat everyone with respect and equality. Keeping that goal in mind will help ensure that you comply with antidiscrimination laws.

Just follow this two-step approach.

- The first step is to become aware of your own biases and behaviors toward others.
- The second step is to do your part to create a positive workplace culture for you and your colleagues.

Let's look at both of these ideas in more detail.

Discrimination Awareness in the Workplace Avoiding Discrimination and Harassment

Acknowledge Your Feelings

When looking at your own biases and behavior toward others, first acknowledge your feelings.

Spend time thinking about your own prejudices. Realize that you interpret and judge others through your own cultural lens, which is called ethnocentrism.

It's natural to know more about people you're around all the time, who typically look like you, but we must realize that just because someone looks different doesn't make them a bad person.



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Acknowledge Your Feelings (cont.)

We can reduce our biases by recognizing that we have them and working to change some of our attitudes. If we're aware that we have negative biases towards certain groups, we should interact with members of that group to gain an understanding of their values and beliefs. Make an effort to see members of stereotyped groups as individuals.

Interacting with members of an "out group" can ideally change or at least challenge biases. You may find that you have more in common with them than you think.



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Explore Stereotypes

Next, explore stereotypes about yourself. Think about the stereotypes associated with the groups to which you belong.

Are the stereotypes accurate?

Do they describe you as an individual?

Or are you seen as the same as everyone else in the group?

You are your own person, and if someone claims you are a certain way because of a group you belong to, you probably resent that. The same is true for all people.

Discrimination Awareness in the Workplace Avoiding Discrimination and Harassment

Tolerance and Respect

Do you just tolerate people different from you, or do you respect them?

Tolerance and respect aren't the same. When you tolerate someone, you simply put up with them. The other person usually picks up on that. You might be professional during a conversation with a person you tolerate, while thinking negative or derogatory thoughts about them.

Respect is celebrating differences and feeling excited about the opportunity to hear another person's point of view. When you respect others, you help build an environment free from discrimination and potentially create a climate of inclusion.

Discrimination Awareness in the Workplace Avoiding Discrimination and Harassment

Think Before You Click “Send”

Think twice about what you want to say before sending an electronic message.

Emailing, texting, social networking and other electronic activities leave room for misunderstanding and misinterpretation. Electronic communications lack the nonverbal signals that tell the receiver the message is meant as humor, irony or other expressions that put our words into context.

Before you send any email, always read through the message to ensure you won't offend the recipient.



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Build a Positive Environment

Even though your institution has antidiscrimination policies, building a positive, respectful workplace really starts with you.

If everyone sees respect, appreciation and understanding as a way of life, they are less likely to commit discriminatory or harassing behaviors. This creates a great place to work and learn for faculty, staff and students.

As these values become ingrained in the culture, discrimination, prejudice and harassment stop.



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Accommodations for Persons with Disabilities

Your institution must provide reasonable accommodations to employees and students who have a disability. For example, a reasonable accommodation might include adding a ramp for an individual who uses a wheelchair.

Your human resources department can provide you with appropriate advice regarding accommodations for people with disabilities.

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Accommodation for Religious Practices

Your college or university must also provide reasonable accommodations to employees for religious beliefs or practices. For example, a reasonable accommodation might include providing an employee with schedule flexibility so they can observe an important religious holiday.

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Avoiding Discrimination and Harassment

Summary

To summarize:

- Adhere to all federal and state laws on discrimination and harassment policies.
- Read – and follow – your institution’s policies.
- Check with your human resources department when you have questions.
- Be aware of your own perceptions, biases and prejudices.
- Double-check your written electronic communications before sending them.
(and)
- Help promote a respectful work environment for all employees and students.

Discrimination Awareness in the Workplace Checkpoint

Checkpoint

After taking this course, you should be able to:

- define discrimination and harassment
- understand how to avoid discrimination and harassment in your workplace (and)
- do your part to promote a discrimination-free environment

Review these points and repeat this course, if needed.

