FUNDAMENTAL 55: Discrimination-Free Workplace



Key Takeaways:

- Learning what constitutes employment discrimination.
- Recalling the federal discrimination laws in place to protect individual workers' rights.
- Understanding the importance of promoting a discrimination-free workplace.

Course Description

Discrimination in the workplace happens when an employee or group of employees is treated less favorably than similarly situated employees of a different race, sex, age, national origin, religion, genetic makeup, etc. Discrimination can both be obvious (such as jokes, slurs, and innuendoes) or subtle (such as job assignments, lack of training opportunities, reduction of hours/pay, demotions and disciplinary actions, and fewer promotions).

Examples of discriminatory practices include and are not limited to a bias in hiring, firing, job assignment, transfer, layoff, recall, fringe benefits, retirement plans, leave, or any other terms or conditions of employment.

Avoiding stopping workplace discrimination can cause harm to everyone, resulting in loss of productivity, poor performance, disruptive work environments, and loss of good employees and managers. Also important, It is against the law and can lead to discrimination charges, costly litigation, and jury awards – negligence in this area of employment is one of the fastest ways to find your business in the courtroom.
Plenty of different laws regard aspects of employment related to discrimination…

Title VII of the Civil Rights Act of 1964 prevents: – Discriminating against any employee or applicant because of their race or color in regard to hiring, termination, promotion, compensation, job training, or any other term, condition, or privilege of employment; – Employment decisions based on stereotypes and any and all assumptions about abilities, traits, or the performance of individuals of specific racial groups; – Acts of intentional

discrimination and neutral job policies that disproportionately exclude minorities which are not job related; – Refusal of equal employment opportunity on the basis of marriage to or association with an individual of a different race, membership in or association with ethnic based organizations or groups, or attendance or participation in schools or places of worship generally associated with certain minority groups; – Discrimination because of an immutable characteristic associated with race, including but not limited to skin color, hair texture, or certain facial features; – Discrimination due to a condition that predominantly affects one race, such as height or weight, unless practice is purely job related and consistent with business necessity; – Harassment because of gender, race, and/or color. The Age Discrimination in Employment Act (ADEA) – Criminalizes discrimination against an employee based on his or her age; – Ensures employees 40 years of age or older are not discriminated against because of age in hiring, promotion, discharge, compensation, terms, conditions, or privileges of employment; – Lays out explicit guidelines for benefit, pension and retirement plans. The Americans with Disabilities Act (ADA) – Criminalizes employment discrimination against people with disabilities; – In the case that an employee has a mental, physical, or sensory disability, but can still perform the essential job functions, with or without accommodation, the employer must reasonably accommodate the disability. – The only exception is when the accommodation produces an undue hardship on the operation of the employer's business. – Every situation is different, and disability issues should be analyzed on a case-by-case basis. The Equal Pay Act (EPA) – Shields men and women who perform arguably equal work in the same establishment from sex-based wage discrimination; – Is important in helping women, who are the chief victims of unequal pay; – Does not apply to pay differences based on factors that are not gender. These and more Employment Discrimination Laws protect employees against retaliation. They criminalize retaliation against an individual on the basis of filing a charge of discrimination, participating or serving as a witness in an investigation or lawsuit involving a discrimination charge, opposing discriminatory practices. Workplace policies must… – Assert no tolerance for discrimination, harassment, or retaliation; – Be verbal, printed in employee handbooks, and posted throughout the workplace; – Affirm that all complaints will be investigated, and any violation has the potential to result in disciplinary action, including termination; – Provide equal access and not disadvantage people because they belong to particular groups; – Consistently affect applicants and employees. Employee Obligations – Study the employee handbook and posted workplace rules, policies, practices, and behaviors. – Recognize their employer's policy forbids discrimination, harassment, and retaliation. – Acknowledge that violations of the policy can lead to disciplinary action that could include termination. Obligations of Managers and Supervisors – Reduce discrimination and harassment by being a role model. – Fully back your company's policies regarding equal treatment of all employees. – Address individuals when they make fun of others because of their race, gender, ethnic background, religion, appearance, disability, genetic information, or sexual orientation. – Think about the impact of your own comments and actions before you speak. – Never make jokes that are derogatory to any group, culture, or sex. – Never assume because of stereotypes.