



Introduction to Discrimination and Harassment

Creating partnerships between people with disabilities and the community



Introduction

- This training is intended to provide you with general information regarding discrimination and harassment in the workplace
- This is a very large topic! Therefore, this training will aim to address several major issues, but we cannot address everything
- PRI encourages you to do additional research regarding discrimination and harassment in the workplace and ways that you can be an ally in creating a discrimination and harassment free workplace





Overview

Employees have the right to:

- Not be harassed or discriminated against
- Receive equal pay for equal work
- Receive reasonable accommodations if required
- Expect that any medical or genetic information that they share with their employer will be kept confidential
- Report discrimination, participate in a discrimination investigation or lawsuit or oppose discrimination without being retaliated against (punished for doing so)





Enforcing Agencies

- Workplace harassment and discrimination laws are enforced by different organizations on a federal versus state level
- Federal
 - The Equal Employment Opportunity Commission (EEOC) enforces federal laws related to discrimination and harassment
- State
 - The Minnesota Department of Human Rights enforces state laws related to civil rights, including discrimination and harassment





Workplace Discrimination





Key Laws

- Several key laws prohibit employers from discriminating in employment:
 - Title VII ("7") of the Civil Rights Act of 1964
 - The Americans with Disabilities Act (ADA)
 - The Age Discrimination in Employment Act (ADEA)
 - The Pregnancy Discrimination Act of 1978 (PDA)
 - The Equal Pay Act (EPA)
 - The Lilly Ledbetter Fair Pay Act
 - The Genetic Information Nondiscrimination Act (GINA)
- These laws also prohibit retaliation against people who complain of discrimination or participate in an Equal Employment Opportunity (EEO) investigation





Protected Classes

Discrimination based on the following characteristics is prohibited:

- Race
- Color
- Creed (faith-based beliefs)
- Religion
- National Origin
- Sex
 - Pregnancy
 - Gender Identity/Expression
 - Sexual Orientation
- Disability
- Age (40 or older)
- Military service status
- Genetic Information
 - Including family medical history
- Status with regard to public assistance
- Membership on a local human rights commission





Protected Classes, cont.

State and local laws may further define discrimination to include additional protections, such as:

- Marital status
- Parenthood
- Domestic partnership
- Political affiliation
- Criminal or arrest record
- Victims of Domestic Violence
- Stalking or Sexual Assault
- Matriculation (enrolled at a college or university)
- Personal Appearance
- Smoking or Tobacco use
- Use of Medical Marijuana
- Receipt of Public Assistance





Definition of Discrimination



- Discrimination is:
 - Any policy or action taken related to employment
 - That results in an unfair disadvantage to an individual/group of individuals
 - Who are part of a protected class
- Employment actions include:
 - Recruitment, interviewing, hiring, promotions, demotions, job transfers, compensation, training, discipline, benefits administration, termination/dismissal
- The employment action must result in a “tangible employment action” that is a change in employment status or the privileges of employment, and the basis for doing so must be due to the employee’s protected status.



Examples of Discrimination

- Employment decisions based on stereotypes or assumptions about the abilities, traits, or performance of individuals based on a protected class
- Denying employment opportunities to a person because of their ethnic group, religion, national origin or disability
- Retaliation against an individual for filing a charge of discrimination, participating in an investigation or opposing discriminatory practices

