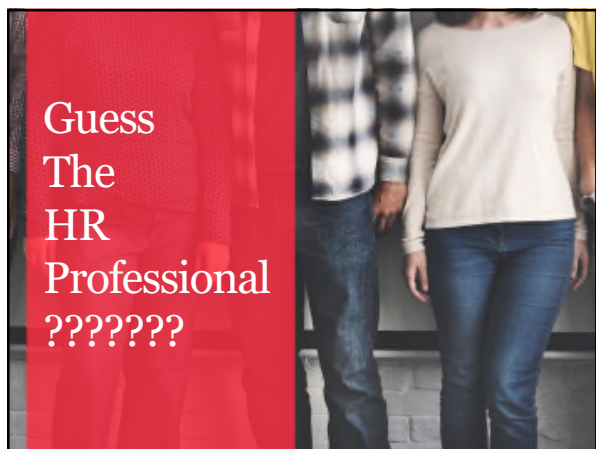
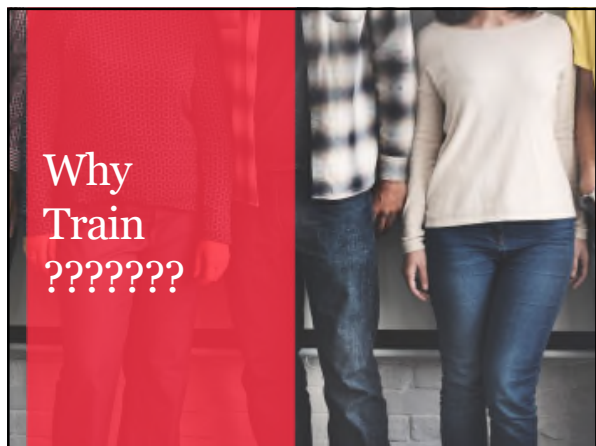


The information provided here is for informational and educational purposes and current as of the date of publication. The information is not a substitute for legal advice and does not necessarily reflect the opinion or policy position of the Municipal Association of South Carolina. Consult your attorney for advice concerning specific situations.









Traditional Reasons - Laws

Title VII (1964)
ADA & ADAAA
Equal Pay Act
Pregnant Workers Fairness Act (2023)
HIPAA and GINA
ADEA

Traditional Reasons - SCOTUS

Faragher v City of Boca Raton (1998)
Burlington Ind. v Ellerth (1998)

Affirmative Defense:

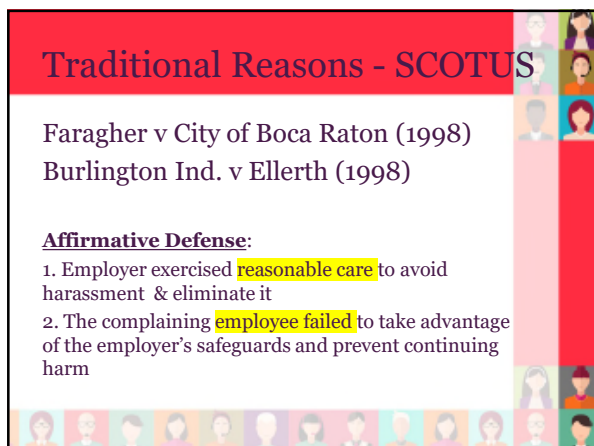
1. Employer exercised reasonable care to avoid harassment & eliminate it
2. The complaining employee failed to take advantage of the employer's safeguards and prevent continuing harm

Traditional Reasons - SCOTUS

Faragher v City of Boca Raton (1998)
Burlington Ind. v Ellerth (1998)

Affirmative Defense:

1. Employer exercised **reasonable care** to avoid harassment & eliminate it
2. The complaining **employee failed** to take advantage of the employer's safeguards and prevent continuing harm

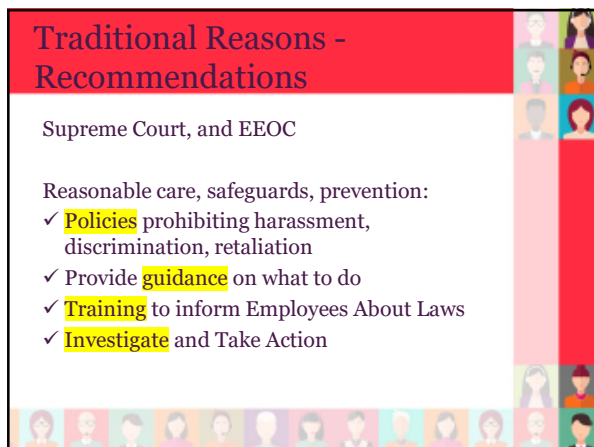


Traditional Reasons - Recommendations

Supreme Court, and EEOC

Reasonable care, safeguards, prevention:

- ✓ **Policies** prohibiting harassment, discrimination, retaliation
- ✓ Provide **guidance** on what to do
- ✓ **Training** to inform Employees About Laws
- ✓ **Investigate** and Take Action



Traditional Reasons – State Laws

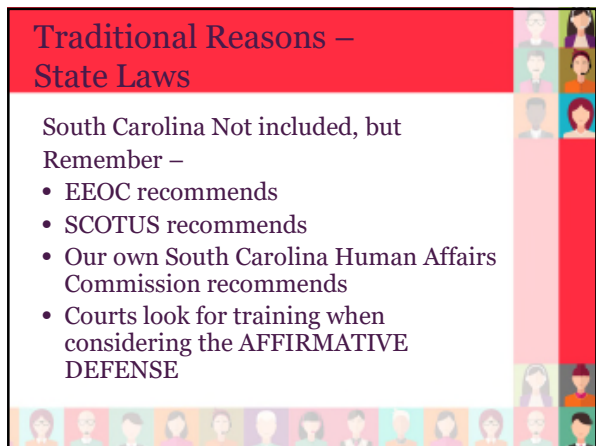
California
Connecticut,
Delaware,
Illinois
Maine
New York
(also Chicago and NYC)



Traditional Reasons – State Laws

South Carolina Not included, but Remember –

- EEOC recommends
- SCOTUS recommends
- Our own South Carolina Human Affairs Commission recommends
- Courts look for training when considering the AFFIRMATIVE DEFENSE



So Are You a....

CHECK THE BOX EMPLOYER?




STOP
"One Size Fits All"
Videos



BORING.

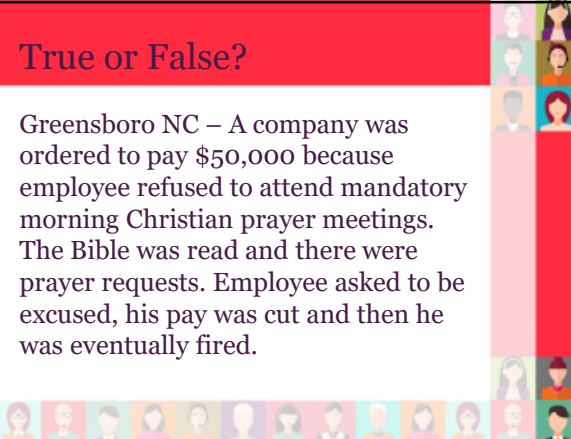
EEOC Real
Life Claims...

OR ARE
THEY
???????



True or False?

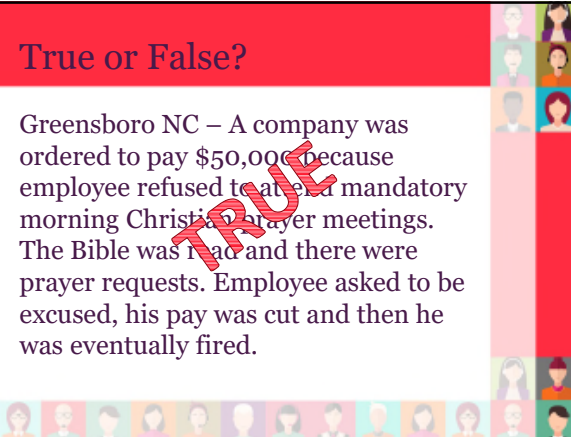
Greensboro NC – A company was ordered to pay \$50,000 because employee refused to attend mandatory morning Christian prayer meetings. The Bible was read and there were prayer requests. Employee asked to be excused, his pay was cut and then he was eventually fired.



True or False?

Greensboro NC – A company was ordered to pay \$50,000 because employee refused to attend a mandatory morning Christian prayer meetings. The Bible was read and there were prayer requests. Employee asked to be excused, his pay was cut and then he was eventually fired.

TRUE



True or False?

Greenville SC – EEOC ordered a restaurant to pay \$250,000 for subjecting female employee to a sexually hostile work environment. Head Server served up sexual comments and unwanted touching. Employee’s complaint was not taken seriously **EVEN THOUGH THIS WAS NOT THE FIRST COMPLAINT.**

True or False?

Greenville SC – EEOC ordered a restaurant to pay \$250,000 for subjecting female employee to a sexually hostile work environment. Head Server served up sexual comments and unwanted touching. Employee’s complaint was not taken seriously **EVEN THOUGH THIS WAS NOT THE FIRST COMPLAINT.**

True Case, it just hasn't finished yet, not ordered to pay...YET

True or False?

Greensboro, NC – Bojangles has agreed to pay \$20,000 to settle a sexual harassment suit brought by the EEOC. Employee was sexually harassed, touched, grabbed. Made complaint to GM. Was then denied the opportunity to participate in a management training program and transferred to a different location.

True or False?

Greensboro, NC – Bojangles has agreed to pay \$20,000 to settle a sexual harassment suit brought by the EEOC. Employee was sexually harassed, touched, grabbed. Made complaint to GM. Was then denied the opportunity to participate in a management training program and transferred to a different location.

TRUE

True or False?

Idaho – Rachel, a Black female, was hired in 2014. In 2016, complained of racially insensitive remarks and told she “needed to be the bigger person.” She raised additional claims with HR, so company told her that “her relationship with coworkers” prevented her from being promoted. The CEO warned they would “part ways” if she made any more allegations. EEOC is suing.

TRUE

True or False?

Idaho – Rachel, a Black female, was hired in 2014. In 2016, complained of racially insensitive remarks and told she “needed to be the bigger person.” She raised additional claims with HR, so company told her that “her relationship with coworkers” prevented her from being promoted. The CEO warned they would “part ways” if she made any more allegations. EEOC is suing.

TRUE

Today's Workplace


We are living in a time when

Our Employees are the Most Sensitive

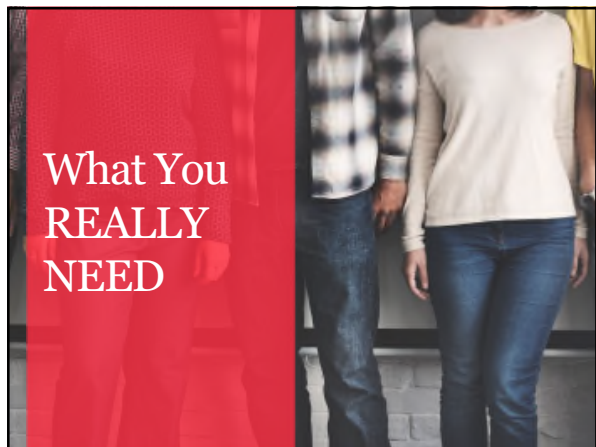
AND

The Most Insensitive


Of any other time in history



**What You
REALLY
NEED**



Customize
Your
Presentation



Include the Legal Stuff

BUT ALSO

LOOK AROUND your ORGANIZATION



Awareness


Different cultures

+


Different backgrounds

=

Possible Communication Issues



Unconscious Bias



Establish Your Goals


- Stop Disrespect, Discrimination, and Harassing Behavior So We Can All Enjoy a Respectful Workplace
- Encourage Communication among ALL Employees
- What Else?

Be Very Clear

There are some words and phrases that everyone should know are not appropriate in the workplace:


- derogatory words regarding race or religion,
- words to describe sex acts,
- sexual body parts,
- body shaming

NONE of these words have a place in the workplace.



Clarify News and Rumors

- Religious Discrimination – (Groff v LeJoy) Yes, they still most likely will have to continue to work shift work
- 303 Creative v. Elenis – SCOTUS decision in June where a website designer did not want to offer same-sex couples marriage websites due to her religious beliefs.
- UNC and Harvard ruling – limiting use of Affirmative Action in college admissions – here in the workplace, we will continue to be under Affirmative Action (and explain what that means in employment)
- Counterman decision – sentenced to 4 ½ years for stalking someone was overturned due to the First Amendment – applied the wrong test to determine “true threats” – Employees can still be disciplined at work if they harass employees using social media



Social Media
 What Are the Rules and Expectations?



Live your life, but:
 If you harass a co-worker thru Social Media,
 you could face disciplinary action at work

What About Election 2024?



Even the Eagle needs both her right and left wings to **SOAR**

Diversity in Politics

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Whistleblower or Gossip?

If It Is:	Then You Should:
Against a Policy	Is it something that you can get stopped right away (such as an inappropriate comment)? Then get it stopped. Educate. Or contact management.
Against a Policy that causes disrespect, puts safety at risk, damages product or company reputation or breaks the law	Report to Management asap
A Work-related Rumor that could hurt morale, retention	Ask Management if it is true
Something Personal involving who is sleeping with whom, or they are not sleeping together anymore, or they are sleeping with somebody else, or who dresses as a furry down on Saturday nights	Get on with your Life and Leave it alone – none of your business as long as they keep the relationship out of the workplace (unless of course the "sleeping" is at work or it appears to be a form of harassment)



Office Games Are Not Acceptable

Listen to "the News"

AZ universities drop use of diversity, equity and inclusion statements in job applications

The Cruel Dismantling of the Division of Diversity, Equity, and Inclusion at the University of Arkansas

National Defense Authorization Act eliminates diversity, equity and inclusion offices at the Pentagon

Republicans look to eliminate congressional office of diversity and inclusion

Listen to "the News"

Possible Alternative Titles Instead of DEI:

- Diversity and Belonging
- Inclusion and Belonging
- Respect for All Employees
- Embracing Differences
- Different and Belonging


Make it a Part of Daily Life



Handouts and Posters,
Electronic banners, etc.

The slide features a red header with the text 'Make it a Part of Daily Life'. Below the header, there are two sample posters. The first poster is titled 'Working Together To Prevent Workplace Harassment' and features a group of people. The second poster is titled 'STOP Harassment and Bullying' and features a large red hand icon. A 'SAMPLE' watermark is overlaid on the second poster. Below the posters, there is a caption: 'Handouts and Posters, Electronic banners, etc.'. The slide is decorated with a vertical strip of diverse human icons on the right and a horizontal strip of the same icons at the bottom.

Let's Be Honest



Those convinced against their will are of the same opinion still.

John Donne

- Cynthia Farmer

The slide features a red header with the text 'Let's Be Honest'. Below the header is a photograph of a beach with waves crashing on the shore. Overlaid on the photograph is a quote: 'Those convinced against their will are of the same opinion still.' Below the quote, the name 'John Donne' is written in small text. At the bottom of the photograph, there is a white box with the text '- Cynthia Farmer'. The slide is decorated with a vertical strip of diverse human icons on the right and a horizontal strip of the same icons at the bottom.

Give Them the Opportunity

- Mix and Mingle
 - In Training
 - In Work Groups
 - In Activities

The slide features a red header with the text 'Give Them the Opportunity'. Below the header, there is a list of activities under the heading 'Mix and Mingle': 'In Training', 'In Work Groups', and 'In Activities'. The slide is decorated with a vertical strip of diverse human icons on the right and a horizontal strip of the same icons at the bottom.



More Training Ideas

What We've Used So Far

- Guess the HR Professional (Co-Worker)
 - Ways to Recognize Our Stereotypes
- True – False Scenarios
 - Helps Understand Policy

Other ideas

- What's for Dinner?
- Have THEM tell YOU what to do in certain situations

Kindness, Social Media Privacy

Let's Give An Example

Sally Ann enjoys sending out funny things on social media. Lately, she has been sending out pictures of her co-worker, Alexander. Apparently, she's been crushing on him. She posts pics, and comments on his clothes and his body. You recently saw that she posted a video of him walking across the parking lot and then she showed her face and she was licking her lips. Should you do anything?

- It is her business what she posts on social media. Live and let live.
- Yes, this is sexual harassment whether he knows it is happening or not. Tell management.
- Go to Alexander and show him the videos and then get some popcorn and watch what happens next.

**Kindness,
Social Media
Privacy**

Let's Give An Example

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Questions?

Thank You

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Phone 843-819-5129