



Anti-Harassment and Discrimination

Interactive Compliance Training

Topic 1 – What Is Harassment?

1. **Video:** Definition of harassment. Examples of real-life stories that illustrate the impact of harassment.
2. **Interactive Screen:** What harassment includes, and when harassment becomes actionable.
3. **Scenario:** Jokes based on an individual's nationality.
4. **Key Learning:** Even if someone doesn't intend any harm, if the target of the jokes is hurt by the jokes and this is happening on a regular basis, this could create a hostile work environment.
5. **Scenario:** Risqué emails that sometimes contain jokes on religion and sexuality.
6. **Key Learning:** Jokes that offend some colleagues could contribute to an offensive, hostile work environment.
7. **Scenario:** Friendly conversation offering dating advice.
8. **Key Learning:** Intent and perception are key to determining if a statement could be considered harassment.
9. **Assessment:** Five-question quiz on the content presented in this topic.

Topic 2 – What Is Discrimination?

1. **Interactive Screen:** Definition of discrimination. Examples of real-life stories that illustrate the impact of discrimination. Discrimination is never acceptable.
2. **Interactive Screen:** Laws and enforcement. Title VII of the Civil Rights Act of 1964. US Equal Employment Opportunity Commission (EEOC). State-Specific Laws.
3. **Scenario:** Time off for a religious holiday.
4. **Key Learning:** Religious accommodation laws allow employers to engage in discussion about these kinds of issues.
5. **Scenario:** Promoting when pregnant.
6. **Key Learning:** It is never acceptable to discriminate against anyone because of pregnancy.
7. **Scenario:** Age considerations when promoting someone.
8. **Key Learning:** You cannot decide against promoting or hiring someone because they are too old.
9. **Assessment:** Five-question quiz on the content presented in this topic.

Topic 3 – What Is Retaliation?

1. **Interactive Screen:** Retaliation, protected activity, and adverse actions. Retaliation is never acceptable.
2. **Interactive Screen:** Real-life examples of retaliation and the impact they have.
3. **Text & Image Screen:** Definition of a 'covered individual.'
4. **Scenario:** Senior colleague verbally abusing a junior colleague.
5. **Key Learning:** If you witness harassment or discrimination, you should report what you see and hear without fear of retaliation.
6. **Scenario:** What constitutes retaliation?
7. **Key Learning:** Any targeted action taken in response to being reported may be considered an act of retaliation.
8. **Scenario:** Action to take if subjected to retaliatory practices.
9. **Key Learning:** Speak to the individual. If actions continue, report them.
10. **Assessment:** Five-question quiz on the content presented in this topic.

Topic 4 – The Impact of Harassment & Discrimination

1. **Interactive Screen:** Outline the impact that harassment has on the victim, the workforce, the company brand and reputation, productivity and profitability, and on management.
2. **Scenario:** Overhearing two colleagues mocking another colleague about religious dress.
3. **Key Learning:** In some cases the perpetrators of inappropriate behavior don't believe they're doing anything wrong. If you feel comfortable, speak to the perpetrators and ask them to stop.
4. **Scenario:** Mocking over religious dress continues.
5. **Key Learning:** When the perpetrator doesn't change their behavior, it's best to report the incident before the situation escalates.
6. **Scenario:** Wider impact that discrimination has in the workplace.
7. **Key Learning:** Discrimination may cause a colleague to become withdrawn and less engaged in the workplace. This could have an adverse effect on the workforce, as it may make other colleagues uncomfortable and could cause a divide in working teams and groups.
8. **Assessment:** Five-question quiz on the content presented in this topic.

Topic 5 – Laws, Protected Groups, and Types of Harassment

1. **Interactive Screen:** Federal discrimination laws. Who's protected? What's included?
2. **Interactive Screen:** State laws. Examples: California, New York, DC, Massachusetts, New Jersey.
3. **Interactive Screen:** What do we mean by protected groups? Examples of protected groups. Types of discrimination.
4. **Interactive Screen:** Types of harassment. Quid pro quo. Hostile work environment.
5. **Interactive Screen:** Affirmative Defense – under federal law, an employer can avoid liability for discrimination if it can show three things.
6. **Scenario:** Drafting a job advertisement without discriminating against any protected groups.
7. **Key Learning:** Discriminatory conduct is prohibited in all aspects of the employment process, including recruitment.
8. **Scenario:** Candidate for an interview is in a wheelchair.
9. **Key Learning:** Unless it causes an employer undue hardship, refusing to accommodate an applicant or employee with a disability is discrimination.
10. **Scenario:** Consequences of rejecting a candidate because they might become pregnant.
11. **Key Learning:** Pregnancy is a class that is protected under both federal and state law. Marital status is a class that is protected under certain state anti-discrimination laws.
12. **Assessment:** Ten-question quiz on the content presented in this topic.

Topic 6 – Sexual Harassment

1. **Interactive Screen:** Definition of sexual harassment. It doesn't have to be sexual in nature – could include offensive remarks about a person's sex.
2. **Interactive Screen:** What constitutes sexual harassment? Verbal harassment, non-verbal (visual) harassment, physical harassment, teasing and offhand comments.
3. **Interactive Screen:** Does it have to be sexual? Who's impacted? What does the law say? What is a hostile environment? What is quid pro quo? Are there specific laws to protect transgender people?
4. **Scenario:** A drunken proposal while at a work conference.

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5. **Key Learning:** Just because an employee is not at work, does not mean they may engage in inappropriate conduct that would otherwise be impermissible in the workplace itself.
6. **Scenario:** Spreading rumors about a colleague's sexuality.
7. **Key Learning:** Offensive comments about a person's sexuality are harassment, even if the victim doesn't hear.
8. **Scenario:** Personal history interfering in a promotion decision.
9. **Key Learning:** Must have solid reasons for reaching a hiring decision.
10. **Scenario:** Same-sex harassment – one colleague sending another flirty emails and sticky notes.
11. **Key Learning:** Conduct constitutes harassment because the conduct is unwelcome and it has unreasonably interfered with a colleague's work.
12. **Scenario:** Inappropriate physical touching.
13. **Key Learning:** Conduct may be considered harassment if it is unwelcomed and it makes the victim uncomfortable.
14. **Assessment:** Five-question quiz on the content presented in this topic.

Topic 7 – Sexual Orientation & Gender Identity Harassment

1. **Video:** Define gender identity. Discrimination against an individual because that person is transgender is discrimination because of sex.
2. **Scenario:** Hiring a new team member who is in a same-sex relationship.
3. **Key Learning:** You cannot treat individuals differently because of their sexual orientation or preference.
4. **Scenario:** Whispers about gender reassignment.
5. **Key Learning:** When someone at work goes through a gender transition, it's important to have in-person training with the employee's managers and the colleagues who work directly with the transitioning employee.
6. **Assessment:** Five-question quiz on the content presented in this topic.

Topic 8 – Intent vs. Perception

1. **Interactive Screen:** The difference between intent and perception. The burden of proof. The importance of perception.
2. **Scenario:** Proof of general discrimination.
3. **Key Learning:** Employees who assert discrimination claims must show that they suffered an adverse employment action because of their protected class or trait. Proof of this “causal connection” is at the heart of employment claims.
4. **Scenario:** Proof of age discrimination.
5. **Key Learning:** It’s important that a manager can show that they hired a candidate because they were the best candidate for the job.
6. **Scenario:** Legitimate non-discriminatory reasons for not offering a promotion.
7. **Key Learning:** If required, you must be able to present a legitimate, non-discriminatory reason why a candidate didn’t get promoted.
8. **Scenario:** Perception of a joke about nationality.
9. **Key Learning:** You might not intend a comment to be offensive, but it may be perceived in that way. The impact of a perceived offense can be given greater weighting in law than the original intent.
10. **Assessment:** Five-question quiz on the content presented in this topic.

Topic 9 – ADA

1. **Interactive Screen:** Explain the ADA. Define disability. ADAAA. Applicability and enforcement.
2. **Interactive Screen:** Evaluating performance. Essential job functions. Marginal job functions.
3. **Interactive Screen:** Explain reasonable accommodations. Qualified individuals. Undue hardship.
4. **Interactive Screen:** Examples of the ADA in action.
5. **Text & Image Screen:** Outline the steps required when an accommodation is needed or requested.
6. **Scenario:** Hiring and the essential job functions.
7. **Key Learning:** You can only ask questions that you would lawfully ask any applicant. You cannot ask a person with a disability questions that you would not ask any other applicant.
8. **Scenario:** Downturn in productivity due to a medical condition.

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9. **Key Learning:** Both federal and state laws restrict an employer's ability to make disability-related inquiries. All discussions about reasonable accommodation should include HR.
10. **Scenario:** Accommodation request from employee with carpal tunnel syndrome.
11. **Key Learning:** Reasonable accommodations vary based on the individual circumstances. Normally only the manager needs to know the nature of the accommodation and that the accommodation has been approved. And remember, privacy laws and company policy protect the confidentiality of personal information, including medical details.
12. **Assessment:** Five-question quiz on the content presented in this topic.

Topic 10 – Taking Action

1. Summary screen that wraps up the module, and attestation screen where learners attest that they will always adhere to anti-harassment and discrimination policies.