

WEBINAR SERIES

# Identifying & Preventing Workplace Discrimination

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# Today's Presenter



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# Disclaimer

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# Today's Agenda

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- Identifying Discrimination
- Employee Rights & Protections
- Anti-Discrimination Policies
- Reporting & Investigation Process
- Example Scenarios
- Prevention Strategies

## Webinar Forum

*All participants are muted.*

*Please type questions in the side navigation panel and we will try to address most questions during today's session.*

*Today's presentation will be posted online at [prestigepeo.com/webinars](https://prestigepeo.com/webinars)*

# Purpose of Webinar

# Purpose of this Discrimination Training

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- Equip client managers with practical tools to help identify and proactively address discrimination in the workplace
- Review the legal framework that protects employees from discrimination
- Provide effective HR Strategies for recognizing, managing, and preventing discrimination before it becomes an issue
- Explore strategies for fostering a respectful, inclusive workplace



# Identifying Discrimination

# What is Discrimination in the Workplace?

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**Treating employees or applicants unfairly based on a protected characteristic.**

Protected Classes:

- Race
- Religion
- National Origin
- Physical Disability
- Age
- Sex
- Gender
- Genetic Information
- Veteran or Military Status
- Citizenship or Immigration Status
- Retaliation

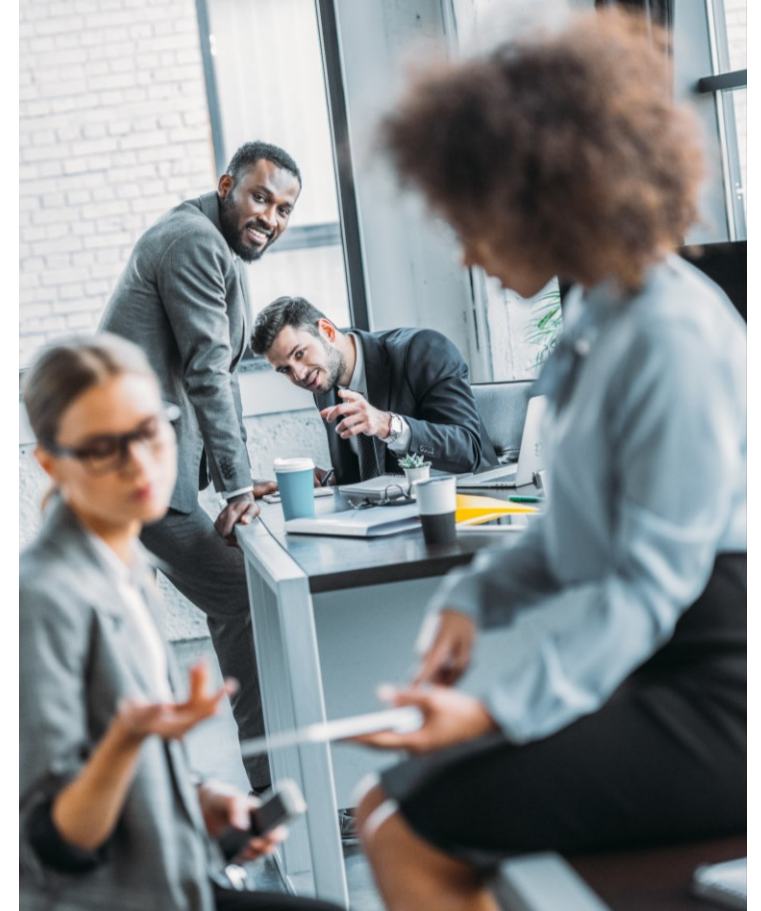


# What is Discrimination in the Workplace?

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## Types of Discrimination

- **Direct**  
Clear, unequal treatment based on protected categories.
- **Indirect**  
Policies or practices that disproportionately affect certain groups.
- **Harassment**  
Unwanted conduct creating a hostile work environment.



# Employee Rights & Protections

# Employee Rights & Protections

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**Federal, state, and local laws protect employees from workplace discrimination.**

## Legal Framework

- **Title VII of the Civil Rights Act**

- Federal law that prohibits discrimination in all aspects of employment
- Prohibits discrimination based on race, color, religion, sex (including sexual orientation and gender identity), and national origin.
- Applies to employers with 15 or more employees
- Enforced by the Equal Employment Opportunity Commission (EEOC)

# Employee Rights & Protections

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## Federal Laws on Discrimination

- **Title VII of the Civil Rights Act:** Federal law that prohibits discrimination
- **Americans with Disabilities Act (ADA):** Protects qualified individuals with disabilities from discrimination.
- **Age Discrimination in Employment Act (ADEA):** Protects employees 40 years and older from age-based discrimination.
- **Equal Pay Act (EPA):** Mandates equal pay for equal work regardless of gender.
- **Genetic Information Nondiscrimination Act (GINA):** Covers genetic tests and family medical history.
- **Uniformed Services Employment and Reemployment Rights Act (USERRA):** Covers veteran or military status
- **Immigration Reform and Control Act (IRCA):** Protects against discrimination based on national origin and citizenship status

# Employee Rights & Protections

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## State and Local Laws

- State and local laws often expand these protections.

**For example, some states and municipalities include protections based on:**

- Marital status
- Parental status or family responsibilities
- Political affiliation
- Weight or appearance
- Criminal history (ban-the-box laws)

# Anti-Discrimination Policies

# Anti-Discrimination Policy:

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## Key Components of an Anti-Discrimination Policy:

- Zero-tolerance for discrimination.
- Statement that employees are protected against retaliation for reporting discrimination or harassment in the workplace.
- Reporting procedures.
- Sanctions will be enforced against offending individuals who knowingly participate in discrimination or allow discrimination to continue.

# Equal Employment Opportunity (EEO) Policy

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Memorializes the company's commitment to treating people fairly and providing equal opportunities for protected classes under federal and state law.





# Policy Against Retaliation

# Policy Against Retaliation

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## Retaliation is strictly prohibited.

- **You will not be retaliated against for filing a complaint.**
- No team member will be retaliated against for reporting a concern in good faith.
- Employees are protected from adverse conduct because they reported an actual or perceived violation or participated in the reporting and investigation process.
- The Company prohibits and does not tolerate retaliation against team members who report issues or concerns of discrimination pursuant to this policy in good faith.

Employers can be liable for **retaliation** if they take **adverse action** against employees for reporting unlawful sexual harassment, either formally or informally, or for participating in or cooperating with any proceeding to investigate a complaint.

# Reporting Discrimination

# Reporting Procedures for Discrimination

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**Discrimination, harassment, or other violations of company policy should be reported according to the policy in the handbook.**

- Regardless of how it is reported, it should be escalated.
- Supervisors are required to report discrimination that they are aware of.
- Confidentiality is not guaranteed in all circumstances, but the company should do its best to maintain the confidentiality of the reporting team members' concerns.
- Once a report is received, the Company must conduct an impartial and thorough investigation.
- Remember to loop in your Prestige HRBP so we can assist you through the process.

# Discrimination Complaints

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- Employees should report discrimination according to company policy and procedures in the Handbook.
- Report generally includes:
  - Date/Location of Incident(s)
  - Nature of Behavior and Specific Examples
  - Names of Individual(s) Involved
  - Potential Witnesses
  - Impact to Employee or Workplace

# Investigation Process

# Discrimination Complaints

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- If an employee brings a complaint of harassment, discrimination, or other policy violation to your attention, you must investigate that complaint.
  - Even if you don't think the complaint has merit, it's important to take all complaints seriously.
  - If you receive a complaint, PrestigePEO can help:
    - Report the complaint to us.
    - If you would like, we can investigate the allegations and speak with any witnesses.
    - We are happy to provide practical advice on how to address the allegations and help you identify any corrective action you might need to take if needed.

# How to Investigate

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- Identify relevant parties.
- Conduct confidential interviews with the complainant, accused, and witnesses
- Review relevant records and policies.
- Evaluate the evidence to determine whether the allegations are substantiated.
- Summarize findings and corrective actions if necessary.
- Take prompt remedial action
- Follow-up



# Example Scenarios

# Quick Quiz 1

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## **Example:**

An employee discloses to their manager that they have generalized anxiety disorder (GAD) and requests accommodations, such as flexible deadlines during high-stress periods.

## **What should the manager do in this situation?**

- a) Assign fewer projects to the employee.
- b) Take no action, as the request is personal and not work-related.
- c) Initiate the interactive process to clarify and establish the accommodation.
- d) Suggest the employee use vacation time to manage stress instead of adjusting.

# Quick Quiz 2

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## Example:

An employee with depression mentions feeling overwhelmed to their manager, who replies, “Everyone feels down sometimes; you just need to toughen up.” Over time, the manager regularly dismisses the employee’s struggles with comments that minimize the seriousness of the employee’s condition.

## What should the manager do in this situation?

- a) Avoid commenting on the employee’s feelings to maintain professionalism.
- b) Acknowledge the employee’s concerns and ask how they can provide support.
- c) Tell the employee to focus on their work and avoid discussing personal matters.
- d) Suggest the employee toughen up but also offer time off if needed.

# Quick Quiz 3

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## **Example:**

An employee receives comments like “You’re so articulate” or “You’re such a hard worker, it must be a cultural thing.”

## **How should the manager respond to this situation?**

- a) Acknowledge the compliment and move on, as the comment was meant to be positive.
- b) Explain that the comment could be perceived as a stereotype and encourage a more respectful approach to giving feedback.
- c) Ignore the comment and assume the employee is fine with it.
- d) Tell the employee to accept the compliment, as the comment was intended to praise their culture.

# Quick Quiz 4

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## **Example Scenario:**

A manager assumes a team member in her 60s won't adapt well to new technology systems, so they assign a younger employee to lead tech-related tasks. The older employee is left out of training sessions for new software and isn't given the opportunity to develop these skills.

**Let's discuss.**

# Create a Discrimination-Free Workplace

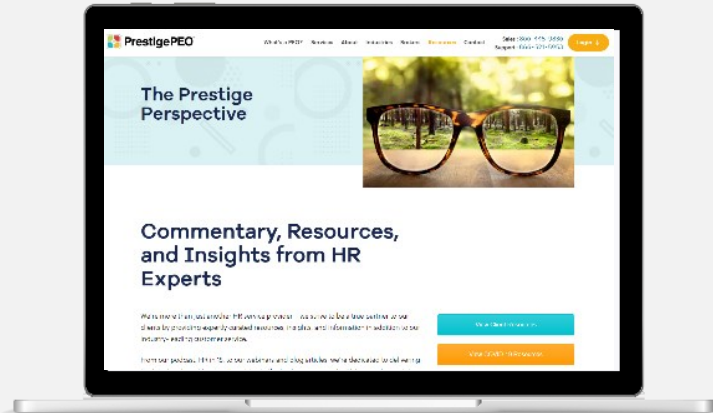
# Create a Discrimination-Free Workplace

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## How can we create a safe, inclusive, and discrimination-free workplace?

- Keep an open mind. Lead with curiosity, not judgment.
- Be mindful of how words and actions may impact others.
- Practice respectful communication, promote active listening, and encourage open discussions.
- Proactively create a respectful and inclusive work environment.
- Promptly address complaints and microaggressions. Celebrate our differences.
- Encourage situational leadership to adapt to various employee needs/expectations.
- Regularly review and uphold policies and procedures to ensure consistency and fairness.

# Questions / Comments / Discussion?



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