

A composite background image for the top half of the slide. On the left, there is a stack of papers with a purple tint. On the right, there is a clock face with a pink and purple gradient. The text is centered in a white box with a black border.

**EEO BRIEFING
FOR THE
USADF**

A composite background image for the bottom half of the slide. On the left, there is a stack of papers with a green tint. On the right, there is a clock face with a yellow and orange gradient. The text is centered in a white box with a black border.

NOVEMBER 14, 2007

WHAT ARE TODAY'S OBJECTIVES?

- Summary of 06/20/07 presentation
- Discuss agency responsibilities
- Overview of EEO laws
- Discuss how to prevent harassment in the workplace
- Discuss ADR
- Discuss difference between EEO, affirmative employment and diversity

CAN AN ORGANIZATION BE SUCCESSFUL WITHOUT EQUAL OPPORTUNITY?

- “Policies and practices that impede fair and open competition in the federal workplace cost the American economy millions of dollars each year. The most obvious costs are out-of-pocket costs borne by both agencies and federal workers in connection with workplace disputes.
- Perhaps less obvious-but just as expensive are costs associated with decreased morale and productivity and the ineffective and inefficient use of human capital resources.” *Source – EEOC Participant’s Manual May 2004*

SUMMARY OF 06/20/07 PRESENTATION

- On October 1, 2003, Management Directive (MD) 715 became effective and it provides policy guidance and standards for establishing and maintaining effective affirmative programs of equal employment opportunity.
- Agencies are responsible for ensuring compliance with MD-715; demonstrating commitment to equality of opportunity; and conducting an annual self assessment to identify barriers which may exclude certain groups.

SUMMARY CONT'D

- Essential elements of model Agency program: demonstrated commitment from agency leadership; integration of EEO into agency's strategic mission; management and program accountability; proactive prevention of unlawful discrimination; efficiency; and responsiveness and legal compliance

EEO LAWS

- Title VII of the Civil Rights Act of 1964, as amended
- Age Discrimination in Employment Act (ADEA) of 1967
- Rehabilitation Act of 1973
- Equal Pay Act of 1963
- Executive Order 13087 – Sexual Orientation

TITLE VII OF THE CIVIL RIGHTS ACT OF 1964

- Unlawful for an individual to discriminate against someone based on:
 - Race
 - Color
 - Sex
 - National Origin
 - Religion
 - Reprisal

WHAT IS HARASSMENT?

Harassment is defined by the EEOC as:

“Verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his or her race, color, religion, gender, national origin, age or disability.

And has the purpose of creating an intimidating hostile or defensive working environment; unreasonably interfering with an individual’s work performance; or otherwise adversely affects and individual’s employment opportunities.”

WHAT IS SEXUAL HARASSMENT?

- Sexual harassment is a form of sex discrimination under Title VII of the Civil Rights Act of 1964 and it results from:
 - **Unwelcome** sexual advances
 - Requests for sexual favors
 - Other verbal or physical conduct of a **sexual nature** (i.e. – touching, hugging, stroking, display of pictures, drawings and cartoons which are offensive, written jokes of a sexual nature, staring, sexual gestures or comments about a person's body)

WHAT IS THE DIFFERENCE BETWEEN THE TYPES OF SEXUAL HARASSMENT?

- ***Quid Pro Quo***: a sexual demand is made in exchange for employment or an employment benefit. If demand is refused, the result is an adverse consequence (i.e. – loss of job, low performance rating, etc.).
- ***Hostile environment***: the actions of the harasser have the effect of making a reasonable individual feel uncomfortable, humiliated, embarrassed, or unsafe.



STEPS TO PREVENT SEXUAL HARASSMENT - EMPLOYEES

- Inform harasser that behavior is unwelcome in a firm, but courteous manner
- Inform your supervisor about the behavior (if supervisor is the harasser, go to next level of management)
- Keep a record of any instances of harassment and follow up actions
- Inform EEO office within 45 days of incident in order to preserve right to file complaint of discrimination

STEPS TO PREVENT SEXUAL HARASSMENT - MANAGEMENT

- Take immediate and corrective action to eliminate the harassment
- Look for evidence of improper behavior and document action taken
- Communicate action taken to the employee and explain what he/she should do if problem reoccurs.
- **NOTE:** management can only raise an affirmative defense to liability or damages when it shows: 1) employer exercised reasonable care to prevent and correct promptly any harassment; and 2) the employee unreasonably failed to take advantage of any preventive or corrective opportunities provided by the employer to avoid harm otherwise.

CASE STUDY

SAME SEX HARASSMENT

- What should employee have done?
- What should management do?
- What would you do? Why or why not?



CASE STUDY

MALE – FEMALE HARASSMENT

- Discuss employee's actions. Could she have done anything else?
- Discuss management's actions. Did they act responsibly? Why or why not?
- What would you do in this case that differs from the other case?

WHAT IS ALTERNATIVE DISPUTE RESOLUTION (ADR)?

- Does not take the place of traditional processes
- Provides alternatives to parties ready, willing and able to try them
- Involves introducing a neutral to help parties resolve their dispute
- Completely confidential – what goes on there stays there

WHY SHOULD I USE ADR? WHAT'S IN IT FOR ME?

- Faster
- Less costly
- Less confrontational
- More creative solutions
- Parties retain control over outcome
- Ability to communicate without interference





WHAT IS THE PURPOSE OF MEDIATION?

- Allows parties to communicate with each other
- Clears up misunderstandings
- To determine underlying interests or concerns
- To find areas of agreement
- **TO RESOLVE THE PROBLEM IN A MANNER THAT IS A WIN-WIN FOR BOTH SIDES!!!**



WHAT IS THE ROLE OF THE MEDIATOR? HOW DO I KNOW THAT I CAN TRUST HIM/HER?

- Mediator is not an employee
- Mediator is either a contractor or individual outside of the agency
- Mediator facilitates discussions
- Assists in creating options
- Opens channels of communication
- Has no interest in outcome of discussions

WHAT IS THE ROLE OF THE MEDIATOR? HOW DO I KNOW THAT I CAN TRUST HIM/HER? (CONT'D)

- Mediator is not:
 - A lawyer
 - A Judge
 - A Decision Maker
 - A Counselor
 - A Supervisor
 - A Reporter
 - An Enforcer

What is the role of the employee during mediation?

- Engage in active listening techniques by:
 - Paying attention to speaker
 - Asking open ended questions
 - A Decision Maker
 - Repeating, summarizing and restating what speaker stated
 - Managing communication flow

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WHAT IS DIVERSITY?

Our diversity consultants have offered the following definition:

“A state of mind manifested into actions which allows each of us the opportunity to achieve our maximum potential despite our differences.”

1999 New Horizons Diversity Consultants



- Q: Diversity, EEO and Affirmative Employment – Are they the same?

SO WHAT IS THE DIFFERENCE?

- **Equal employment opportunity**: is regulatory, what Federal agencies must do or else (i.e.- Title VII, ADA, ADEA, Equal Pay).
- **Affirmative Employment**: based on employee representation in the civilian labor force which is derived from the national census.
- **Diversity**: based on relationships and how to utilize differences in order to maximize results.

HOW DOES CULTURE AFFECT DIVERSITY IN THE WORKPLACE?

- A groups culture are the commonalities (seen, unseen, spoken and unspoken) that groups of people have with each other. What they know and how they express it.
- Culture can be influenced by behavior, artifacts, values, geographical area, economic status, education, marital status, sexual orientation, religion, gender, and age to name a few.
- The combination of these items affects behavior and attitude(s) in the workplace and one of the biggest challenges managers face is how to balance all three.

OK, SO WHAT DOES THAT HAVE TO DO WITH ME?

- Effective communication is one of the best tools organizations can utilize in order to increase understanding among employees from various backgrounds in the workplace.
- Each of us has different life experiences which affect the way we see the world and our place in it versus how other people see the world and their place in it (baby boomers vs. generation x'ers).

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TIPS ON USE OF EFFECTIVE COMMUNICATION

- Be straightforward and tactful when speaking with colleagues
- Avoid use of jokes or teasing colleagues
- Provide constructive feedback in private, praise in public
- Let the speaker finish before you begin speaking
- Actively listen. Paraphrase to clarify what is communicated to you.
- Agree to disagree!

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I am confused. What does communication, ADR and diversity have to do with me?

- Absolutely everything!
- Each has an impact on job satisfaction and retention
- Each has an impact on morale
- Each has an impact on productivity and mission accomplishment
- The right balance of each can be the difference between an outstanding and diverse organization and an organization that everyone wants to abandon and avoid!

WHAT DO I HAVE TO DO?

- COMMUNICATE, COMMUNICATE, COMMUNICATE, COMMUNICATE
- COMMUNICATE, COMMUNICATE, COMMUNICATE, COMMUNICATE
- COMMUNICATE, COMMUNICATE, COMMUNICATE, COMMUNICATE





QUESTIONS ?