

Walking The Tightrope Together: Harassment, Discrimination, & Employment Law Today

Just Get Rid Of Them

At will employment means that an employee cannot sue the supervisor or the employer.

True False

Great Leaders Know!

List the primary protected classes under today's employment laws:

R _____
G _____
S _____ O _____
R _____
A _____
D _____
P _____

Different Directions

An Organization can be held responsible for illegal harassment caused by:

- A. Its Supervisors
- B. Coworkers
- C. Vendors
- D. Customers, Clients, Patients, Citizens & Participants
- E. All Of The Above

No Thank You

To ensure the safest working environment possible, the Organization has decided to mandate COVID vaccinations for all of its employees. Adam comes forward and indicates that he is unwilling to take the vaccine because he believes it will cause problems for his health since he suffers from allergies. Only minutes later, three other employees announce that they will not be taking it either because it offends their religious beliefs.

“But They Are All The Same”

Isaiah, an African American, works in a role that requires him to regularly enter into a mailroom to perform a variety of his job functions. Those working in the mailroom regularly play aloud music that includes regularly profanity, including the word “nigga,” and explicit sexual lyrics. Isaiah despises such music and alerts his supervisor of his concerns on multiple occasions. The supervisor indicates that she will address it but never does because the mailroom team is highly productive and all are African American.

Referring Reference Calls

When you receive a telephone call requesting a reference for a former employee that was an excellent performer, you should:

- A. Provide as much information as you like
- B. Provide only positive information about the former employee’s work performance
- C. Provide dates of employment, position held, compensation, and whether they are eligible for rehire
- D. Refuse to provide any information and instead refer them to human resources

Preferred Pronouns

An employee can expect that the workplace utilizes the following gender-neutral pronouns when referring to such employee:

- A. They/them/theirs
- B. “Hir” rather than her/hers/him/his/they/theirs
- C. Just by their name alone (e.g. Corey submitted Corey’s assignment because Corey was concerned)
- D. “It” or “he-she”
- E. A., B., and C. only

One Topic, Many Laws...

Wanda comes to work and announces that she is pregnant. Since her role occasionally requires extensive lifting, her supervisor, John, instructs the men on the team to take these responsibilities instead throughout the pregnancy. Two months later, Wanda indicates that she needs to work from home because of her concerns with the pandemic and possible exposure at work. After noticing significant failings within job performance and a slowdown in his department, John has now decided that he is going to separate Wanda’s employment.

Evaluating Evaluations

Some of the biggest problems in the way that leaders prepare performance evaluations include:

- A. Relying too much on scores and ratings rather than writing narrative
- B. Being too honest
- C. Failing to include both measurability and date certainty within the designated goals
- D. Delaying both the preparation and issuance of the evaluations
- E. A., C., & D.
- F. A., B., C. & D.

Social Media

Vivian is very unhappy about her job and is very open about her frustrations. She regularly posts information on Facebook about her disappointment relative to her pay, the lowly job assignments that she receives, and the fact that people in other departments seem to get more time off than she does. Dee, her supervisor, is incredibly angry about such posts and seeks to discipline her for the behaviors, as it is embarrassing for the Organization as a whole.

Death By A Thousand Paper Slices...

Which of the following can create liability for the Organization?

- A. A system that automatically deducts sixty minutes from an employee's time record daily
- B. Allowing non-exempt employees email and cell phone access after hours
- C. Withholding the final paycheck from a departing employee because such person failed to return equipment
- D. Refusing to pay overtime when it was not first approved by a supervisor
- E. Permitting an employee to work in a second role without including such time within the overtime calculations
- F. All of the above

Consistency Is THE Cornerstone

When considering correcting an employee's performance or terminating an employee's position, a leader must consider the following:

- A. Prior Precedent
- B. Future Impact
- C. Workplace Morale
- D. Existing Documentation
- E. All Of The Above

It's Been A Hard Season

Destiny's performance has slowly deteriorated over the past four months and her leader, Vince, is considering issuing a corrective action plan. She mentions to a coworker that life isn't fair and that she doesn't know if she can "go on with it any longer." Destiny also shares with another coworker that she has been seeing a therapist but has stopped because the sessions only cause her to hate her job and her life even more. Vince now needs to decide what he should do...

The Magic Word

The definition of an illegal hostile work environment is:

- A. A workplace filled with derogatory language toward everyone
- B. A workplace filled with excessive workloads and difficult hours
- C. A workplace filled with comments and actions related to protected classes such as race, gender and disability
- D. All Of The Above

Controversial Imagery

Trinity comes forward and complains that her supervisor has refused to allow her to wear her Black Lives Matter pin. When asked about it, the supervisor responds that the policy states that employees should not wear any controversial attire and then suggests that "there is nothing more controversial than saying Black Lives Matter more than any other lives." Trinity points to the fact that employees are regularly allowed to wear other logos and slogans and specifically refers to an Alabama concert-styled shirt that one man regularly wears with the Confederate flag on it.

Revisiting Reasonable

Who chooses the reasonable accommodation for an employee's disability?

- A. The Employee
- B. The Employer
- C. Both The Employee And The Employer
- D. The Department Of Labor

The Law Of The Land

Carlos, a male employee in the general reception area, arrives to work one day wearing bright red lipstick. Several employees tease him about wearing makeup and one reports that he believes that it makes a bad impression on those entering the building. At lunch one day, after several other employees have openly talked about sexual exploits with people of the opposite sex, Carlos tells a story about oral sex with another man. Julie, a coworker, comes forward and files a complaint about his behavior.

Feeling Good

Brett Feelgood openly describes himself as a "touchy, feely person" who frequently touches other employees on their waist and shoulders. His supervisor, Mr. Wimpy, questions this behavior but Brett argues that nobody ever complains about it and, in fact, several have said that it makes them feel "cared for." Mr. Wimpy lets it go. If an employee later files a suit:

- A. Harassment can be claimed but never proven
- B. The employees who felt "cared for" offer a valid defense
- C. The lack of formal complaints offers a valid defense
- D. The Organization and Mr. Wimpy will likely be found liable