
Harassment and the Workplace

Your Rights and Your Responsibilities



Take Away from Today's Training

- All employees should feel comfortable at work.
- Feel free to report any situations that make you feel uncomfortable.
- NREL wants to address and correct situations of harassment.



Law v. Policy

Law

- EEOC/Lawyers
- Outlines protected characteristics
- Typically monetary penalties
- Federal and State Levels

Policy

- Internal Resources
- Must cover all in law
- May go beyond law – with reasonable person standard in mind
- Job-related consequences only
- Employer Driven

Harassment is.....

Unlawful harassment includes verbal or physical conduct that has the purpose or effect of substantially interfering with a worker's performance or creating an intimidating, hostile, or offensive work environment.

Harassment policy answers the following questions:

- Who is covered?
- What characteristics are protected?
- What resources are available to me if I feel harassed?
- How Confidential is the process?
- Am I protected from retaliation?

Harassment policy answers the following questions:

- Who is covered?
 - All applicants and employees (FT/PT) of NREL

Harassment policy answers the following questions:

- Who is covered?
- What characteristics are protected?
 - age, race color sex, religion national origin age, citizenship status ancestry disability veteran status sexual orientation or other legally protected status

Harassment

- Civil Rights Act of 1964:
 - Race
 - Color
 - Sex (with or without sexual conduct)
 - Religion
 - National Origin
- Later Added:
 - Age (40 years old +)
 - Citizenship Status
 - Ancestry
 - Disability
 - Veteran Status
 - Sexual Orientation
 - Retaliation

Harassment Charges Received by the EEOC

Charge Type	2004	2014	% Change
Race	27,696	31,073	+12.5%
Sex	24,249	26,067	+9.7%
Retaliation	22,740	30,771	+36.2%
Age	17,837	20,588	+15.4%
Disability	15,376	26,369	+70.8%
National Origin	8,361	9,579	+18.5%
Religion	2,466	3,549	+45.8%
GNIA		334	N/A

Harassment policy answers the following questions:

- Who is covered?
- What characteristics are protected?
- What resources are available to me if I feel harassed?
 - Workers who believe there has been a violation of this policy report complaints orally or in writing to line management, the Human Resources Office, or the Office of General Counsel

Harassment policy answers the following questions:

- Who is covered?
- What characteristics are protected?
- What resources are available to me if I feel harassed?
- How Confidential is the process?
 - Confidentiality is maintained to the extent possible for both the accuser and the accused. As appropriate, individuals with a need to know are kept apprised of the progress of the investigation.

Harassment policy answers the following questions:

- Who is covered?
- What characteristics are protected?
- What resources are available to me if I feel harassed?
- How Confidential is the process?
- Am I protected from retaliation?
 - NREL prohibits retaliation against a worker for filing a complaint under this policy or for assisting in a complaint investigation

Harassment

Three Basic Elements:

1. Unwanted
2. Related to a “Protected Characteristic”
3. Effect the Work Environment

Those who can be subject to harassment?

- Employees
- Supervisors
- Clients
- Customers
- Vendors

Harassment

Two Forms of Harassment:

- *Quid Pro Quo*
- *Hostile Environment*

Quid Pro Quo

- Literally means, “this for that.”
- Demanding behavior as a condition for employment or promotion.
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting that individual.

Quid Pro Quo Harassment - Examples

- Demanding sexual favors in exchange for a promotion or raise
- Disciplining or firing an employee for ending a romantic relationship
- Changing job performance expectations because an employee refuses advances
- Threatening retaliation because of any of the above reasons

Harassment – Hostile Environment

Conditions severe or pervasive enough to alter the conditions of employment and create an abusive working environment

- Frequency of Conduct
- Severity
- Physically Threatening or Humiliating
- ‘Unreasonably’ Interferes with Work Performance

Harassment – Hostile Environment

Examples:

- Touching, Leaning Over, Cornering, Pinching
- Repeated Offensive Flirtation or Propositions
- Continued Verbal Abuse or Innuendos
- Comments about an Individual's Body
- Display of Offensive/Suggestive Objects or Pictures

Harassment – Hostile Environment

Examples:

- Offensive Jokes, Teasing, Questions or Remarks
- Staring or Leering
- Obscene Gestures, Suggestive/Insulting Sounds
- Explicit/Discriminatory Calls or Letters at Work or Home
- Tales of Sexual Exploits

If you feel harassed...

- Understand your Employer's Policy
- Tell Them to Stop!
- Report the Perceived Harassment
- Cooperate with Investigation

When a Complaint is Filed

- Report Concerns to Supervisor, Manager or HR
- All incidents will be assessed for severity & the proper way to approach it will be determined
- If investigated – two goals
 - Protect from harassment
 - Protect from false accusation

Confidentiality

Confidentiality respected for all involved:

- Individual(s) making the complaints
- Individual(s) accused of inappropriate behavior

What to Expect from NREL

- Communication of Clear Message Prohibiting Harassment & Discrimination
- Ongoing Assessment of Work Environment and Culture
- Enforcement of Policy with Prompt Response and Equivalent Discipline
- No Retaliation will be Tolerated

Retaliation is:

To “get even” or get revenge against an employee because he or she has voiced disapproval, filed a complaint, grievance or lawsuit about harassment or discrimination, or testified, assisted, or participated in any manner in an investigation, proceeding or hearing related to a claim of harassment or discrimination.

Summary

- You Have The Right To A Harassment Free Workplace
- Harassment is Unpleasant & Illegal
- You are Responsible for Your Own Behavior
- Know Your Company's Policy
- Tell Someone If You Are Harassed