

# Creating and Maintaining a Respectful Workplace

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January 3, 2020 - 2020 Legislative Session

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# Why Respectful Workplace Discussion?

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- Everyone is entitled to:
  - Be Treated Fairly
  - Be Empowered to Ask a Harasser to Stop
  - Refuse to Participate in Harassing Behavior
  - Have a Safe Person to Report to
  - Help in Ending the Harassment

# Why Respectful Workplace Discussion?

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- 60% of women experienced unwanted sexual attention or coercion or sexually crude conduct or sexist comments in the workplace
- 40-70% of people experienced harassment based on racial or ethnic status
- 70% of individuals that experienced the above, never lodged a complaint

# Why Don't People Report?

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- Humiliation
- Ostracism
- Damage to Reputation or Career
- Retaliation
- Blame
- Don't Want to get Others in Trouble
- Disbelief
- Behavior Minimalized

# Presentation Outline

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- Review Legislative Branch's Respectful Workplace Policy
- What is Harassment and Types of Harassment
- What is Retaliation
- What is a Complaint
- How to Decrease Harassment
- Misperceptions

# Idaho Legislative Branch – Respectful Workplace Policy

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- Applies to
  - Members of the Legislature
  - Legislative Employees
  - Legislative Partners
  - Press
  - Guests

# Idaho Legislative Branch – Respectful Workplace Policy

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- Prohibits
  - Harassment
  - Sexual Harassment
  - Discrimination
  - Retaliation

# Idaho Legislative Branch – Respectful Workplace Policy

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- Complaints Reported to any of the following:
  - President Pro Tempore of the Senate
  - Speaker of the House or Representatives
  - Director of Legislative Services Office
  - Chief Operations Officer of Legislative Services Office
  - Director of the Office of Office of Performance Evaluations
  - Assistant Chief Deputy of Office of Attorney General
  - Secretary of the Senate
  - Chief Clerk of the House of Representatives
  - Sergeant at Arms or Assistant Sergeant at Arms



# What is Harassment?

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- Unwelcome or unwanted sexual advances, requests or demands for sexual favors, or other conduct based on a protected status when:
  - Submission to such conduct is made explicitly or implicitly a term or condition of employment; or
  - Submission or rejection of such conduct is used as the basis for employment decisions; or
  - Such conduct has the purpose \*OR\* effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

# Types of Harassment

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- Written Harassment
- Verbal Harassment
- Non-Verbal Harassment
- Physical Harassment



# But, I Didn't Intend to Offend Anyone.

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- Quid Pro Quo
  - Was there an adverse action?
  - Was it solely based on or in-part because of a protected status?
- Hostile Work Environment
  - Did the employee believe that the work environment was hostile?
  - Would a reasonable person in the same position as the employee consider the work environment hostile?

# Retaliation is Prohibited

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- Protected by State and Federal Law
  - Filing a complaint in good faith
  - Opposing discriminatory or harassing practices
  - Participating in investigation, testifying in deposition or court

# What is Retaliation?

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- Taking materially adverse employment action against an employee because s/he engaged in activity protected by law
  - What is adverse action?
    - Any action that may dissuade a reasonable person from participating in the protected activity

# Examples of Retaliation

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- Failure to hire/promote
- Termination or suspension
- Poor performance ratings
- Performance improvement plans
- Denial or different treatment concerning compensation, terms, conditions, or privileges of employment benefits

# What is a Complaint?

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- Any communication that identifies an issue that \*could\* be harassment, discrimination, or a hostile work environment
  - Does not have to be written
  - Does not have to use the “magic words”
  - Could \*only\* use the “magic words”



# What to do With a Complaint

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- All complaints need minimal inquiry to determine next steps
  - What was said
  - When was it said
  - Specific incidents
- If the above determines appropriate, complaint needs to be referred per policy
- Depending on gravity or level of detail, Respectful Workplace Committee determines whether complaint requires an investigation
- Debrief for complaining individual

# How to Decrease Harassment

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- Promote a Culture Where Civility is Fostered
- Do Not Tolerate Harassment
- Conduct Cultural Assessments to Identify Risk Factors
- Training
- Discipline when Harassment Occurs that is Proportionate to the Policy Violation
- Accountability for Failure to Stop/Prevent Harassment
- Quality Control of Investigations and Policies
- Resources to Prompt, Thorough Investigations

# Misperceptions

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- Employer is not responsible for conduct outside of work or after work hours between employees
- Employers are not responsible for conduct of non-employees
- Complainant has an obligation to ask harasser to stop before bringing complaint
- If the complainant laughed or participated, then it is not harassment

# Misperceptions, Cont.

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- It cannot be harassment if the employee harassed me back
- It cannot be harassment if the person was joking about their own race/gender/etc.
- It cannot be harassment unless a supervisor is involved

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Questions?

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