



# RESPECT IN THE WORKPLACE

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# Meet the Trainer

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## ***MISSION STATEMENT***

***The York Water Company is committed to providing our customers with safe, dependable, high-quality water, wastewater, and related services that meet or exceed customer expectations at reasonable rates in an environment encouraging dedicated Employees to achieve their highest standard of performance while earning a fair return for our shareholders.***

*How would you describe  
York Water Company's culture?*



**"That good York water"**

**SINCE 1816**



# Customer-Centered Culture

- Who is the end user of our services?
- What are the things we do every day to have a customer-centered culture?
- What happens when our customers have a positive experience?







# Customer-Centered Culture

- How do we apply our customer-centered culture to our colleagues in the workplace?
- What are the things we do (or refrain from doing) to provide each other with a good experience?
- What is the impact of those behaviors on our workplace?



# **LEGAL PROTECTIONS AT WORK**

# PROTECTED CLASSES

|                   | FEDERAL   |   |  |   |  |  | PA  |
|-------------------|---|---|--|---|--|--|---|
| STATUTE           | Civil Rights Act of 1964 (Title VII)  | Age Discrimination in Employment Act (ADEA)   | Americans with Disabilities Act (ADA)  | Genetic Information Non-disclosure Act (GINA)   | Uniformed Services Employment and Reemployment Rights Act (USERRA)   | Pregnancy Discrimination Act<br>Pregnant Workers Fairness Act (PWFA) (6/23)<br>FLSA - Providing Urgent Maternal Protections for Nursing Mothers (PUMP) (6/23)  | Pennsylvania Human Relations Act (PHRA)   |
| PROTECTED CLASSES |  <ul style="list-style-type: none"> <li>Race</li> <li>Color</li> <li>Sex/Gender (sexual orientation, transgender status)</li> <li>Religion</li> <li>National Origin</li> </ul> |  <p>Age (40+)</p> |  <p>Disability</p> |  <p>Genetic Information</p> |  <p>Military service, veteran status</p> |  <ul style="list-style-type: none"> <li>Pregnant workers</li> <li>Pregnancy-related disabilities</li> <li>Nursing Mothers</li> </ul> | <ul style="list-style-type: none"> <li>Race</li> <li>Color</li> <li>Sex/Gender (sexual orientation, transgender status, gender identity)</li> <li>Religion</li> <li>National Origin</li> <li>Ancestry</li> <li>Handicap (Disability)</li> </ul> |



**LGBTQ  
Workplace  
Rights**

*Bostock v. Clayton County, GA (USSC 6/15/20)*

- Three cases brought under Title VII- ERs fired EEs for being gay or transgender.
- Title VII
  - Covers employers with 15 or more employees
  - Prohibits discrimination on the basis of race, color, religion, national origin and “sex”
- Discrimination against any EE because of gender identity or sexual orientation is inherently the exact same discrimination “because of sex” prohibited by Title VII



**YWC's  
Policies**

# 202. Equal Employment Opportunity

The Company's policy is to select, place, train and promote the best qualified individuals. We consider relevant factors such as work quality, attitude, and experience, to provide equal employment opportunity for all Employees in compliance with applicable local, state, and federal laws and without regard to non-work-related factors such as race, color, religion, sex/gender, national origin, age, disability, citizenship, marital status, labor union membership, veteran's status, genetic disposition, or other non-job-related criteria.

This equal opportunity policy applies to all Company activities, including but not limited to, recruiting, hiring, training, transfers, promotions, and benefits.

# IS THERE A PROTECTED CLASS?



**National Origin  
Ancestry**

Mateo Garcia is an employee at ABC Company and is of Cuban descent. Nearly 85% of ABC Company's employees are Hispanic, and most have family in Puerto Rico and Mexico. Other employees often refer to Mr. Garcia as a communist and try to exclude him from work teams.



**Sex (assigned at birth, sexual orientation, gender identity, gender expression, gender transition, transgender)**

Gina announced an upcoming gender reassignment surgery and has asked to be called Taylor. Since the announcement, Taylor's peers have been treating Taylor differently and making comments about which bathroom Taylor will use.

# IS THERE A PROTECTED CLASS?



Anthony's mother has just been diagnosed with sickle-cell anemia (SCA) and he tells his Supervisor that he will need a few days off to take her to appointments. The Supervisor knows that SCA is a genetic condition and is concerned that Anthony may receive the same diagnosis in the future.

**Genetic  
Disposition**



Mira is in guest relations and has a 3-month-old whom she breastfeeds. She asked to take 3 breaks to pump during each shift for the next 9 months. Her supervisor permitted the breaks to occur in the bathroom. While smoke breaks are paid, Mira is not paid for her pumping breaks.

**Gender/Fair  
Labor Standard  
Act, PUMP Act**

# **RECOGNIZING DISCRIMINATION AND HARASSMENT**

# 601. DISCRIMINATION AND HARASSMENT FREE WORKPLACE

Unlawful discrimination and harassment are strictly prohibited. Discrimination in the workplace occurs when an employee is treated differently based on a protected characteristic, rather than individual merit. “Protected characteristics” include:

- Race, color, national origin, ethnicity, ancestry
- Disability, including physical or mental disability or medical condition
- Sex/gender
- Age
- Religion
- Pregnancy
- Citizenship
- Marital status
- Labor union membership
- Veteran’s status
- Genetic disposition
- Political views or activity
- Status as a victim of domestic violence
- Any other characteristic that is protected by any applicable federal, state or local law

# 601. DISCRIMINATION AND HARASSMENT FREE WORKPLACE

“Harassment” is any verbal or physical conduct that creates a threatening, intimidating, coercive, humiliating, disrespectful, hostile, degrading or offensive environment on the basis of any protected characteristic. Policy is not limited to Employees, but also covers vendors, clients, customers, guests, and other individuals that interact with Company. The York Water Company does not tolerate harassment of non-employees by Employees, or harassment of Employees by non-employees.

The goal of this policy is to deter conduct that is disrespectful, unwanted, unreasonable, and demeaning. In order to ensure a respectful, welcoming, and safe work environment for all employees, Company may consider an Employee’s conduct to be a violation of this policy, even if the conduct does not rise to the level of unlawful harassment. When determining whether conduct violates this policy, Company will consider whether a reasonable person could conclude that the conduct created a hostile, intimidating, degrading, or demeaning environment . . .

This policy applies to both the workplace and work-related social events, including office parties, off-site events, and work entertainment events.

# WHAT IS DISCRIMINATION?

- Making employment decisions on basis of protected characteristics rather than merit
- Job advertising, recruitment, selection, assignment, transfer, classification, promotion, wages, salary, discipline, training, seniority, benefits, layoffs, recall, termination



# TWO TYPES OF HARASSMENT



## Quid Pro Quo “This for That”

1

Express or implied demands for sexual favors in exchange for a benefit

*“Kiss me and I’ll promote you”*

Express or implied demands for sexual favors to avoid something negative

*“Sleep with me or I will fire you”*

# TWO TYPES OF HARASSMENT

## 2

### Hostile Work Environment

Conduct is so *severe or pervasive* that it creates an intimidating or demeaning environment that negatively impacts a person's job performance

*Computer screen savers with naked men or women*

*Putting a swastika on a Jewish employee's workstation*

- Harassment must be *unwelcomed*
  - Unwelcome to victim
  - Objectively unwelcome
- Harassment must be *Severe or pervasive*

Jury decides using  
*"reasonable person"*  
standard

# FORMS OF HARASSMENT



## PHYSICAL HARASSMENT

Gestures, assault, unwelcome physical touching, physical intimidation, impeding physical movement of another, vandalism



## VERBAL HARASSMENT

Epithets, derogatory statements, jokes, comments, voice accents, name-calling, slurs about physical features, hair texture, manner of dress, discussion about sexual activity, sexual orientation, or gender identify, sexual advances, unwanted flirtation, innuendo



## VISUAL HARASSMENT

Emails, symbols, pictures, posters, cartoons, drawings, display of sexual or pornographic objects, pictures, or writing, memes



IS IT  
DISCRIMINATION?



**NOT  
DISCRIMINATION**



**POSSIBLE  
DISCRIMINATION**



**ILLEGAL  
DISCRIMINATION**

# IS IT HARASSMENT?



# IS IT HARASSMENT?



**NOT  
DISCRIMINATION**



**POSSIBLE  
DISCRIMINATION**



**ILLEGAL  
DISCRIMINATION**

# IS IT HARASSMENT?

Is there a protected characteristic?

**GENDER**

What type of discrimination? Why?

**Hostile Work Environment**



**ILLEGAL  
DISCRIMINATION**



# IS IT HARASSMENT?



Mike and Lisa are installers. Mike often puts his arm around Lisa when talking, rubs her shoulders, and purposely bumps Lisa with his toolbox.



Mike constantly tells the other male workers that he thinks Lisa is hot and would love to date her.

# IS IT HARASSMENT?



**NOT  
DISCRIMINATION**



**POSSIBLE  
DISCRIMINATION**



**ILLEGAL  
DISCRIMINATION**

# IS IT HARASSMENT?

Who decides what is  
*“unwelcome”*?



# IS IT DISCRIMINATION?

Barry, a Scientologist, owns Dianetics Medical Services, Inc. Most employees are also Scientologists. Erin, a Christian, was recently hired as a receptionist. Barry encouraged Erin to take a course called “Breaking the Code,” based on material from L. Ron Hubbard. Barry also told Erin he would pay for any Scientology training if Erin wanted to attend. Erin politely refused.

During a recent team meeting, Barry conducted a team building exercise call “bullbaiting” where one employee yells derogatory terms at others in the meeting. Erin quietly left the meeting and went back to her desk.

At the conclusion of Erin’s introductory period, Barry lets Erin go because “she is not the right fit for Dianetics.” Erin heard that other Christians have also been fired by Barry.



# IS IT DISCRIMINATION?



**NOT  
DISCRIMINATION**



**POSSIBLE  
DISCRIMINATION**



**ILLEGAL  
DISCRIMINATION**

# IS IT DISCRIMINATION?



**ILLEGAL  
DISCRIMINATION**

Is there a protected characteristic?

**Religion**

What type of discrimination? Why?

**Disparate Treatment**

I'm sorry, Frank. I just don't think you can handle this fast pace anymore. You're not bringing the level of energy and creativity to your work that the company expects. I'm going to have to reassign your duties to Travis. You'll be part of his team now.

Millennials  
Rule!



# IS IT DISCRIMINATION?



**NOT  
DISCRIMINATION**



**POSSIBLE  
DISCRIMINATION**



**ILLEGAL  
DISCRIMINATION**



# IS IT DISCRIMINATION?



Is there a protected characteristic?

Age

Evidence of discrimination?

Language used

Reassignment of job duties to younger employee

Sign in background

POSSIBLE DISCRIMINATION

Arguments this is not discrimination?

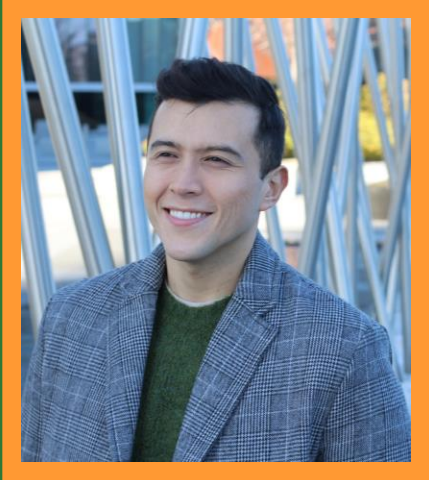
Documented decline in job performance

# REID v. GOOGLE, INC.



- 2002: Brian Reid (52) joined Google
  - Reid had excellent performance rating for technical skills
  - Google laid off Reid in 2004 with a 2-month severance package because he “was not a cultural fit”
  - Reid replaced with 2 younger employees
  - Reid sued alleging age discrimination citing stray comments made: Reid’s ideas were “obsolete,” “too old to matter,” Reid was “slow,” “fuzzy,” “sluggish,” “lacked energy,” an “old man,” “old fuddy-duddy”
- Trial court granted Google’s MSJ
  - Court of Appeals reversed, evidence raised triable issue of fact
  - CA SC reversed stating that stray remarks may corroborate direct evidence of discrimination
  - Case settled in 2010 for undisclosed amount
  - Reid continued to work in tech and was quoted in article for AARP: *“I was experiencing ‘Youngsplaining.’”*

# IS IT HARASSMENT?



Raj was born in the middle east, speaks 3 languages, and works at YWC's corporate office. Madge, a recurrent customer, asks Raj where to find good Mexican food. Raj offers suggestions. He speaks with a slight accent but is easy to understand.



Each time Raj tries to speak, Madge interrupts and tells him to speak English. Madge goes to Raj's boss saying she only will talk to employees who speak English. Every time Madge sees Raj, she speaks within Raj's earshot like the cartoon character, Speedy Gonzalez, with a derogatory Hispanic accent.

Is this something you can complain about under the Company's policy?

# IS IT HARASSMENT?



**NOT  
DISCRIMINATION**



**POSSIBLE  
DISCRIMINATION**



**ILLEGAL  
DISCRIMINATION**

# IS IT HARASSMENT?

Is there a protected characteristic?

Race, National Origin

Does it matter that the harasser is not an employee?

Harassment can be perpetrated by vendors and other non-employees



**ILLEGAL  
DISCRIMINATION**

# IS IT HARASSMENT?



Candice has anxiety disorder. She has been out on leave and just returned to work. Candice is very concerned about contracting COVID and if anyone comes within six feet of her, she reminds them to social distance. Candice insists on wearing masks at all times even though masks are no longer required.

One day when Candice returned from lunch, Rickie and Craig cover her desk with masks and hand sanitizer. You pass her office and see that she is extremely upset.

# IS IT HARASSMENT?



**NOT  
DISCRIMINATION**



**POSSIBLE  
DISCRIMINATION**



**ILLEGAL  
DISCRIMINATION**

# IS IT HARASSMENT?



**ILLEGAL  
HARASSMENT**

**Is there a protected characteristic?**

**Disability - includes mental impairments**

**What type of discrimination? Why?**

**Hostile Work Environment**

- Harassment not limited to sexual harassment
- Hostile work environment can be based on any protected class



# WHAT COULD YOU DO?



**RESPECTFUL  
BEHAVIOR**

- Talk to Candice, offer support.
- Ask Candice if she's ok and if there's anything you can do to help her.
- Offer to go to Team Leader or HR with Candice to support her.
- Tell HR what's happening to Candice.
- Tell Rickie and Craig to knock it off.



Tran is an employee of Asian descent. Other employees love to joke around. They constantly joke that Tran is the only Asian who's bad at math and ask him to show them how to use chopsticks at lunch.

Tran usually laughs in response, telling his co-workers they better watch out or he'll be forced to use his kung fu skills.

You see the group at lunch and observe the above interaction. What do you do?

# IS IT HARASSMENT?



**NOT  
DISCRIMINATION**



**POSSIBLE  
DISCRIMINATION**



**ILLEGAL  
DISCRIMINATION**

# IS IT HARASSMENT?

Is there a protected class?



Sex  
Gender



Religion



Age



Handicap  
Disability



Veteran  
Status



Genetic  
Info

- Is it harassment if Tran participates?
- What if Tran stops playing along?
- What happens if another employee observes the interaction?

# **RESPONDING TO DISCRIMINATION/HARASSMENT**

# Report Procedure



**VP HUMAN  
RESOURCES  
(Natalee  
Gunderson)  
or  
CHIEF ADMIN.  
OFFICER  
(Alex Chiaruttini)**

# YWC POLICY

- **What to report:**
  - Employee believes policy has been violated
  - Employee experiences discrimination or harassment
  - Employee observes discrimination or harassment happening to others
- **Report made to:**
  - VP Human Resources
  - Chief Administrative Officer
- **Employee will be asked to submit complaint in writing**

# YWC POLICY

- Investigation of ALL complaints under this policy
- Involves
  - Review of emails, texts, video, voicemail
  - Interviews
  - Maintenance of positive environment during investigation
  - Keep as confidential as possible
- Retaliation prohibited for
  - Complaints or
  - Participation in investigation

# WHAT NOT TO DO



Ignore/Turn  
a Blind Eye

**RETALIATE**

Retaliate against  
someone who  
complains



**TEST YOUR KNOWLEDGE**



1. Workplace behavior can be illegal even if it's meant to be a joke.

TRUE

FALSE

TRUE

2. Workplace behavior is only unlawful if you intend to discriminate or harass someone.

TRUE

FALSE

FALSE

3. If you see discriminatory behavior in the workplace, you should report it even if you are not involved.

TRUE

FALSE

TRUE

4. Employees should report discrimination/harassment to:

VP of HR

Supervisor

CAO

VP of HR  
CAO

# QUESTIONS?