

Town of Hillsdale Discrimination and Sexual Harassment

Training

The Town of Hillsdale Discrimination and Sexual Harassment policy is available at Town Hall.

**The Town of Hillsdale compliance officer – Steven Tiger / HR / 518-938-1404 /
Stiger@taconic.ent**

This training program is compliant with the requirements specified in the NYS Sexual Harassment Legislation. It covers all forms of Discrimination as well as Sexual Harassment.

This presentation has been revised to include the August 2019 Legislative changes which became effective in August 2020.

OBJECTIVES

- Discuss Prohibited Conduct (including Sexual Harassment)
- Discuss Internal Complaint Procedure/Reporting Options/External Reporting Options
- Discuss Internal Investigations and Possible Outcomes
- Review Employee Responsibilities
- Review Supervisor Responsibilities
- Answer General Questions and Questions Regarding Policy Against Discrimination and Harassment

Everyone has the right to come to work and be treated with dignity and respect.

Protected Statuses

- Race
- Color
- Gender
- Religion
- Creed
- Sex
- Pregnancy
- Sexual Orientation
- Self-Identified or Perceived Sex
- Gender Identity
- Gender Expression
- Transgender Status
- National Origin or Ancestry
- Citizenship
- Age
- Disability
- Military or Veteran Status
- Marital Status
- Familial Status
- Criminal or Arrest History
- Genetic Predisposition or Carrier Status
- Domestic Violence Victim Status

WHAT IS HARASSMENT?

FEDERAL STANDARD

- Unwelcome conduct of a (fill in the protected status, e.g. sex, race, age...) nature that is so severe or pervasive as to alter the work environment
- Determined by a “totality of the circumstances”

NYSHRL STANDARD

- Unwelcome conduct of a [fill in the protected status, e.g., sex, race, age...] nature that subjects an employee to inferior terms, conditions, or privileges of employment because of an individual’s membership in one or more of the protected characteristics

Includes conduct that rises “above the level of what a reasonable victim of discrimination with the same protected characteristic would consider petty slights or trivial inconveniences”

WHAT IS HARASSMENT?

Hostile actions taken against an individual because of the individual's protected status

- **In general examples include displays or publications in the workplace, jokes, noises, gestures, nicknames, comments on personal appearance, touching and other physical acts or assaults, interfering with an individual's workstation or equipment, or sabotaging an individual's work.**

Supervisor ↔ Subordinate

Employee ↔ Employee

Third Party ↔ Employee

WHAT IS SEXUAL HARASSMENT?

- **Harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender.**
- **Sex Stereotyping – harassing a person because (s)he does not conform to gender.**

SEXUAL HARASSMENT

- **Unwanted sexual advances, propositions, sexual comments, noises, gestures or jokes**
- **Sexual or discriminatory displays or publications such as pictures, posters, calendars, graffiti, objects, promotional material, reading materials, or other materials that are sexually demeaning or pornographic**

Includes displaying in “hard copy” or on computers/cell phones in the workplace

- **Physical acts of a sexual nature**

Where Can Workplace Sexual Harassment Occur?

Whenever & Wherever employees are fulfilling their work responsibilities, including:

- **Employer-sponsored events**
- **Conferences**
- **Office parties**
- **Off-site or during non-work hours**

WHAT IS RETALIATION?

- Retaliation is any action taken to alter an employee's terms and conditions of employment (such as a demotion or harmful work schedule or location change).
- Retaliation can be adverse action taken by the employer that could have the effect of discouraging an employee from making a complaint about harassment or discrimination.
- The negative action need not be job-related or occur in the workplace, and may occur after the end of employment, such as an unwarranted negative reference.

LANDMINES

Touching: Sexual assault; the massager, the hugger or kisser.

Social Media: From use of Facebook and Twitter to use of email, the Discrimination and Harassment Policy applies.

Dating:

Supervisor and subordinate – generally always a bad idea.

- Between co-workers – once unwelcome, must stop. Don't make the relationship or breakup the employer's business.
- Between co-workers – once unwelcome, must stop. Don't make the relationship or breakup the employer's business.

Jokes: Sexual, racial, ethnic jokes, etc....are prohibited. "Just because everyone laughs does not mean everyone things it's funny."

Nicknames:

- Sexual: honey, babe, sweetheart.
- Often racially, ethnically based.
- Cyclops (individual lost an eye in fireworks accident as child – disability).
- Call people by actual names.

Work-related Off-premises Conduct:

- Happy hours; softball or other sports teams/games; holiday parties; other employer-sponsored events.
- Alcohol often involved and leads to offending conduct.

Comments on Personal Appearance:

- "You're rocking those tights."
- "You look hot today."
- Not intended to prohibit basic compliments or niceties.

INVESTIGATION PROCESS

- The employer will investigate all claims of discrimination and harassment whether reported in writing or verbally.
- The investigation will be commenced and completed promptly; interim measures may be taken as necessary.
- The investigation will be kept as confidential as possible under the circumstances.
- All employees are required to cooperate as needed in an investigation.
- The complainant(s) and the accused individual(s) are notified of the final determination and, as applicable, that appropriate corrective action has been taken.

POSSIBLE OUTCOMES

1. No Prohibited Conduct Found
2. Prohibited Conduct Found
 - Reassignment
 - Counseling

- Discipline, up to and including immediate termination
- Training
- EAP

EMPLOYEE RESPONSIBILITIES

- Treat all coworkers and third parties professionally, and with dignity and respect.
- Read, ask questions and understand the Employer's Policy Against Discrimination and Harassment.
- Commit to policies by word and example.
- Stop and/or report potentially offensive behavior.

SUPERVISOR RESPONSIBILITIES

- Cooperate in investigations and prevention initiatives.
- Treat all employees with dignity and respect.
- Provide a good example by your own conduct.
- Intercede to stop potentially offensive behavior.
- Take necessary, immediate corrective action in response to inappropriate behavior.

- Assist employees regarding anti-discrimination/harassment policies, including complaint procedures.

ADDITIONAL PROTECTIONS AND PROCEDURES

- Report to Compliance Officers any discrimination/harassment/ retaliation reported or observed.
- Encourage employee cooperation in discrimination/harassment investigations and prevention initiatives.
- Ensure against retaliation.
- Note: Supervisors will be evaluated and/or disciplined for discriminatory/harassing/retaliatory conduct and/or on the basis of their action or failure to act.

NYS Division of Human Rights (DHR)

- **A complaint alleging violation of the Human Rights Law may be filed either with DHR or in NYS Supreme Court.**
- **Sexual harassment complaints may be filed with DHR any time within three years of the alleged sexual**

harassment. Effective August 2020, (previously within one year)

-
- You do not need to have an attorney to file.
- More information: www.DHR.ny.gov
-

ADDITIONAL PROTECTIONS AND REMEDIES

United States Equal Employment Opportunity Commission (EEOC)

- An individual can file a complaint with the EEOC anytime within 300 days from the alleged sexual harassment.
- You do not need to have an attorney to file.
- A complaint must be filed with the EEOC before you can file in federal court.
- More information: www.EEOC.gov.

Local Protections

Many localities enforce laws protecting individuals from sexual harassment and discrimination.

- **Contact your county, city or town to find out if laws exist.**
- **Harassment may constitute a crime if it involves things like physical touching, coerced physical confinement or coerced sex acts.**
- **Contact the local police department.**

If you have questions please contact:

Steven Tiger / Compliance Officer

518-938-1404

Stiger@taconic.net

...and please fill out the Verification Form!!