



OUR WHY? To partner with local governments so that Texas communities are **STRONGER TOGETHER**

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Our Coverages



**Workers'
Compensation**



Liability



Property



Cyber Liability



Special Risk

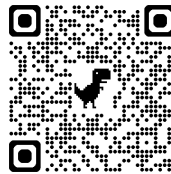
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Safety Matters. Stay Connected.



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Harassment Prevention for Supervisors

Note: We are not attorneys and cannot provide legal advice. We strongly encourage you to have discussion related to this topic with your attorney and review your policies, federal, state and local laws, including your charter, ordinances and resolutions.

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Lines between Employees and Supervisors

You are held to a higher standard than those you supervise.

- Shouldn't complain to staff
- Shouldn't talk bad about other divisions/departments to your staff
- **Nothing is "off the record"**
- **Favors may have consequences**



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Protected Classes

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EEOC Harassment Definition*

Harassment is a form of employment discrimination that violates Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, (ADEA), and the Americans with Disabilities Act of 1990, (ADA).

Harassment is unwanted or unwelcomed conduct behavior that is severe or pervasive and based on:

- Race
- Color
- Religion
- Sex
 - (including pregnancy, gender identity, & sexual orientation)
- Mental or Physical Disability
- Nationality
- Age
 - (40 & older)
- Genetic Information
 - (including family medical history)

*EEOC.GOV

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Sex/Gender Based Harassment

Discrimination based on someone's:

- Sex/gender,
- Sexual orientation
- Gender identity
- Pregnancy



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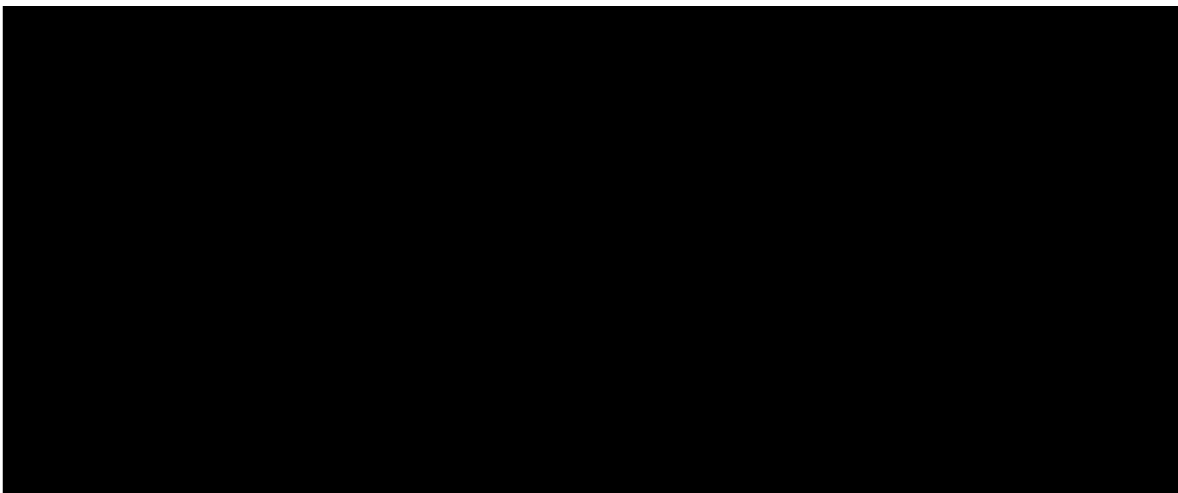
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YouTube Example from Nicki Swift*

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*<https://youtu.be/Fo8fF0IMPTI?si=NhxPeX4W9Dkn7yQ>

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Address Sexual Harassment



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Employee Empowerment

Empower employees to stand up for themselves (in a professional manner) and let the other person know that the behavior is not acceptable.



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Has The Line Changed?

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*<https://youtu.be/FVZap10vxi0?si=RojbOHGXEFfcQfLU>

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What would you do?

- Encourage all employees to say something to the person if they are uncomfortable with someone's behavior
- If you observe someone engaging in this type of behavior, pull them to the side and let them know you saw it and that you expect they will not do it again
- Train your supervisors
- Train your employees
- Train, Train, Train

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Some Things To Think About Regarding Unacceptable Conduct

- Even if the people engaging in the unacceptable conduct are "fine" with it, is not a defense for the unacceptable conduct/behavior (3rd party)
- Remember that professional meetings, business trips and social events are an extension of your workplace (alcohol)
- Non-employees such as citizens, vendors, contractors, elected officials are possible sources of harassment

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Faragher vs Boca Raton (1998)

- Beth Ann Faragher worked intermittently as an ocean lifeguard for the city of Boca Raton, FL from 1985-1990
- Sued the city and two lifeguards she accused of unwanted touching and making offensive comments and gestures
- Said it was a really good job except for the constant groping by one supervisor and sexual innuendoes and comments by others
- Case went to the Supreme Court where it said that if alleged harassers are supervisors, employers can be liable for damages, even if the employer is not aware of the harassment
- If a peer is harassing a peer, the employer is only liable if it knew or should have known about the harassment

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SB 45 & HB 21 and what it means to you.

- Effective September 1, 2021
- Individual liability for those who act "directly in the interests of an employer" as well as supervisors and coworkers
- Requires employers to take **immediate** and appropriate corrective action where the employer **knows or should have know** of sexual harassment
- Charge filing period changed from 180 to 300 days



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Continuing Violation Doctrine*

- To pursue an employment discrimination claim under Title VII, including a harassment case, an employee must file a charge of discrimination with the EEOC within either 180 or 300 days of the unlawful employment practice, depending on which state the employee works in.
- The question in a hostile work environment scenario is, “what constitutes the unlawful employment practice?” that triggers the need to file an EEOC charge since the claim usually involves a series of events rather than a discrete act (such as a pay cut). In *Morgan*, the Supreme Court held that a “hostile work environment claim is comprised of a series of separate acts that collectively constitute one ‘unlawful employment practice.’” (citing Title VII, 42 U.S.C. § 2000e-5(e)(1)).
- In sum, the **continuing violation doctrine** holds that if an employee files an EEOC charge while at least one act constituting the hostile work environment is still timely, then the whole time period of the hostile work environment can be considered for purposes of deciding liability.

*National Law Review – natlawreview.com

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Pregnancy Discrimination

Illegal to discriminate against a woman because of:

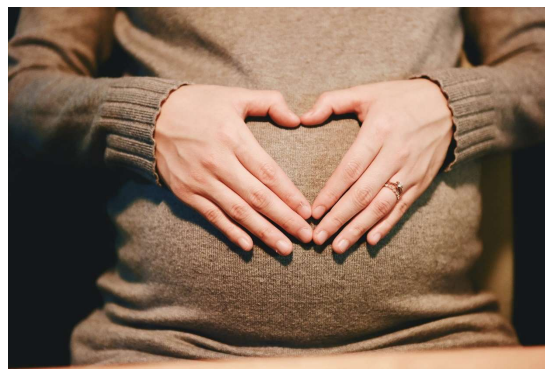
- pregnancy
- childbirth
- A medical condition related to pregnancy or childbirth

OR

- Intent to become pregnant*

*Pregnancy Workers Fairness Act (6-27-2023)

Partner with your HR/Legal team regarding questions



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National Origin Discrimination

Unfavorable treatment of a person because they are from a particular country or part of the world, because of ethnicity or accent, or because they appear to be of a certain ethnic background (even if they are not).



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TML
RISK POOL

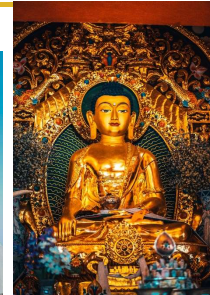
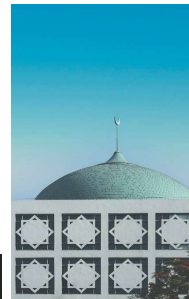
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Religious Discrimination

- Involves treating an unfavorably because of his or her religious beliefs.
- The law protects people who belong to traditional, organized religions, as well as those who have **sincerely held religious**, ethical, or moral beliefs.*

**Groff v. DeJoy* (6-29-2023)

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RISK POOL

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Mental or Physical Disability Discrimination

- According to the EEOC, disability discrimination occurs when an employer or other entity covered by Title I of the Americans with Disabilities Act (ADA) (which protects private and state and local employees) treats a qualified employee or applicant unfavorably because of disability. The disability laws forbid discrimination when it comes to any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoff, training, fringe benefits, and any other term or condition of employment.
- It is illegal to harass an applicant or employee because of a current or past disability an actual or perceived physical or mental impairment that is not transitory and minor, or for association with an individual with a disability. Harassment can include offensive remarks about a person's disability. Harassment is illegal when it is so frequent or severe that it creates a hostile or offensive work environment or when it results in an adverse employment decision (such as the victim being fired or demoted).

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Age Discrimination

Forbids age discrimination against people who are age 40 or older.



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Genetic Information Discrimination

- Genetic information includes information about
 - an individual's genetic tests and
 - the genetic tests of an individual's family members
 - information about the manifestation of a disease or disorder in an individual's family members (i.e. family medical history)



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Retaliation

When employers treat applicants, employees, former employees, or people closely associated with someone who:

- Reported discrimination
- Participated in a discrimination investigation or lawsuit (for example, serving as a witness), or;
- Opposed discrimination (for example, threatening to file a charge or complaint of discrimination).

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SUPERVISOR'S ROLE IN HARASSMENT PREVENTION



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Potential Cost of Discrimination and Retaliation (Sex and Race)*

Employee fired because they engaged in protected activity by complaining about discrimination.

\$70,000

**U.S. Equal Employment Opportunity Commission -
eoc@updates.eeoc.gov*

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Potential Cost of Discrimination and Retaliation (Sex)*

A cleaning service provider in eastern Wisconsin, will pay and furnish other relief to settle a sexual harassment lawsuit

\$200,000

**U.S. Equal Employment Opportunity Commission -*

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Potential Cost of Discrimination and Retaliation (GINA and ADA)*

Dollar General required applicants to pass a pre-employment medical exam during which they were required to divulge past and present medical conditions of family members such as cancer, diabetes, and heart disease. The EEOC also alleged that Dollar General used qualification criteria that screened out qualified individuals with disabilities.

\$1,000,000

**U.S. Equal Employment Opportunity Commission -
eoc@updates.eeoc.gov*

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Potential Cost of Discrimination and Retaliation (Race)

Delivery company DHL will pay settlement and be subject to the oversight of a court-appointed monitor to settle a class race discrimination lawsuit filed by the U.S. Equal Employment Opportunity Commission (EEOC).

\$8.7 Million

**U.S. Equal Employment Opportunity Commission - eeoc@updates.eeoc.gov*

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What are most employees looking for?

A positive working environment, where they feel that they matter and are treated fairly.



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Un-Civilized Workplace and Possible Effects

Robert I. Sutton, PhD identified some possible behavior traits and potential organizational costs because of an uncivilized workplace.

- *“Behavior that demeans or belittles others. This could include verbal abuse, bullying, or undermining colleagues.”*
- *“Financial and emotional costs that toxic individuals impose can reduce productivity, increase employee turnover, and create a hostile work environment.”*
- *“The toll toxic behavior takes on employees can lead to stress, anxiety, burnout, and decreased job satisfaction. This emotional damage not only affects individual well-being but also reduces overall team performance and engagement.”*

Dr. Sutton shares in our organizations we should strive to maintain a *“respectful, positive workplace culture by not hiring or tolerating people who engage in toxic behavior”* **and** *“that organizations must enforce this rule consistently to protect their culture.”*



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Five Strategies for Addressing Toxic Behavior in the Workplace*

**inclusiongeeks.com*

“Toxic behavior **corrodes** trust, **stifles** innovation, and **breaks down** the very foundation of a successful workplace. It shows up in unchecked behaviors, in cultures that value outcomes over people, and in power dynamics that silence or exclude.”

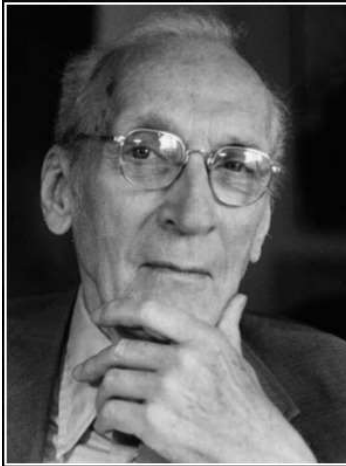
Five strategies to possibly address toxic behavior in the workplace

1. Set the standard for behavior
2. Acknowledge power and privilege
3. Equip people to navigate conflict
4. Model accountability at every level
5. Build psychological safety



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Servant Leadership



The servant-leader is servant first... It begins with the natural feeling that one wants to serve, to serve first. Then conscious choice brings one to aspire to lead. That person is sharply different from one who is leader first.

— Robert K. Greenleaf —

AZ QUOTES

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Servant Leadership Is...

- Focusing on the growth and well-being of individuals and the community, rather than on personal power or recognition
- Serving others, fostering trust, and creating a collaborative and inclusive environment
- Prioritizing the needs of the team
- Empowering others to reach their full potential and contribute to a shared vision

Not Just Me BUT We

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***"Act as if what
you do makes a
difference. It
does." William
James***



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