

civil treatment[®] for MANAGERS

Harassment and Discrimination Training



Part I • *The Workplace Environment*

module overviews

INTRODUCTION

Course Objectives, The Prescriptive Rules[®]

Purpose:

This interactive introduction uses a video to spark discussion about what Civil Treatment[®] is and how it relates to the organization's broader business goals. Participants analyze a realistic business scenario and suggest ways that managers can create a productive work environment and make fair business decisions. These guidelines, known as the Prescriptive Rules[®], are applied throughout the program to help participants ensure their behavior supports the goals of the organization.

Learning Points:

- Civil Treatment[®] is important due to legal and business imperatives.
- The Prescriptive Rules[®] provide guidelines for building a CT Workplace™.
- Litigation is time-consuming, unpredictable, and has a negative impact on organizational resources.

Skills Practiced:

- Identifying risks of inappropriate behavior
- Identifying the Prescriptive Rules[®]

"SOME MEETING..."

Sexual Harassment, Third-Party Harassment

Purpose:

A video-based exercise that illustrates the effects of not following Prescriptive Rule[®] #1: *Guard Words and Actions*, defines sexual (and other types of) harassment, and outlines a roadmap for minimizing risk in the workplace environment.

Learning Points:

- Sexual harassment is a serious business issue.
- Behavior does not have to be egregious to contribute to a hostile work environment.
- Inappropriate comments and actions may taint the legitimacy of business decisions.
- Organizations have a duty to inform employees of policies regarding harassment and discrimination.
- Employees have a responsibility to speak up according to policy guidelines.

Skills Practiced:

- Identifying risky workplace behaviors

"THE TOP 5 REASONS"

Religion, National Origin

Purpose:

A textual exercise based on an e-mail message illustrating examples and risks of harassment based on religion or national origin. Participants explore ways to proactively address inappropriate behavior before it becomes a problem, and also review the organization's policies on electronic communications.

Learning Points:

- Inappropriate conduct based on religion or national origin is illegal, unprofessional, and violates the Prescriptive Rules[®].
- Electronic communications are business communications that could serve as evidence of harassment.

Skills Practiced:

- Identifying risky workplace behaviors

"WHAT AM I SUPPOSED TO SAY?"

Retaliation, Gender

Purpose:

A two-part jury exercise in which participants examine sex-based discrimination and retaliation. Participants learn that how they respond to a claim – even if it is unfounded – can have a significant impact on the organization.

Learning Points:

- Sex-based discrimination exists when employees or applicants are treated differently because of their gender.
- Retaliation occurs when an employee is disciplined or fired or his/her employment is adversely affected because he/she raised a complaint, participated in an investigation, or took legal action.
- You should never take adverse action against an employee for raising a complaint in good faith.

Skills Practiced:

- Identifying risky workplace behaviors

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"WHAT'S ON YOUR MIND?"

Internal Complaints, Duty to Act

Purpose:

A two-part exercise that illustrates the business imperative for the Duty to Act, even when employees request confidentiality.

Learning Points:

- All forms of harassment and inappropriate behavior require management intervention.
- Inaction implies that harassment is not a serious business issue and/or that the organization condones the behavior.
- Managers should partner with Human Resources to investigate employee complaints.
- Documentation may be inadequate without getting help.
- Violations of the law and/or policy supersede the trust and bond between a manager and employee.

Skills Practiced:

- Creating effective documentation
- Identifying the Duty to Act

"WHEN'S MY TURN?"

Mutual Banter

Purpose:

A video-based exercise that illustrates the effects of mutual banter on the work environment, even when no formal complaints of inappropriate behavior are made.

Learning Points:

- Inappropriate banter in the workplace may be part of a broader issue.
- Mutual banter may negatively impact the work environment.
- Managers must act on inappropriate behavior even if no one appears offended.

Skills Practiced:

- Identifying risky workplace behaviors
- Applying the Duty to Act

"ARE YOU GOING TO BE THERE?"

Abusive Behavior

Purpose:

A video-based exercise in which participants analyze abusive behavior and its effect on the workplace. Participants also discuss favoritism and inclusion.

Learning Points:

- Abusive behavior is not an effective or acceptable management style or performance management method.
- Preferential treatment damages manager credibility.
- Behavior that is not illegal may still harm the workplace environment and put the organization at risk.
- How managers achieve results is as important as the results themselves.

Skills Practiced:

- Analyzing workplace scenarios
- Preventing abusive behavior

Part II • *Business Decisions*

"CAN YOU BELIEVE IT?"

Age Discrimination, The FACT Model[®]

Purpose:

A video-based jury exercise that illustrates how not following the rules in employment decisions may create risks for an organization. The FACT Model[®] is introduced as a tool that can be used to make fair and objective business decisions.

Learning Points:

- Direct evidence of discrimination has a powerful impact on a jury.
- Juries are typically sympathetic toward older employees.
- Workforce reductions should be conducted in a manner consistent with policy.

Skills Practiced:

- Identifying behavioral risks affecting the legitimacy of employment decisions
- Identifying legitimate business criteria
- Applying the FACT Model[®]

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Part II • *Business Decisions (continued)*

module overviews

“NO DOUBT ABOUT IT.”

Pregnancy Issues

Purpose:

A video-based exercise that illustrates the complexity of decisions involving employees/applicants who are pregnant, and the importance of following Rule #3: *Get Help*.

Learning Points:

- Pregnancy and related conditions are covered under both the PDA and FMLA.
- Assumptions applied in the decision-making process may create risk.

Skills Practiced:

- Identifying relevant business issues
- Applying the FACT Model[®]

“I’M REALLY IN A BIND.”

Disability and Religious Accommodation

Purpose:

A text-based exercise that explores issues of disability and religion by explaining managers’ responsibilities when faced with a request for an accommodation.

Learning Points:

- *Get Help* when faced with disability management issues.
- ADA and FMLA often intersect in areas of disability management.
- Create a partnership with employees who request accommodation for reasons of disability.
- Requests for religious accommodation should be handled consistently with company policy and past practice.

Skills Practiced:

- Analyzing workplace scenarios
- Identifying accommodation issues
- Applying the FACT Model[®]

“WE HAVE A LITTLE PROBLEM.”

Race Discrimination, Disparate Treatment

Purpose:

A video-based exercise that illustrates how failing to *Get Help* to investigate can lead to evidence of discrimination.

Learning Points:

- Discrimination may exist without evidence of written or verbal comments.
- Failing to investigate prior to making business decisions may lead to discrimination.

Skills Practiced:

- Applying the FACT Model[®]
- Documenting workplace events accurately and objectively

CT TOOLKIT[®]

Course Summary

Purpose:

A text-based exercise in which participants learn how to facilitate the CT Toolkit[®], a tool that helps them communicate Civil Treatment[®] principles to their employees.

Learning Points:

- The CT Toolkit[®] provides a framework for managers to communicate company policy and expectations to employees.
- Effective communication will help create a CT Workplace[™].

Skills Practiced:

- Developing an action plan
- Communicating to employees

Ad-Hoc Topics

“STRICTLY BUSINESS.”

Interoffice Relationship

Purpose:

A video-based jury exercise based on a manager/subordinate relationship that summarizes the purpose for all of the Prescriptive Rules[®].

Learning Points:

- Sexual relationships between a manager and employee taint the legitimacy of business decisions.
- Cases tried before a jury lead to unpredictable outcomes.

Skills Practiced:

- Analyzing documents

“WHAT DO YOU MEAN?”

Workplace Violence

Purpose:

A text-based exercise that explores potentially violent workplace situations. Includes information about workplace violence, its prevalence and warning signs, and where to *Get Help* when situations that could escalate occur.

Learning Points:

- Managers have a responsibility to act when they become aware of situations that violate policy or compromise safety.
- Inappropriate comments in the workplace may lead to more serious workplace problems.

Skills Practiced:

- Identifying risky workplace behaviors
- Applying the Duty to Act

“SENDING A MESSAGE.”

Sexual Orientation

Purpose:

A text-based exercise that discusses sexual orientation and gender identity/expression. Participants learn that harassment based on sexual orientation is just as serious as any other form of harassment.

Learning Points:

- Inappropriate treatment based on sexual orientation or gender identity/expression is a form of sexual harassment.
- Managers must encourage employees to come forward with their concerns.

Skills Practiced:

- Preventing and addressing inappropriate behaviors

module overviews

INTERVIEWING SKILLS

Conducting Interviews

Purpose:

A text-based exercise where participants analyze criteria used in interviewing and selecting employees.

Learning Points:

- Using non-measurable criteria in making business decisions creates risk for the organization.

Skills Practiced:

- Acting consistently in applying law and policy

TAKE NOTE

Documentation

Purpose:

A text-based exercise where participants analyze documents for effectiveness. Participants discuss the difference between fact and speculation and other key points about documentation.

Learning Points:

- Documents should be created as soon after an event as possible to ensure accuracy.
- Any situation that has the potential to impact the business (either positively or negatively) should be documented.
- Documents should include the essential facts of a situation, including when, where, who, what, how, and why (if known).

Skills Practiced:

- Identifying factual and speculative statements in documents

For more information about
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