



XDD 2020 WORKPLACE
NON-HARASSMENT TRAINING

NEW YORK STATE & CITY

JODI HILTON, HR DIRECTOR

TRAINING OVERVIEW

■ Why learn about harassment?

- Avoiding illegal harassment requires a knowledge about what that looks like
- All types and levels of harassment pose a threat to employee satisfaction and a productive workplace environment
- We are better as a company when we value each other's varying perspectives and cultures



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LEARNING OBJECTIVES

■ Learning goals of this course

- Upon completion of this training, employees will be able to:
 - Recognize all types and levels of workplace harassment.
 - Value and support XDD's commitment to ensuring a workplace free of harassment and retaliation.
 - Know what to do if you view or experience harassment or discrimination.



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XDD NON-HARASSMENT POLICY

- “XDD prohibits employment discrimination and harassment on the basis of race, color, religion or creed, national origin or ancestry, sex, age, physical or mental disability, veteran status, genetic information, pregnancy, sexual orientation, gender identity, and citizenship. Retaliation for good-faith reporting of violations or participating in related investigations is prohibited. In addition to the federally protected classes, employees should be aware that many states or jurisdictions may have additional protected classes.”
- “XDD will not discriminate: we will not make employment decisions based on an employee’s legally protected status. We firmly prohibit sexual harassment of any employee by another employee, supervisor or third party. Harassment of third parties by our employees is also prohibited....”
- “Harassment of third parties by our employees is also prohibited. Harassment is verbal, written or physical conduct that denigrates or shows hostility or aversion toward an individual because of his or her protected class.”
- “Retaliation for good-faith reporting of violations or participating in related investigations is prohibited.”

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RECOGNIZING HARASSMENT

■ What is workplace harassment?

- Workplace Harassment is a form of unlawful treatment that includes all types of unwelcome physical or verbal conduct toward a person because of that person's:
 - Sex (including same sex harassment)
 - Race, color
 - Religion, national origin
 - Age, disability
 - Gender identity, sexual orientation
 - Veteran or uniform service member status
 - Any other legally protected status



■ What is workplace discrimination?

- Workplace Discrimination is when employees are treated inequitably [receive adverse employment action(s)] based on his/her protected class

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RECOGNIZING HARASSMENT

UNWELCOME BEHAVIOR

- Sexual conduct becomes sexual harassment when the behavior is unwelcome. Behavior may be unwelcome in the sense that the victim did not solicit or invite it, or in the sense that the victim regarded the conduct as undesirable or offensive.
- Welcome behavior can quickly become unwelcome behavior. What starts off as welcome behavior (consensual joking) can cross a line and become unwelcome behavior.
- Also, consent can be revoked at any time. When someone experiencing sexual harassment behavior says, "stop talking to me like this" it must stop. The perpetrator cannot use as a defense "Well you started it." or "You were ok with it at first."

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RECOGNIZING HARASSMENT

- Sexual Harassment – unlawful discrimination under NYC, state, and federal law.
- Quid Pro Quo - “this for that”
 - Demanding or requesting sexual favors with an implied or overt threat concerning the terms or conditions of someone's employment.
- What is hostile work environment?
 - Hostile Work Environment is unwanted verbal, physical, or visual behavior which is pervasive or severe enough to create either an unreasonable interference with an individual's work performance or an intimidating, hostile, or offensive work environment due to their protected class.



Related Article: Biden denies sexual assault allegation: 'This never happened'



Megyn Kelly says former Fox News chief Roger Ailes sexually harassed her, and is now detailing her allegations against him.

David Letterman Reveals Extortion Plot and Confesses to Sex With Staffers



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RECOGNIZING HARASSMENT

INAPPROPRIATE BEHAVIOR AND WORKING ENVIRONMENT

- “Before it becomes a serious problem and the conduct interferes with an individual’s work performance or creates a hostile environment, employees are strongly encouraged to notify the HR Director or a member of management of conduct that may violate this policy. Inappropriate behavior on the basis of a legally protected class, even if it doesn’t rise to the level of illegal, shall be investigated and addressed accordingly.”
- “This policy applies not only to the workplace on company time or using company equipment, but also to business travel, behavior between employees off work, and work-related social functions, even if the activities are held off site.”
- Professional Bubble – stepping outside of it is a risk



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RECOGNIZING HARASSMENT – PHYSICAL

- Touching, hugging, shoulder rubs, patting, pinching, groping and/or purposely brushing up against someone
- Invading one's physical space
- Damaging one's personal property
- Physical and sexual assault (forcing self onto another).
- Inappropriate touching (Handshakes/fist bumps are usually OK used as greeting, other touching, usually not.)
- Leaning over someone.
- Blocking someone's path.



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RECOGNIZING HARASSMENT - VERBAL

- Inappropriate labels: “girl,” “boy,” “honey,” “chick,” “sweetheart.”
- Derogatory comments, insults, negative stereotyping, and slurs.
- Jokes or stories that are sexual or demeaning to a protected class in nature.
- Offensive or sexual gestures.
- Catcalls. Avoid whistling, grunting, kissing noises, howling, or groaning at a person.
- Comments about a person’s body,
- Asking questions of or making comments of a sexual nature,
- Threats, insults, name-calling,
- No means no-do not pursue, flirt, or ask a coworker out if told no.
- Comments (either complimentary or derogatory) about a person’s gender or sexual preferences,
- Repeated demeaning stigmatizing, or singling out a person or persons on the basis of gender, age, race or other protected class.

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RECOGNIZING HARASSMENT – NONVERBAL

- Possession or display of derogatory pictures or other graphic materials.
- Drawings of a sexual nature.
- Photos of a suggestive nature.
- Posters, calendars of nude or semi-nude persons.
- Anything of a sexual nature displayed at the worksite.
- Staring at a person's body.
- Looking at pornographic sites on work computer.
- Offensive or suggestive texts, messages, posts, social media comments, emails, letters, and memos.
- Cyberstalking



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XDD NON-HARASSMENT POLICY

REPORTING PROCEDURES



- XDD encourages reporting of all perceived incidents of discrimination, harassment, or retaliation. Any employee who believes they have been harassed or witnesses harassment should report the situation immediately to the Human Resources Director or a member of the leadership team.
- If a report is made to a member of management, that manager must discuss the report with the Human Resources Director timely for investigation.

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XDD NON-HARASSMENT POLICY

REPORTING PROCEDURES WITH AGENCIES

New York City:

1. **Complaint:** A complaint filed with the Commission's Law Enforcement Bureau (LEB) starts with investigation by LEB.
2. **Intake:** An attorney or investigator in the Law Enforcement Bureau (LEB) will interview you, gather information, and review your documents.
3. **Complaint is filed:** When the complaint is ready, you will review the complaint and sign it. Then the complaint will be sent to the Respondent. The Respondent has 30 days to respond by filing an "Answer."
4. **Investigation:** After the Respondent answers your complaint, LEB will investigate further.
5. **Mediation:** LEB may invite you and the Respondent to discuss a possible resolution to your case, called "Mediation" at our Office of Mediation and Conflict Resolution (called "OMCR").
6. **Withdrawal:** You can ask LEB to withdraw your Complaint for any reason, such as, if you choose to file the same claim in court instead of proceeding through the Commission process.

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XDD NON-HARASSMENT POLICY

INVESTIGATION & RETALIATION

- “The Human Resources Director will lead or complete all investigations into any reports as promptly and confidentially as possible. Reports of this nature are taken seriously and investigated thoroughly.”
- “The company recognizes that every investigation requires a determination based on all the facts in the matter. We also recognize the serious impact a false accusation can have. We trust that all employees will continue to act responsibly and in good faith.”
- “Violations of this policy will be addressed according to the severity of the violation, and may result in disciplinary action, up to and including discharge.”



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XDD NON-HARASSMENT POLICY

NEW YORK CITY DISCRIMINATORY PRACTICES

NEW YORK CITY HAS ADDITIONAL PROTECTED CLASSES FROM OUR POLICY THAT WE COMPLY WITH:

- Employment. It shall be an unlawful discriminatory practice:
 - (a) For an employer or an employee or agent thereof, because of the actual or perceived age, religion, race, creed, color, national origin, gender, disability, marital status, **partnership status, caregiver status**, sexual and reproductive health decisions, sexual orientation, uniformed service or alienage or citizenship status of any person:
 - (1) To represent that any employment or position is not available when in fact it is available;
 - (2) To refuse to hire or employ or to bar or to discharge from employment such person; or
 - (3) To discriminate against such person in compensation or in terms, conditions or privileges of employment.
- It shall be an unlawful discriminatory practice to **retaliate** or discriminate in any manner against any person because such person has
 - (i) opposed any practice forbidden under this chapter,
 - (ii) filed a complaint, testified or assisted in any proceeding under this chapter,
 - (iii) commenced a civil action alleging the commission of an act which would be an unlawful discriminatory practice under this chapter,
 - (iv) assisted the commission or the corporation counsel in an investigation commenced pursuant to this title,
 - (v) requested a reasonable accommodation under this chapter, or
 - ([v]vi) provided any information to the commission pursuant to the terms of a conciliation agreement made.

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XDD NON-HARASSMENT POLICY

NEW YORK CITY- BYSTANDER INTERVENTION

What is Bystander Intervention?

All of us are bystanders when we observe actions or situations that jeopardize someone's safety or well-being. One way to create a safe and healthy community is to be a "prosocial-bystander" – taking action to help others.

Being a prosocial bystander means being aware of what's happening around you and learning how to step in safely or to seek help from others.

How can I intervene?

Stepping in can be something as minor as you telling a coworker that you find their racy language offensive, or it may involve speaking up if someone makes a poor choice in sexual jokes at work.

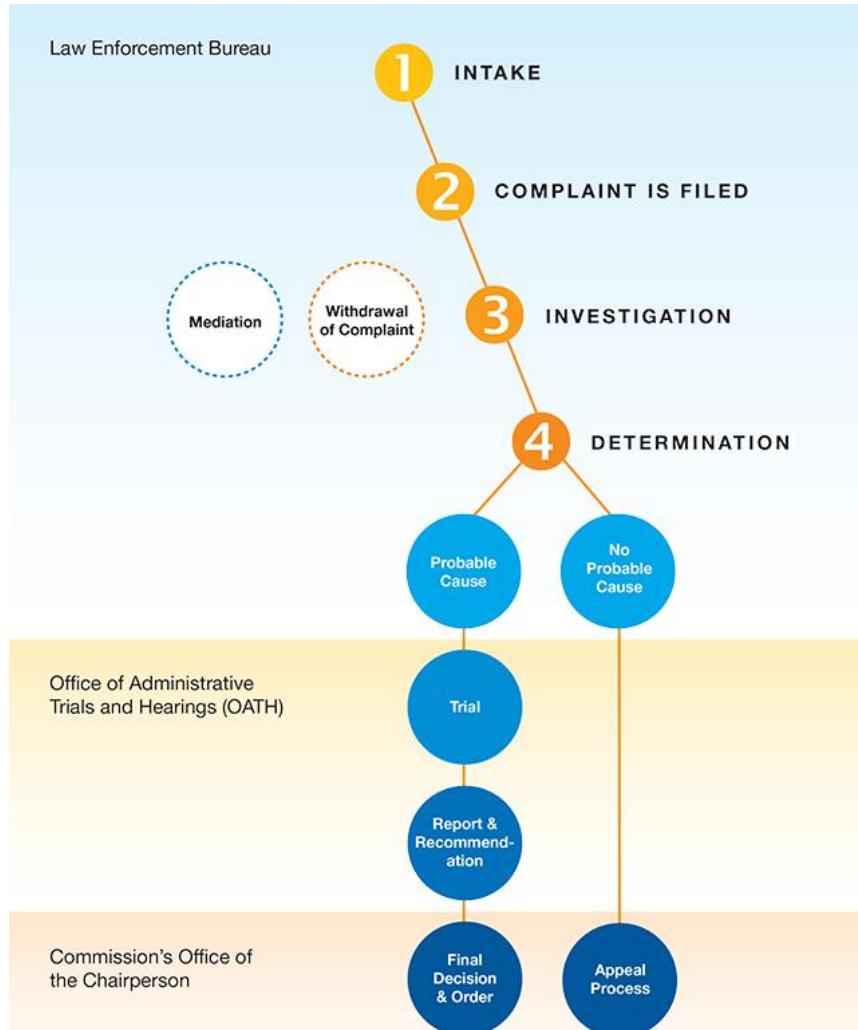
Bystander Intervention teaches four basic steps:

1. Notice the event
2. Interpret the situation as a problem
3. Assume personal responsibility
4. Intervene safely and effectively

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REPORTING PROCEDURES WITH NYC



To report discrimination with New York City Human Rights Commission, call 311 or (212) 416-0197 and ask for the NYC Commission on Human Rights, or send an inquiry to NYC Human Rights commission at:

<https://www1.nyc.gov/site/cchr/enforcement/steps-in-the-complaint-process.page>

Interactive tool on the reporting procedure can be found at:

<https://www1.nyc.gov/site/cchr/enforcement/steps-in-the-complaint-process.page>

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REPORTING PROCEDURES WITH NEW YORK STATE or EEOC

New York State Attorney General Letitia James

Dear New Yorkers,

Unwelcome comments or advances; promises of advancement in exchange for sexual favors; offensive “jokes” — sexual harassment can take many forms. It affects not just the victim, but co-workers, families, and the workplace at large. We all have a stake in preventing it and stopping it when it happens.



Victims of sexual harassment are often too afraid or embarrassed to come forward. It is important that all workers know that there is help available for those who believe they are being illegally targeted. I am committed to equality in the workplace and to the enforcement of federal, state, and local laws that give employees the right to be free from sexual harassment. If you have questions about harassment and discrimination in the workplace, please contact my office’s Civil Rights Bureau.

All New Yorkers have the right to a workplace free from sexual harassment and discrimination. Let us know if you need help.

Sincerely,

Letitia James



New York State Attorney General
The State Capitol
Albany, New York 12224
1-800-771-7755
www.ag.ny.gov

RESOURCES

Office of the NYS Attorney General

Civil Rights Bureau

28 Liberty Street, New York, NY 10005
(212) 416-8250
civil.rights@ag.ny.gov

U.S. Equal Employment Opportunity Commission

1-800-669-4000
1-800-669-6820 (TTY)
info@eeoc.gov
eeoc.gov

NYS Division of Human Rights

<http://www.dhr.ny.gov>
1-888-392-3644

NYC Commission on Human Rights

(NYCCHR)
311 or 212-306-7450
<http://www.nyc.gov/html/cchr/>

If You Need Support

Being sexually harassed can be a traumatic experience. Places to find support include:

- Woman’s Justice NOW Helpline: (212) 627-9895
- Legal Momentum Equality Works Program: (212) 925-6635
- Safe Horizon Crime Victim’s Hotline: (866) 689-HELP (4357) or Rape & Sexual Assault Hotline: (212) 227-3000

essment: Employees

GUIDELINES FOR XDD EMPLOYEES

1. Always treat others with respect and kindness. This goes toward following the Workplace Violence Policy and the Rules of Conduct as well. Never curse at anyone at work.
2. Report any harassment, discrimination, or retaliation to your supervisor or Corporate HR immediately.
3. Cooperate in investigations.
4. Do not date coworkers. If you date another employee and a breakup occurs, one employee may accuse the other of harassment.



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INTERACTIVE AUDIENCE
PARTICIPATION
RAISE YOUR HANDS + LIVE POLLS

IS THIS HARASSMENT?

SHOULD IT BE REPORTED?

1. Sheila tells HR that she is being “harassed” because her supervisor, Edith, asked her to clean out the refrigerator. Male employees are not regularly expected to perform this duty.
2. Karen reports to HR that Clarissa has a shirt on that is too tight and revealing. When HR goes to talk to Clarissa about the dress code, Clarissa claims she is being harassed.
3. Michelle tells George that his jeans fit him well.
4. In the break room, Lyle punches Rusty because Rusty patted him on the bottom and said “good meeting”.
5. **Jodi and Sharon are talking about their childbirth experiences at Sharon’s desk.**
6. Philip is joking with Melissa in the break room and tells her, “You must be on your cycle.”
7. **Wally asks Charise “Do you want help lifting that?”**
8. Nicole made a joke on a Zoom call about two gay men.
9. *Hunter has transitioned to a female and changed her name to Heather. Although she has informed her team, many of them refuse to use her new name.*

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IS THIS HARASSMENT?, 2

1. Kristina sits down in the break room, and says, “My feet hurt.” Sheldon says, as he reaches for her feet, “Take your shoes off. I’ll rub them.”
2. Joe says to Felicity, “How does your husband feel about your butt? Most white men don’t like big butts.”
3. Shelly is telling her coworkers that she hates to cook, and therefore doesn’t. Oscar says, “I wouldn’t marry you. Women are made for that kind of thing.”
4. Mohammed uses both breaks and lunches every day to go in the hallway to pray. Billy Bob and Tom find Mohammed’s rug that he uses for prayer in the corner and hide it so he can’t find it on several occasions.
5. *Three African-American workers, John, Gil, and Keys are always snubbing their Hispanic crew member, Jose. They refuse to help him sort documents.*
6. Becky and Melanie talk about how hot Melanie and her husband got between the sheets the night before.
7. **Susie was asked by her supervisor to do some duties that are not specifically listed in her job description.**

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IS THIS HARASSMENT?, 3

1. The guy who cuts grass (a contractor of XDD) whistles at Lolita as she is crossing the parking lot.
2. **Barney and Elmo are looking at Penthouse magazine in the break room.**
3. Bret, a white supervisor, tells a crew that they need to correct the 12 errors that he found in an audit. Anthony, an African-American, says “Yesa Massa, Right away, massa.”
4. Arthur, a Hispanic employee, has received a Performance Improvement Plan.
5. **Hannah is constantly calling Jon bad names and throws things at him. She doesn't do that to anyone else, but she works with other men of the same race and age as Jon. Apparently, she doesn't like Jon.**
6. *A regular meeting to discuss sales is called. Sara, the only woman at the meeting, is asked to take notes and order lunch.*
7. Kevin is in a meeting. He says to the group. “Time for a break.” Then, he says to Noel, the only woman in the meeting - close your ears. Then, Kevin tells a sexual joke.
8. Noel reports Kevin’s sexual joke during a meeting to HR. Kevin then refuses to speak to Noel at all, and does not invite her to meetings she should be attending.
9. Greg and Annette are having a conversation about the upcoming election, and they have differing political affiliations. Greg says “I don’t think women should have the right to vote. They should earn that right every year.”

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HARRASSMENT TRAINING CONFIRMATION

- Once the webinar has ended, two questions will pop up on your screen to answer.
 - Failure to answer the questions may require you to attend training again.
 - The questions must be answered if you attended a live session or viewed the recorded webinar.
 - You will also receive an email about an hour after attending the training with the opportunity to answer the questions, in case you missed the opportunity initially.
- [Visit XDD Workplace Harassment Webpage](#)

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