

NFTA's EEO Harassment & Discrimination Training



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Understanding EEO

➤ **What does EEO stand for?**


Equal Employment Opportunity

➤ **What's the purpose of EEO?**

- EEO Dept is committed to insuring all persons who are employed, seeking employment, or seeking contracts with the NFTA are afforded equal opportunities
- Develop, Plan, implement and evaluate the Authorities Action/ EEO programs:
 - DBE (Disadvantaged Business Enterprise),
 - ACDBE (Airport Concession),
 - ADA (Americans with Disabilities Act)



Goals of this Course

- ❖ Give you the tools & skills to be a positive influence in the workplace
 - ❖ Understand Harassment & Discrimination
 - ❖ How to handle harassment, discrimination and retaliation
 - ❖ How to report any issues
- 



Creating a Positive Work Environment

We all play a crucial role in creating a positive work environment!

- Be Mindful and Respectful of other employees
- Treat others the same way you'd like to be treated

It all starts with YOU!

VIDEO: Preventing Harassment and Discrimination:
Gateway

Developing Awareness & Recognizing Discrimination:



- The first A in the three A's of bystander intervention is **AWARENESS**.
- Developing awareness means taking note of what is happening around you and looking for problematic behavior in the workplace.
- If you think something is wrong most likely it is!
- If you see something, SAY SOMETHING!

Video: Gateway | Developing Awareness and Recognizing Discrimination

Discrimination:



➤ **What is discrimination?**

- Discrimination refers to unfair treatment person based on certain characteristics (gender, race, etc).
- All discrimination is harmful.
- NFTA has a zero-tolerance policy regarding discrimination.
- Harassment is just one type of discrimination.
- Not all discrimination is harassment
- Discrimination can be unlawful based on a category or characteristic that is protected by law.

Understanding Protected Categories

- Anti Discrimination Laws explain which categories are protected
- Protected categories can be at the federal, state or local levels
- Categories may be protected in one location, but not in another.
- Courts may interpret laws differently, so even the same law may not offer the same protection, depending on the jurisdiction
 - Ex: Almost everyone is protected by federal law, but if a state law offers additional protection, employees in that state will be protected by both laws.



Federally Protected Categories

Age

- Federal law protects people 40 years of age and above from discrimination. Other laws about age may protect younger people from discrimination as well.

Genetic Information

- The misuse of genetic information is unlawful. For example, a family's genetic health history cannot be used to discriminate in health insurance or employment.

National origin

- National origin includes more than just the place where a person is from. Not only is it unlawful to discriminate because someone is from a particular part of the world, but ethnicity, accents, language, and a person's actual (or perceived) ethnic origin may also be protected. People are also protected from discrimination due to the national origin of their spouse.

Citizen & Immigration Status

- Federal law protects people from discrimination because of their citizenship or immigration status. Unless a specific law or government contract requires it, employers may not restrict their hiring to only U.S. citizens or permanent residents.

Pregnancy

- *Not only is pregnancy protected, but also childbirth and medical conditions related to pregnancy and childbirth. These protections also cover known limitations due to pregnancy and pregnancy-related physical and mental conditions, even if the conditions are not a disability to the person who experiences them.*

Veteran or Military Status

- *Federal law protects workers from discrimination based on their past or present military service, and requires all employers to reemploy returning servicemembers. A separate law requires federal contractors and subcontractors to give preferential treatment to qualified veterans who apply for a job, and prohibits discrimination against them.*

Federally Protected Categories (cont.)

Race

- Protections against race discrimination include characteristics associated with race like a person's hair texture, skin color, and certain facial features.

Color

- Discrimination based on skin color can be related to race discrimination. Color refers to the lightness or darkness of a person's skin tone and includes shade and complexion.

Religion

- Religious beliefs are protected. These include traditional, widely recognized religions and faith practices (such as Buddhism, Christianity, Hinduism, Islam, and Judaism) as well as sincerely held "religious beliefs that are new, uncommon, not part of a formal church or sect, or only held by a small number of people," according to guidance by the federal Equal Employment Opportunity Commission (EEOC).

Disability

- Many types of disabilities and conditions can be covered by disability law, including both physical and mental disabilities. Failure of employers to provide reasonable accommodations to employees with disabilities can be a form of disability discrimination.

Sex

- Federal law prohibits workplace discrimination based on transgender status, gender identity, or sexual orientation

Title VI: The Civil Rights Act

- ❖ Title VI is part of the Civil Rights Act of 1964, which is a critical federal law that protects employees from discrimination on the basis of race, color, sex, religion and national origin.
- ❖ Title VI also protects employees from discrimination when it comes to:
 - ❖ Hiring & Firing
 - ❖ Job Training
 - ❖ Referrals
 - ❖ Membership
 - ❖ Compensation
 - ❖ Segregation





Examples of Discrimination:

- ***A coworker is discussing a new non-binary employee with another coworker: “They” pronouns are just confusing and hard. I don’t get why we have to do this... it’s so high-maintenance”***
 - Title VI protects individuals based on sex/discrimination which includes transgender status.
- ***An employee feels nervous around a coworker with a mental health disorder and avoids working with them.***
 - Title VI protects individuals with a disability (remember disabilities aren’t just physical).
- ***An interviewer recommends that his company not hire an employee born in that country***
 - Title VI protects individuals race and national origin

Discrimination Scenario #1

Jessica is an independent contractor, and the team she works with wants to hire her as a full-time employee. While Jessica's application for full-time employment is pending, her manager, Joey, hears a rumor that Jessica is pregnant. When he sees Jessica in the office kitchen, he asks her, “Are you sure you want to come on full-time when you’re pregnant? We can always just keep you on a part-time contract.”

Is Joey showing warning signs of bias?

- ☐ Yes, Joey is demonstrating warning signs of bias based on Jessica’s pregnancy
- ☐ Maybe. It depends on how Jessica interprets his question
- ☐ No, he is not showing any warning signs of bias



CORRECT!!!!



✓ Yes, Joey is demonstrating warning signs of bias based on Jessica's pregnancy!

- Although it could sound as if Joey is looking out for Jessica, Jessica hasn't mentioned anything about being pregnant nor has she requested any accommodation for being pregnant.

Discrimination

Scenario # 2

Sumiko is a woman of Asian descent with a strong accent who has been working in her position for a long time. She is skilled at her job and never has difficulty understanding others or making herself understood. Recently, Heidi became her new supervisor. Now, every time Heidi talks to Sumiko, Heidi speaks slowly and loudly. This morning, Heidi emailed Sumiko a 10-page document to review and asked if she needed extended time or a translator to help her.

Is this a warning sign of bias?

- ☐ No. Heidi meant no harm; she wanted to help.
- ☐ Yes, this is a warning sign of potential ethnicity, race, or national origin bias.



CORRECT!!!!



- ✓ Yes, this is a warning sign of potential ethnicity, race, or national origin bias.
- Sumiko has held her position for a long time, and her accent never impacted her work. It's disrespectful of Heidi to assume that Sumiko doesn't understand English based on her accent, especially when there have been no comprehension issues in the past.

Cultivating Attitudes and Identifying Harassment

- The second A in the bystander intervention is **ATTITUDES**.
- Your attitude can have a positive impact on your colleagues and the safety of your workplace environment.

VIDEO: Gateway | Cultivating Attitudes and Identifying
Harassment

Discrimination vs. Harassment



- ❑ **Harassment** is a particular type of discrimination that includes unwelcome or offensive conduct toward another person.

- ❑ **Discrimination** is the generic term for all kinds of biased treatment that negatively impacts a person's job opportunities based on their protected characteristics.

- Like discrimination, certain forms of harassment are prohibited by federal, state, or local laws, and some aren't.
 - Ex: workplace bullying (also called “abusive conduct”) is generally not illegal, but it's always harmful.

Examples of Harassment

Hostile Work Environment:

- A hostile work environment generally involves unwelcome conduct based on a person's sex or other protected characteristics that is intimidating, abusive, or offensive.

Quid Pro Quo:

- Usually involves a supervisory person who asks a subordinate to do something inappropriate in exchange for a workplace benefit or decision.
- This is ILLEGAL! Regardless of the subordinates feeling about it.

Abusive Conduct:

- Abusive conduct doesn't have to be illegal to cause harm.
- Many forms of abusive or offensive conduct haven't been addressed yet by law.
- abusive conduct does not have to happen at the physical workplace or during work hours to negatively impact work



Harassing Behavior Based on:

Sexual or Sex-Based

- Unwelcome sexual advances (touch, comments, jokes), req for sexual favors, etc.

Gender

- This includes negative behavior directed at individuals based on their transgender status, sexual orientation, gender identity, gender expression, or any other characteristics that do not conform to stereotypical assumptions about gender.

Disability or Genetics

- This can include questions about a person's disability or genetic information, posting stigmatizing images, putting someone's aids or adaptations out of their reach, or making disparaging comments about their capabilities.

Age

- This includes stereotyping and harassment based on a person's age, age-related jokes or nicknames, making hostile remarks or assumptions

Race or Color

- This can include racial slurs, putting up offensive images or symbols, inappropriate and offensive comments about someone's appearance based on their race or the color of their skin.

(Cont.) Harassing Behavior Based on:

Religion

- This can include unwelcome attempts to convert people or mocking someone's religion. It can also involve invasive questioning or insensitivity to religious observances like holidays, prayer time, or religious dress.

National Origin

- Making jokes about a person's country of origin or ethnicity, making offensive comments about someone's accent, or teasing someone about their "weird" name

Weight and Height

- This can include making jokes and offensive remarks or weight shaming. It may also involve making unwelcome remarks about someone's size as it pertains to their dating life, eating habits, or health.

Social Class

- This includes biased comments about someone's income level, the neighborhood in which they live ("you make it to work without getting shot?"), or their educational background

Race or Color

- This can include racial slurs, putting up offensive images or symbols, inappropriate and offensive comments about someone's appearance based on their race or the color of their skin.



Scenarios of Harassment:

- ***During a meeting, a senior level staff member sits very close to a new employee and repeatedly touches them on their leg and shoulder seemingly for “emphasis”***
 - This is considered a sexual advance and ultimately wrong. Could potentially lead into the Quid Pro Quo category.
- ***A department head constantly tells a blind employee how “inspiring” he is for doing the same tasks as other employees.***
 - This is considered harassment based on one's disability.

We Are All Contributors!




- The NFTA is committed to creating an environment in which people feel empowered and supported to intervene when necessary.
- A positive workplace culture is formed by your daily attitudes and actions.
- Making the choice to intervene when you spot harassment can have a major impact not only for yourself but others as well.


The Bystander Effect

The more people who witness an incident, the less likely it is that someone will intervene- that's the power of the Bystander Effect.

Reason #1	Reason #2	Reason #3
Observing people who witness an incident but do not intervene can cause someone to assume that the behavior is acceptable and they're the only one who is uncomfortable	When many people observe a potentially harmful or unprofessional situation, individuals feel less personal responsibility to intervene. They may assume that, with so many people around, surely someone else will help.	Bystanders often wait in confusion to see if someone else will intervene. This is a natural response, but it doesn't mean the impacted person doesn't need help.



Knowing When to Intervene:



Taking action can be difficult, and there are many reasons why well-intended people avoid intervening in problematic situations at work.

Some expressions that may be used when witnessing harassment/ discrimination:

- “It’s not my business”
- “I might make things worse”
- “I’ll be called a ‘troublemaker.’”
- “It won’t be welcomed”



Intervene as Appropriate

There is no “one size fits all approach”

- **Be Prompt:** get ahead of the issue before it grows much larger.
- **Use the right strategies:** take the appropriate measurements
- **Be Positive:** Don't make the situation worse.

If you do witness or experience harassment/ discrimination and aren't comfortable speaking up, ultimately speak with your supervisor/ manager.

Remember, taking no action is not a neutral behavior. Silence is exactly what harassment needs to thrive.

Intervening Scenario #1:

You are at a team lunch when Ida and Jaylan start snickering at a pregnant woman seated at a nearby table. They are mocking the woman's size, saying that she barely fits under the table and using their hands to imitate the size of her stomach. No one at your table says anything or seems to be bothered.

What is the best action for you to take?

- ☐ Say nothing. No one is speaking up, so maybe they know something you don't
- ☐ Wait until you get back to the office to tell a colleague what happened.
- ☐ Say something to Ida and Jaylan. Mocking someone's size and pregnancy is offensive and hurtful



CORRECT!!!!

- ✓ Say something to Ida and Jaylan. Mocking someone's size and pregnancy is offensive and hurtful
- Mocking the woman's size and pregnancy is offensive!
- Intervening is the right thing to do.



Intervening Scenario #2:

You walk into the break room and notice your colleagues, Kyle and Zehra. Kyle is whispering to Zehra, who seems upset. Suddenly, Kyle raises his voice and says to Zehra, "I already told you I'm not interested in dating you. Give your fancy presents to someone else!" Kyle briskly walks out of the room, and you notice Zehra, with a hurt expression on her face, holding a wrapped box.

What is the best action for you to take?

- ☐ Say nothing. After all, you walked in on a private conversation.
- ☐ Tell Zehra that Kyle's outburst was inappropriate.
- ☐ Immediately report what you saw to human resources or another appropriate channel according to our organization's policy.



CORRECT!!!!



- ✓ Immediately report what you saw to human resources or another appropriate channel according to our organization's policy.
- You might think that Zehra is the one experiencing harassment because she's visibly upset, but that is not the case!
- Kyle got upset because of Zehra's inability to take no as an answer.
- Zehra's unwelcomed attention could also be considered sexual harassment

Taking Action Against Retaliation:

- The third and final 'A' in bystander intervention is **ACTION**.
- Taking action means getting ahead of a problematic situation before it arises into something more serious.

[VIDEO: Gateway | Taking Action Against Retaliation](#)

RETALIATION

➤ What is Retaliation?

- Retaliation is when an employee is punished for engaging in an activity that is legally protected, including reporting suspected harassment or discrimination.
- Retaliation is not only wrong it is ILLEGAL.
- Behavior may extend to someone because they are associated with the person who is the main target of retaliation



What Does Retaliation Look Like?

- Retaliation can be overt/ more severe (termination) or subtle/ less severe (exclusion from workplace activities).
- Can result in:
 - Termination
 - Denied a promotion
 - Refusal to hire
 - Bad Performance Review
 - Transferred to another location
 - Increased workload
 - Change of Shift
 - Change of duties
 - Excluded from workplace activities

Regardless of the situation, retaliation is NEVER okay. Some forms of retaliation are illegal.



Retaliation Scenario #1:

- Mia is a remote employee who recently reported sexual harassment against a colleague. Mia was allowed to work flexible hours for the past year as long as she completed tasks on time. However, her colleagues and customers have increasingly expressed concerns about their ability to reach her when her hours are unpredictable. In response, her supervisor, Darryl, suddenly and without seeking her input, informs Mia that she must work within a set eight-hour period. Mia wonders if she is experiencing retaliation in response to her harassment report.

Is Mia Experiencing illegal retaliation?

- ☐ Yes. Darryl allowed Mia to work flexible hours until she complained about sexual harassment.
- ☐ Maybe, but only if Mia strongly prefers flexible work hours.
- ☐ No. Darryl's behavior likely isn't illegal retaliation, although not the best approach.



CORRECT!!!!

✓ *No. Darryl's behavior likely isn't illegal retaliation, although not the best approach*

- Darryl's decision appears to be solely based on legitimate business needs.
- Customers and colleagues have expressed concern with Mia's recent work efforts.
- Darryl's sudden decision could be perceived as retaliatory with how her recent filing but there's a reason why her schedule was changed.



Retaliation Scenario #2:

- *Mia and Noel are colleagues who work under their supervisor, Raj. One day, Noel sees a message Raj sent Mia asking her on a date. The message includes a threat implying something bad would happen to Mia if she declined. Noel speaks to Raj about the concerning message, which embarrasses Raj enough that he feels he can no longer work with Noel. Raj then has Noel transferred to another department.*

What is the best action for Noel to take?

- ☐ Report the situation to human resources or another appropriate channel.
- ☐ Do nothing. Raj is within his rights as a supervisor to transfer Noel.
- ☐ Confront Raj about the transfer.





CORRECT!!!!

✓ *Report the situation to human resources or another appropriate channel.*

- Raj's message is harassing.
- Raj is retaliating against Noel by transferring her to another location.
- Noel should get ahold of Human Resources/EEO immediately
- This conduct is NEVER okay!

Taking Direct Action Against Harassment/ Discrimination

Negative Remark:

"They just hired her to meet a quota,"



Replace it with a positive message:

"Really? So far she's impressed me with her work"

Hearing Hurtful Rumors:

"Cathy's always talking with the bosses, I don't want her coming with us to lunch"



Replace it with:

"I don't think that's true, let's have lunch with Cathy, she's awesome"

Hearing a Discriminatory Joke:

Don't laugh or join in.



Try Saying:

"That comment wasn't cool- this isn't funny"

How to Take Direct Action:



Speak Up!

Speaking up can be powerful. Say something to the person who is behaving inappropriately



Speak for Yourself!

Tell them how it made you feel as the outsider. Never bring the victim into your opinion.



Don't Participate!

Send a quiet but direct message that you do not support the misconduct

Other Ways to Take Action



Distract

Try asking the person engaging in harassment for the time or interrupt and change the subject to something neutral. This allows you to diffuse a tough situation.



Delegate

Try seeking advice from someone you trust (friend, family, HR) if you're unsure if the behavior you're experiencing is concerning.



Delay

Delaying offers support to a target after an incident. It is a good tool for times when in-the-moment interventions are impractical or might do more harm than good.

Legal Penalties and Remedies

Employees who commit harassment, discrimination or retaliation can be subject to discipline, including separation from their employer, or legal consequences. There are also remedies for illegal conduct afforded by the law.

➤ **Penalties:**

- Harassment harms both individuals and the entire workplace. Not only can the individual harassing face penalty, so can the workplace.

➤ **Enforcement:**

- There are federal, state or local enforcement agencies that enforce anti-discrimination laws.
- The Agency that enforces federal laws prohibiting discrimination is the U.S. Equal Employment Opportunity Commission (EEOC)

➤ **Remedies:**

- Anyone found responsible for discrimination or harassment will be disciplined
- The goal is always to prevent future harm. If misconduct continues, the discipline will escalate.





Summary of Training

- We learned how discrimination, harassment, and retaliation manifest in the workplace, and what you can do to help prevent these actions and behaviors.
- Three A's of the Bystander Intervention
 - ✓ **Awareness:**
 - Being aware of what is happening around you and your colleagues in the workplace.
 - ✓ **Attitudes:**
 - Maintaining a respectful, equitable environment means actively modeling the attitude that discrimination, harassment and retaliation have no place in the workplace.
 - ✓ **Action:**
 - You have the power to act, either by saying or doing something at the moment you see it or by following up after the fact. If taking action on your own makes you uncomfortable, you can still make a difference by seeking help from others

Available Resources to All Employees

- **Equal Employment Opportunity Department (EEO)**
- **Human Resources (HR)**
- **U.S. Equal Employment Opportunity Commission (EEOC)**
- **Employee Assistance Program (EAP)**

If you are interested in obtaining any contact information, please let us know.



**Not every disability
is visible, some are
just not obvious.**



People choose to wear the Sunflower to discreetly indicate that they have an invisible disability and may need help, assistance or simply more time.

- | | |
|-------------------------------|-------------------------|
| 1. Ask if you can help | 4. Have patience |
| 2. Be kind | 5. Do not judge |
| 3. Listen closely | 6. Show respect |



HIDDEN disabilities



- ✿ Sunflower Program Launched in 2016
- ✿ Global Initiative to support people living with non-visible disabilities in their communities.
- ✿ Not all disabilities, conditions or chronic illnesses are obvious to others.
- ✿ Goal: Raise awareness, train businesses and share stories to help create a more inclusive, understanding society.
- ✿ Used in
 - ✿ Retail
 - ✿ Travel: Airports (300+), Busses, trains
 - ✿ Education: Universities & Schools
 - ✿ Transportation

[VIDEO: Hidden Disabilities Sunflower Program](#)