



# **U.S. Equal Employment Opportunity Commission EXCEL 2014**

## **An Introduction to the EEOC's Laws and Procedures**

**by**

**Eddi Daniel Abdulhaqq**

**Program Analyst/Small Business Liaison**

**Outreach, Education and Training**

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

**Birmingham District**

**1130 – 22 Street South**

**Birmingham, AL 35205**

**205/212-2078    [eddie.abdulhaqq@eeoc.gov](mailto:eddie.abdulhaqq@eeoc.gov)**

**1/800-669-4000    [www.eeoc.gov](http://www.eeoc.gov)**



# Today's Goals

- ❖ Provide an overview of the EEOC's laws
- ❖ Review national statistics for FY 2013
- ❖ Provide an overview of the EEOC's charge filing and investigative procedures
- ❖ Discuss hypothetical situations of frequently alleged employment actions
- ❖ Provide some best practice tips

# Laws Enforced by the EEOC



- **Title VII of the Civil Rights Act of 1964 (Title VII) prohibits discrimination based on sex, race, religion, national origin, and color**
- **The Age Discrimination in Employment Act of 1967 (ADEA) prohibits discrimination against persons 40+ and older**
- **The Equal Pay Act of 1963 (EPA) prohibits sex-based wage discrimination between women and men in the same establishment performing equal work under similar working conditions**
- **The Americans with Disabilities Act of 1990 (ADA) prohibits discrimination against an individual with a disability**
- **Genetic Information Non-Discrimination Act of 2008 (GINA) prohibits discrimination based on a person's genetic information**
- **All laws prohibit **retaliation** against persons who engage in protected activity.**



# Covered Employment Actions

- Assignments
- Benefits
- Discharge
- Discipline
- Harassment
- Hiring
- Lay-off
- Promotion
- Reasonable/Religious Accommodation
- Recruitment
- References
- Training
- Wages



## FY 2013 Enforcement & Litigation Statistics

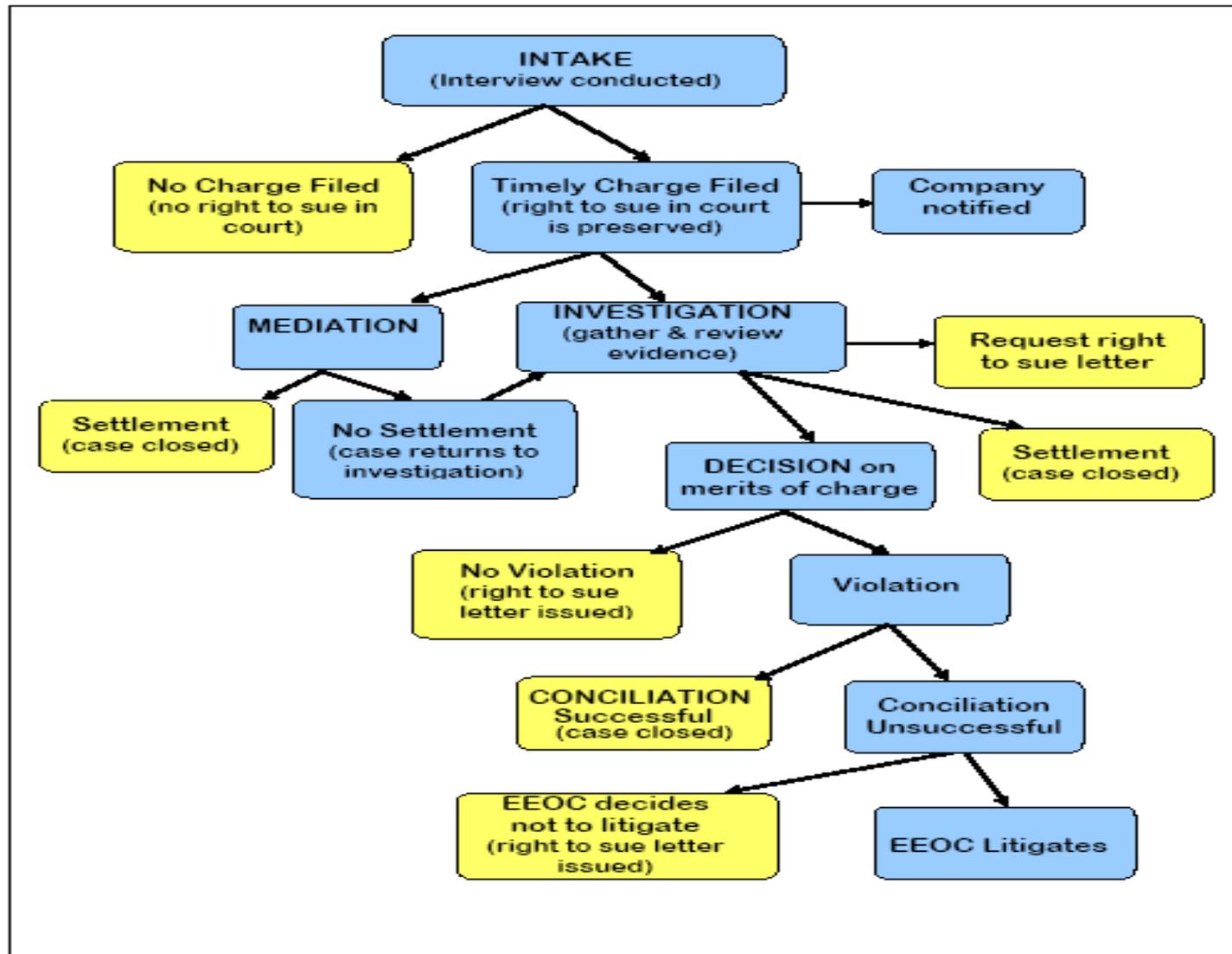
- EEOC received 93,727 private sector charges in FY 2013 - 5,685 less than the number of charges received in FY 2012.
- EEOC obtained \$372.1 million in relief through enforcement and \$39 million in litigation (\$411.1).
- Nationally, 41.1% of charges alleged retaliation, 35.3% race, 29.5% sex, 27.7% disability, and 22.8% age.
- The most frequently alleged employment actions: discharge, terms/conditions, & harassment.
- Most charges allege disparate treatment, individual harm.



What does a person need to file a charge?

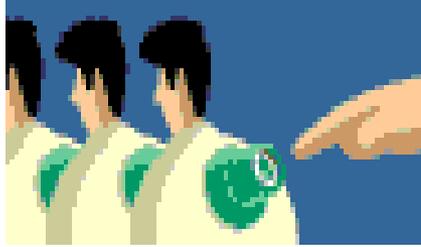
- **A sincere belief that a law enforced by the EEOC has been violated**
- **File within 180/300 days (when there is a FEPA) of the alleged discriminatory act**
- **Meet jurisdictional requirements re: the employer has the requisite number of employees as defined by law**
- **Or, insist on filing a charge**

# EEOC CHARGE PROCESSING



Yellow = Charge process ends

Blue = Charge process continues

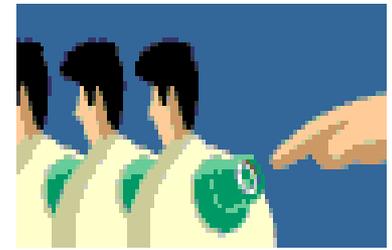


# Theories of Discrimination

- **Disparate Treatment (Individual/Class)** occurs when a Respondent\* excludes persons from an employment opportunity because of race, sex, religion, national origin, color, age, disability, or genetic information.
- **Adverse/Disparate Impact** occurs when an employer has a neutral employment policy or practice which is applied evenly but has a disproportionate effect on a protected group.
- \*an employer or other covered entity

# Theories of Discrimination

## contd.



- **Perpetuation of past discrimination:** is the maintenance of a neutral employment policy or practice which perpetuates past discrimination.
- **Accommodation:** the failure to accommodate an employee's religious practices or a person with a disability.
- **Retaliation:** occurs when an employer takes an action against a person because the person has participated in the EEO process, complained about or opposed what the person believed to be an unlawful action.



# Disparate Treatment and Proving Unlawful Discrimination

- **To treat someone differently because of race, sex, color, religion, national origin, age, disability or genetic information in an employment decision or action may violate federal laws.**
- **Federal courts have established prima facie elements or standards of proof - - the minimum amount of proof required of a complainant to shift the burden of production to the employer to provide a legitimate, nondiscriminatory explanation for its action.**

# More on Disparate Treatment

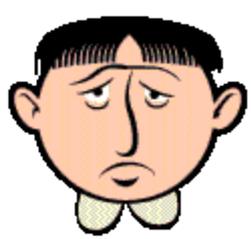


- **Difference in treatment between similarly situated persons is the basis of the disparate treatment theory.**
- **The Complaining Party (CP) must establish that the Respondent's actions were based on a discriminatory motive.**
- **The CP may establish a prima facie case by showing that CP:**
  - **1) is a member of a protected class;**
  - **2) was harmed by an employment action; and**
  - **3) similarly situated persons outside of CP's protected class were not harmed under similar circumstances.**
- **Comparative, statistical, and direct evidence may be sought during an investigation.**



# Title VII prohibits discrimination on the basis of:

- Race
- Color
- Sex (including pregnancy)
- Religion (including requirement to reasonably accommodate religious practices of applicants and employees)
- National Origin (including ethnic background and traits associated with national origin like family surname, language, or accent)



# Discharge Elements of Proof

- Complaining/Charging Party (CP) is a member of a protected class;
- CP was qualified for the job s/he was performing;
- CP was satisfying the normal job requirements;
- CP was discharged/fired/terminated;
- CP was replaced by someone outside of his/her protected class.

# John is discharged



- John, a male sales rep, is terminated for poor job performance because he did not meet his sales quota for 3 months. The employer's policy states that poor job performance is a dischargeable offense. However, Jane, a female sales rep, is given a warning when she did not meet her quota for 4 months. John believes Robert, the sales manager, did not fire Jane because she is a woman.
- John files a charge of discrimination alleging sex (male) discrimination.
- How do you respond?

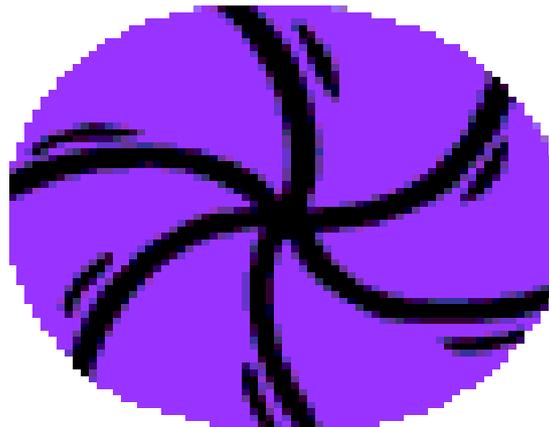
# Discipline & Discharge



- Disciplinary and discharge policies should be in writing and distributed to all supervisors and employees.
- The disciplinary policy should be progressive in nature.
- Consistent application is crucial: similarly-situated employees who commit the same infraction should be given the same punishment.
- **Document** any rare reasons for deviation.
- The supervisor or manager should **document** facts that support a recommendation or decision to discipline an employee.

# Generic Elements

- CP is a member of a protected class
- CP is similarly situated to employees outside of the protected class
- CP was treated differently than the employees outside of his/her protected class

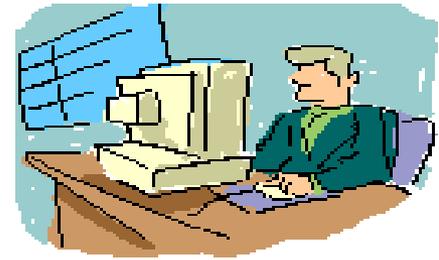




# The Age Discrimination in Employment Act (ADEA)

- Prohibits discrimination because of age
- Applies to persons 40 years old and older
- Covers employers with 20 or more employees
- Is based on the Fair Labor Standards Act
- Individuals can file complaints
- EEOC can conduct directed investigations

# No training for Jay



- **Jay, a 55-year old dispatcher, was told not to “waste his time” on the technology training class for the equipment the company will begin using in the fall. The other dispatchers who are much younger than Jay are encouraged to take the training. When Jay asked if he could take the training, Jay’s manager told him not to bother learning the new technology and to let the young go-getters worry about it.**
- **Jay files a charge alleging age in his terms, conditions, and privileges of employment. What is your response?**
- **What if a promotion to lead packer is announced?**
- **What if the employer has a lay-off?**

# Promotion and Terms & Conditions Tips



- Ensure that all employees in similar jobs have the same access to mentoring programs, training, choice assignments or other career development opportunities.
- Post/disseminate information about career development opportunities.
- For promotions, post minimum job requirements.
- Apply selection criteria to each eligible promotion candidate consistently.
- Keep documents/notes that demonstrate how candidates satisfy selection criteria.



# The Equal Pay Act



- President Kennedy signed the Equal Pay Act into law June 10, 1963.
- Prohibits sex-based wage discrimination between men and women who perform the same job requiring equal skill, effort, and responsibility
- Both men and women are covered
- Includes fringe benefits, perks, bonuses, etc.
- Is based on the Fair Labor Standards Act
- Individual can file lawsuit and is not required to file a charge; individual can file a complaint
- EEOC can conduct a directed investigation



# EPA and Title VII



- Payment of unequal wages
  - Employees are of opposite sex
  - Equal work on jobs the performance of which requires equal skill, effort, and responsibility
  - Performed under similar working conditions
  - **No need to show intentional discrimination**
- CP is a member of a protected class
  - CP is similarly situated to employees outside of the protected class
  - CP was treated differently than the employees outside of his/her protected class
  - **Needs to show intentional discrimination**



# Sam and Sue and Sid

- Sam and Sue work on an assembly line putting parts together and were hired at the same time, doing the same job. Sue learns that Sam is paid \$10 per hour whereas she is paid \$9 per hour. Sue also learns that Sid who puts the last widget on the part and labels and packs the parts is paid \$15 per hour.
- Four men and two women also work on the assembly line but Sue does not know what they are paid because the company prohibits employees from talking about pay.
- If Sue files a charge, what would she allege?
- With whom, if anyone, is Sue similarly situated?
- What is your response to the differences in pay?
- Could Sue allege a violation of Title VII and the EPA?

# Compensation Tips



- **Analyze the duties, functions, and competencies relevant to all jobs.**
- **Create objective, job-related standards related to those duties, functions, and competencies.**
- **Be consistent in establishing starting salaries.**
- **Have a written policy for promotional pay increases.**
- **Communicate your policy and promote transparency.**
- **Limit managerial discretion in setting pay.**
- **Train key decision makers in federal laws prohibiting discrimination.**
- **Monitor compensation practices and performance appraisal systems for patterns of potential discrimination.**

# The Americans with Disabilities Act (ADA)



- Prohibits discrimination on the basis of disability, including the requirement to provide a reasonable accommodation to persons with a physical/mental impairment
- Covers individuals who have a physical or mental impairment which substantially limits one or more major life activities and can perform the essential functions of the job with or without a reasonable accommodation
- Covers individuals with a record of a disability
- Covers individuals regarded as having a disability



# The Americans with Disabilities Act Amendments Act (ADA AA)

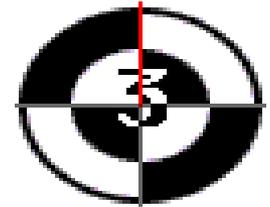
- Directs EEOC to construe the term “disability” broadly
- Includes two non-exhaustive lists of major life activities, such as **seeing, hearing, eating, sleeping, walking, breathing, reading, thinking, communicating, learning, concentrating, studying, lifting, bending, speaking, working, caring for oneself, and performing manual tasks.**
- Major life activities also include the operation of “**major bodily functions,**” such as the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, reproductive, and the endocrine systems.



# Is the person a qualified individual with a disability?

- Does the person have the skills, education, employment experience or licenses required for the job?
- Can the person perform the essential functions of the job with or without a reasonable accommodation?
- Note: Person must be a qualified individual able to perform the essential functions of the job with or without a reasonable accommodation

# ADA Elements of Proof



1. CP has a disability;
2. CP is a qualified individual;
3. CP was unlawfully subjected to discrimination because of his or her disability.

# Elements of Proof for Failure to Provide a Reasonable Accommodation



- 1) Complaining Party (CP) has a disability (a physical or mental impairment that substantially limits one or more major life activities) or has a record of a disability;
- (2) CP notified Respondent (R) of his/her disability and the need for an accommodation;
- (3) There is an accommodation that would allow CP to participate in the application process; to perform the essential functions of the job; or to enjoy equal benefits and privileges of employment;
- (4) R failed to provide an effective accommodation.
- R's rebuttal: The requested accommodation (as well as alternative effective accommodations) would pose an undue hardship.

# Liz and Helping Hand Hospital



- Liz has worked for Helping Hand Hospital for five years as an emergency room nurse. Liz recently told HHH's human resource director she needs help in doing her job and provided a doctor's statement that restricted Liz from lifting or carrying more than 10 pounds, pushing or pulling any object, climbing steps, and stretching or working above shoulder level. HHH states that it cannot accommodate Liz's request because her job duties require her to work with patients under various circumstances and Liz needs to be able to lift, push/pull a minimum of 20 pounds, climb steps and stretch and work above shoulder level. Liz submits a request for indefinite sick leave.
- Should HHH grant Liz's request for an accommodation?

# How do you respond to Michael?



- Michael, a data clerk, has a permanent leg injury that substantially limits his ability to stand and walk. Michael performs most of his work on a computer. He also opens and sorts bills, enters data in the a/c data base, and prepares accounting reports.
- Occasionally, data clerks deliver the mail when all mail clerks are absent. Michael's supervisor tells the data clerks that they will have to deliver the mail the week of August 5 because all mail clerks will either be on vacation or in training. Each data clerk will be assigned a day. The employer occupies a 10-story building and the mail has to be delivered to each department which usually takes all day. Michael asks that he not be required to deliver the mail.



# Michael asks for an accommodation

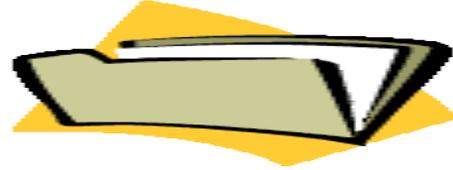
- Should you grant Michael's request?
- Is Michael a qualified individual with a disability?
- Is delivering the mail an essential function of Michael's job?
- Delivering the mail is not an essential function of Michael's job because it is an occasional duty. But Michael can perform the essential functions of his data entry job with the accommodation of removing the mail delivery function.

# Disability Awareness Tip

- Focus on the person's ability to do the job – not their disability.
- Work with a person with a disability to determine if there is some assistance or reasonable accommodation that will allow the person to perform essential job functions.



# Record of and Regarded as



- Record of a substantially limiting condition means the person has a record or history of a past disability, such as a person with a history of cancer that is currently in remission.
- Regarded as covers anyone subjected to an action prohibited by the ADA/ADA AA because of an actual or perceived physical or mental impairment.

# The Genetic Information Nondiscrimination Act (GINA)



- Signed into law by President Bush in September 2008 and became effective November 21, 2009
- Prohibits use of genetic information to discriminate in employment
  - Includes prohibition on harassment and retaliation
- Restricts employers and other entities covered by GINA from requesting, requiring, or purchasing genetic information
- Requires that covered entities keep genetic information confidential, subject to limited exceptions

# What is Genetic information

- Genetic Information is information about:
  1. An individual's **genetic tests** (DNA, RNA)
  2. Genetic tests of **family members**
  3. The manifestation of a disease or disorder in family members (**family medical history**)
  4. Request for or receipt of genetic services by an individual or family member (e.g., genetic test, counseling, education)
  5. Genetic information of a fetus carried by an individual or family member or of an embryo legally held by the individual or family member using an assisted reproductive technology.

# Examples of Genetic Tests



- Tests for the BRCA1 or BRCA2 gene evidencing increased risk of breast cancer or ovarian cancer
- Tests evidencing predisposition to, or increased risk of acquiring, certain forms of colon cancer
- Tests for a genetic variant for Huntington's Disease
- Carrier screening for adults to determine risk of transmission of a gene to offspring (e.g. cystic fibrosis, sickle cell anemia, or spinal muscular atrophy)



# Tests That Are Not Genetic

- A test for a virus that is not composed of human DNA, RNA, proteins or metabolites – e.g. HIV test
- Liver function tests
- Cholesterol test
- Blood glucose test
- A test for infectious and communicable diseases that may be transmitted through food handling
- Test for drug or alcohol use

**NOTE:** All of these tests (except test for current illegal drug use) are subject to ADA rules concerning medical exams<sup>6</sup>

# GINA Acquisition or Use of Genetic Information Elements



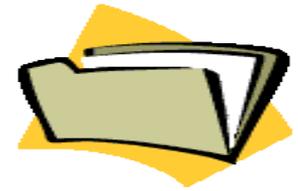
- CP is an applicant, employee, or former employee
- The employer requested, required, purchased or otherwise acquired genetic information about CP or CP's family member.
- Or, the employer used genetic information of an applicant, employee, or former employee in making an adverse employment decision against the person
- If unlawful acquisition is alleged, does one of the six exceptions apply?



# Six Exceptions to Acquisition Rule

- 1) inadvertent request for medical information
- 2) offer of health or genetic services, e.g., wellness program
- 3) FMLA request to care for family member with serious health condition
- 4) commercial and publicly available documents
- 5) genetic monitoring of effects of toxic substances in the workplace
- 6) DNA testing for law enforcement or human remains identification purposes if used for quality control purposes.

# Addison does not get the job



- **Addison's supervisor finds a copy of a funeral announcement inadvertently left on the office copier. It is for Addison's younger brother who died of a sudden heart attack. The supervisor had been undecided between assigning Addison or another employee as acting supervisor during his extended vacation. Based on this information, he decides it would be best not to add the additional stress of supervision on Addison. In addition, he puts the announcement in a folder to give to the acting supervisor so that she will be aware of Addison's situation.**
- **Did the employer obtain genetic or family medical history information?**
- **Is the employer liable?**
- **Did the employer use the information?**
- **Is there a GINA violation?**



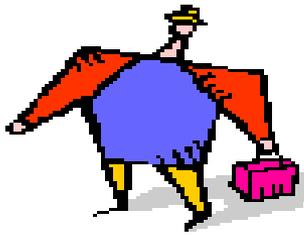
# Retaliation Prohibited

- Prohibited by all EEOC laws.
- This means that it is unlawful to penalize, punish or deny an employment benefit because a person opposed discrimination or participated in any way (for example, as a witness) in the investigation of a charge.

# Retaliation Proof Elements



- Complaining Party (CP) complained, opposed an unlawful practice or participated in an EEO activity protected by the law
- The Respondent (R) was aware of the CP's protected activity
- The R took an adverse action against the CP subsequent to or contemporaneously with the CP's protected activity
- There is a causal connection between the CP's opposition or participation and the adverse employment action



# Sue is disciplined.

- After Sue complained about being paid less than Sam and Sid because she is a woman, Joe, the supervisor, decides to watch Sue to see if she comes to work on time and does her job. Joe knows Sue has been late a few times and decides he will start documenting her. When Sue gets a write-up for being late, she files a complaint alleging retaliation.
- Has Joe retaliated against Sue?
- In 2011, a Cumberland County, NC jury awarded a woman \$450,000 in compensatory damages in her lawsuit against Goodyear. The jury decided that the female was not discriminated against because of her race and sex but she was fired for making a complaint of discrimination.

# Thompson v North American Stainless and University of Texas Southwestern Medical Center v Nassar



- The Supreme Court in Thompson held that a reasonable person might be dissuaded from engaging in protected activity if she knew her fiance would be fired as a result of her protected activity.
- The Supreme Court also held that the fired fiance has a cause of action for retaliation if his fiance's protected activity was the reason for his discharge.
- In UTS Medical Center, the Supreme Court held that persons alleging Title VII retaliation claims must show that their employer would not have taken action against them if the person had not complained of unlawful discrimination.



## “But For”

- Mike and Nick, White co-workers of Fred who is Black, were offended by Jeff’s racial slurs about Fred. Jeff (White) supervises all three. Jeff continues his frequent use of racially derogatory words to describe Fred after Mike and Nick tell him they are offended, so they file complaints. When the HR director starts to investigate the complaints, Jeff tells them to withdraw the complaints or they will be fired. Mike and Nick do not withdraw the complaints and are fired.
- Have Mike and Nick engaged in protected activity?
- Was the employer aware of their protected activity?
- Were Mike and Nick subjected to an adverse employment action as a result of their protected activity?
- **Plaintiffs awarded \$300K for emotional distress in Bennett v Riceland Foods**

# Harassment in the News



- Jury Awards \$240 Million for Long-Term Abuse of Workers with Intellectual Disabilities
- Aaron's Inc. To Pay \$95 million in Fairview Heights, IL Sexual Harassment Suit
- Buffalo, NY, Jury Awards \$25 Million in Damages in Race Case Against ISG **(and 3 Managers Assessed \$75K Compensatory Damages)**
- Chicago YDR Worldwide Pays \$11 Million to Settle Race Suit
- International Profit Association of Buffalo Grove, IL To Pay Harassed Workers \$8 million
- Former LA Rite Aid Store Manager Awarded \$3.5 Million in Disability Suit
- Founders Pavilion Will Pay \$370,000 to Settle EEOC GINA Lawsuit
- US Security Associates, Inc. of Birmingham to Pay \$1.95 Million to Settle Sexual Harassment Suit
- Court Denies Whirlpool's Bid to Amend \$1.07 Million Award in a Racial and Sexual Harassment Case
- Owner of 25 McDonald's Restaurants to Pay \$1 Million in Sexual Harassment Suit
- Boh Brothers Construction Penalized \$451K in Sexual Harassment Suit
- Ready Mix Pays \$400K to Settle Montgomery, AL Race Harassment Suit

# Unlawful Workplace Harassment



- Is any **unwelcome** verbal or physical conduct based on a person's **sex, race, religion, national origin, color, age, disability, or genetic information** AND
- The conduct can reasonably be considered to adversely affect the person's work environment (Hostile Work Environment) OR
- An employment action/decision affecting the employee is based on the employee's rejection or acceptance of the unwelcome conduct (Tangible Employment Action)

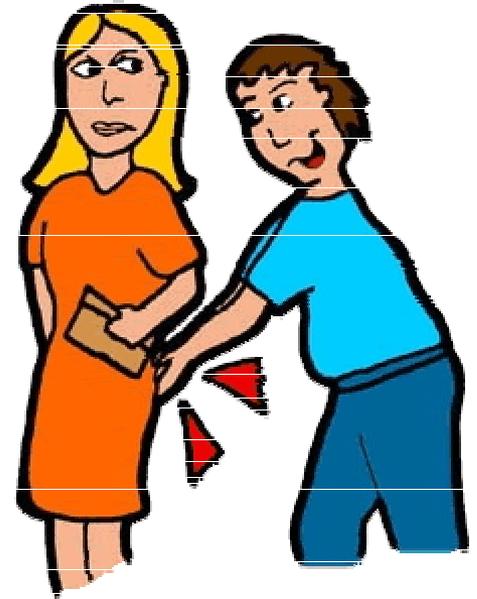
# Conduct Is Considered Harassment



- When it is **UNWELCOME**
- When it is based on a **PROTECTED BASIS**
- When it results in a **TANGIBLE EMPLOYMENT ACTION** or creates a **HOSTILE WORK ENVIRONMENT**

# What is Unwelcomeness?

- Employee did not solicit or invite the conduct.
- Employee regarded the conduct as undesirable.



# Workplace Harassment



- Victims
  - Male or female, any protected basis
  - Can be a third party: the victim does not have to be the person to whom the offensive conduct is directed and can be anyone affected by the conduct
- Harasser
  - Male or female, any protected basis
  - Can be manager, supervisor, co-worker or non-employee
- Victim and Harasser can be in the same protected group



Prohibited conduct includes:

- **Offensive language, slurs, jokes, innuendos, assaults, threats, inappropriate touching, explicit pictures, inappropriate gestures, intimidating graffiti, slang expressions, derogatory references, emails, pressure for dates**
- **Actions not considered harassment include:**
- Simple teasing, offhand comments, casual physical contact, minor isolated incidents, consensual activities (e.g., dating, sharing stories about sexual exploits, religious beliefs, etc.).



# Harassment Elements

- Person is a member of a protected group
- Person is subjected to unwelcome conduct
- The harassment is based on sex, race, religion, national origin, color, age, disability or genetic information
- **Hostile Work Environment or**
- **Tangible Employment Action**
- Whether there is employer liability

# Employer Liability

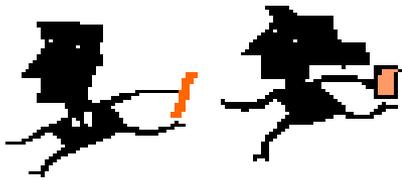


- The employer is liable for harassment by a co-worker, customer, or supplier/vendor if it knew or should have known of the harassment and failed to take corrective action
- Employer knowledge is assumed if (1) a supervisor is present during the harassment, (2) an employee tells a supervisor of the harassment, or (3) harassment is widespread
- The employer is liable for hostile work environment harassment by a supervisor unless it can show that it exercised reasonable care to prevent and promptly correct any harassment (it has an effective complaint procedure) and the employee unreasonably failed to use the employer's complaint procedure or to otherwise avoid harm
- The employer is directly liable for hostile work environment harassment by an owner, a partner, or other "high-ranking official"

# Len Complained



- Len, a technician with Fancy Glasses since 1998, repeatedly told his supervisor that Tere, a female technician, was sexually harassing him. Len's supervisor told him he had nothing to complain about and should take advantage of the situation.
- Len said since 2006 he has told Tere he was not interested in her and that he had a girlfriend. Len said Tere would talk about having sex with him, talk about how good his body looked, and grab his chest and backside. Len said Tere told him she loved and wanted him.
- When Len rejected Tere's advances at a Fancy Glasses' holiday party in 2008, Tere accused Len of sexual harassment.
- Fancy Glasses promptly investigated her claim and did not find evidence that Len had sexually harassed Tere.



# Was Len sexually harassed?

Was Len sexually harassed? What type of harassment? Is the employer liable? Should we consider anything else?

Len was subjected to hostile work environment harassment. The employer is liable because Len repeatedly told his supervisor about the harassment and the supervisor did not do anything.

This involved an actual lawsuit in which the employer was found liable for allowing a male employee to be sexually harassed by a female co-worker. The court awarded the male \$192,500 and the company is required to train its employees about sexual harassment.



# Is Deborah being harassed?

- Unwelcome: Deborah told her co-workers she was offended by their horseplay. Although Deborah talks to one co-workers about sexual matters, it does not mean she welcomed the sexual discussion or conduct of the other co-workers.
- The company is liable because Deborah complained to her supervisor who took no action.
- Active participation will likely defeat a claim.

# Can Joseph do anything?



- Joseph's male co-worker persistently makes sexual advances toward him which he rejects. Joseph complains to their supervisor but the supervisor tells Joseph "to man up" and takes no action.
- Has Joseph been sexually harassed?
- Is the company liable?
- The Supreme Court has ruled that same sex harassment can violate Title VII. The prohibited conduct is sexual in nature and based on sex.
- The Commission has held that claims based on transgender status or gender identity are cognizable under Title VII's sex discrimination prohibition.



# Tangible Employment Action

- Tangible Employment Action Harassment is an employment action/decision that causes a significant change in the victim's employment status;
- Benefits are granted or denied based on the victim's submission to or rejection of the unwelcome conduct;
- The harasser is a supervisory or management official.



# Employer Liability ~ Tangible Employment Action

- The employer is liable for supervisory or management harassment that causes a tangible employment action (an action in which there is a significant change in an employee's status or benefits).
- Tangible employment actions include hiring, firing, promotion/failure to promote, demotion, work assignments, compensation, change in the terms, conditions, or privileges of employment.

# Mike Is Benched



- Mike, a 64-year old sales manager employed 20 years with Special Fasteners, was frequently asked by the vice president and general manager if he was going to retire when he became 65. He said Mike was a good sales manager but Mike was “old-fashioned” and outside sales is a young man’s game. He said he wanted to put young men on the street. When Mike turned 65 and did not retire, the VP told Mike he was being ‘let go’ because he was not a good fit for the company and said his motto was “30-30-30.” “Hire a 30-year-old with an IQ of 30 and pay him \$30,000.” The VP hired a 30-year-old the day after he fired Mike.
- What do you think?
- **The company paid Mike over \$200,000 to resolve the complaint.**

# Appropriate Preventive Action Tips



- Have an effective anti-harassment policy which is disseminated to and reviewed with all employees.
- Provide training to all employees.
- Have an internal complaint procedure of which all employees are aware.
- Monitor the enforcement of the policy and ensure there is no retaliation for using the policy.



# Employer Responsibility Tips

- Treat all employees in accordance with legal, non-biased policies and practices, without regard to race, color, sex, national origin, religion, age, disability, or genetic information.
- Do not retaliate against employees who oppose or complain about discrimination or who participate in an EEO investigation.
- Do not discriminate – It's against the LAW!



**THE EEOC'S GOAL IS:**

- **Equal Employment Opportunity**
  - **For All**

