

Student Name: _____ Date: _____

Define diversity and harassment in the workplace.

Objectives:

- A. Define diversity in the broadest sense.
- B. Define workplace harassment.
- C. Describe the added value of diversity in the workplace.
- D. Describe individuals protected by Federal Laws.

MODULE 5E: INFORMATION SHEET

TO THE STUDENT: Read the following information sheet and complete all activities.

Introduction

Choosing a future career is one of the biggest decisions you'll make in your lifetime. There are many steps that you can take to explore careers and see if certain jobs are right for you. You can elect career and technical education courses, participate in job shadowing experiences and secure part time jobs to name a few. Each of these activities will provide you with feedback relating to your career choice. You'll learn if you like working with people or things, indoors or out, independently or as part of a team, and much more. You'll also start to learn about the people you'll work with in your chosen field. Quickly, you may discover that not everyone is just like you!

Perhaps you'll enter the military or select a college or technical school some distance from home. You may broaden your world perspective by selecting a career that will take you far from home or you may choose a career through which the world comes to you. Technology has made it possible for each of us to connect with individuals in foreign countries while seated in our own homes! Whether you choose to go or stay, you have packed a cultural bag that will impact the way in which you interact with others. Your challenge is to leave room in that bag for new experiences and attitudes. Appreciating and understanding differing cultures is an asset in today's global economy.

But, workplace diversity is not limited to cultural diversity. Technology has also made it possible for many different individuals to share the same workplace. Years ago, a wheelchair bound individual could not physical enter some businesses and industries. The mentally challenged weren't expected to obtain financial independence. The elderly retired at age 65. Times have changed and you will meet a

diverse group of individuals working towards common goals in businesses and industries across the United States as well as throughout the world. You will be part of a unique and diverse workforce!

Diversity in the workplace covers race, gender, age, language, ethnicity, national origin, sexual orientation, disability and religious belief. Diversity also refers to the other ways in which people are different, such as educational level, life experience, work experience, socio-economic background, physical appearance, values, beliefs, personality, marital status, lifestyle and family responsibilities.

Successful organizations and individuals value diversity. Employers recognize and reward those who do so. The law often punishes those who don't.

This Module will cover diversity basics. You'll define diversity in the workplace and recognize advantages to a diverse workforce. You'll also define discrimination and review federal laws prohibiting discrimination. Finally, you'll have the opportunity to design some diversity awareness activities, which you may choose to carry out some day.

The Problem and Its Consequences

The United States is becoming increasingly diverse. Once referred to as the great "Melting Pot" the United States is now likened to a salad where each ingredient remains distinct, even when combined with several others. Individuals are discovering the value that their individual characteristics add to organizations and want to be recognized for those unique contributions.

Unfortunately, not every employee or business follows policies and procedures that demonstrate value for diversity. Major companies have faced large discrimination lawsuits that might have been avoided if managers and employees had recognized sometimes seemingly innocent remarks and actions that were hurtful, discriminatory and eventually costly. Discrimination can lead to stress, ill health, and lawsuits. All of which cost a company loss of productivity, quality, and thousands of dollars.

The Challenge and Value of Workplace Diversity

Workplace diversity has two challenges. One is ensuring that management and employees recognize the value of diversity and the other is managing diversity. Employers must meet both challenges in order to provide a productive, non-threatening environment for employees.

One of the United States' greatest strengths is its diversity. Yet, not everyone embraces diversity. Some individuals fear those who appear different than them in some manner. Workplace diversity involves recognizing the value of individual differences. As a student enrolled in a school-to-work program you will have a greater sense of belonging if, at the workplace, supervisors and coworkers recognize the value that you

bring to the team. You will also need to discover and appreciate the value that each coworker and supervisor brings to the team.

The second challenge for workplace diversity is managing diversity. Successfully managing diversity means creating an environment that values and utilizes the contributions of people with different backgrounds, experiences and perspectives. Employers need to develop people management skills that celebrate the diversity represented in their workplace. They need to recognize the contributions that a diverse workforce makes in generating new ideas and ways of doing things. Employers also need to educate and reward employees who demonstrate an understanding of and value for diversity. As a student participating in a school-to-work program you will want to make every effort to understand your employer's diversity programs, policies and rewards.

Some advantages of valuing diversity in the workplace are:

1. A diverse workforce gives businesses a broader range of ideas and insights to draw on when making decisions and developing policies.
2. A diverse workforce will understand its clients better and have more insights to many markets, which will lead to improved service.
3. Recruiting and training costs are reduced. When potential workers find a diverse workforce that meets their needs and vision they are attracted to and discover great personal and professional growth at that workplace; thus, many businesses can reduce recruiting and hiring efforts. When satisfied workers remain, training costs may be reduced as corporate knowledge and expertise are maintained.
4. Productivity is enhanced when employees interact more effectively with one another.
5. Managers and supervisors will be encouraged to develop overlooked talent.

What is discrimination?

When individuals and employers fail to value diversity discrimination may occur. Discrimination can be a positive choice. For example, an artist can discriminate or distinguish between a wide variety of painting techniques. But for most individuals, the word discrimination has a negative context. In this sense, discrimination means favoring one group over another and displaying prejudice. Discrimination takes many forms. It may mean not hiring or promoting individuals due to personal qualities such as race, color, age or weight. In most cases discrimination is illegal.

Workplace Harassment is a specific kind of discrimination. It occurs when someone at your workplace says or does something to make you feel uncomfortable or intimidated. State and federal laws prohibit discrimination in the workplace for race, sex, pregnancy, religion, color, age, national origin, and disability. Some state and

city governments protect against harassment relating to marital status, sexual orientation, medical condition and physical appearance.

Sexual Harassment is a specific kind of workplace harassment that has drawn a good deal of attention in recent years. Basically, there are two types of sexual harassment. Quid pro quo is a Latin term meaning this for that. One example is a supervisor requesting a sexual favor of an employee in return for a promotion or favorable job evaluation. The second type is hostile environment. This could be offensive pictures and cartoons posted in an office or vulgar language and sexual innuendos. The Supreme Court states that in order for sexual harassment three elements must be present: 1. There is un-welcomed sexual behavior, 2. The employer must have actual or imputed knowledge of the behavior, and 3. Job opportunities or a hostile environment must be involved. Both men and women can experience sexual harassment. As with any type of harassment, sexual harassment is illegal and should be reported to one's supervisor.

Federal Laws Prohibit Discrimination

Discrimination is not new to the workplace and numerous laws have been developed to protect individuals and strengthen our nation. What follows is a summarization of some key legislation that has impacted diversity in the workplace.

The Smith-Hughes Act (Passed 1917)

This Act funded vocational education (currently known as career and technical education), not only for the disabled, but for others as well.

Vocational Rehabilitation Act of 1943

Restorative services were provided for the physically disabled and provisions were made for the mentally handicapped and mentally ill.

Vocational Rehabilitation Act Amendments 1965

These amendments provided funding for innovative programs serving the severely disabled, created a broader base of services including individuals with socially handicapping disabilities and eliminated economic need for services.

The Equal Pay Act of 1963 (Effective 1968)

This Act was an amendment to the Fair Labor Standards Act and it requires the same pay for men and women doing equal work requiring equal skill, effort and responsibility under similar conditions in the same workplace.

The Age Discrimination Act (ADEA, Effective June, 1968)

This Act prohibits age discrimination in hiring, referral, classification, pay, and other terms/condition of employment for those between age 40 and 65. Without this Act,

businesses are tempted to force older employees with the largest salaries, most costly health care and most expensive retirement plans into early retirement so that they can hire new employees at entry-level wage, benefit and retirement plans. The 1978 Amendments to ADEA (Public Law 95-256) abolished mandatory retirement policies up to age 70. It also prohibited discriminating against employees age 40 through 70. The 1986 Amendment to ADEA abolished mandatory retirement after age 70 and The 1990 Older Workers Benefits Protection Act (Effective 1991) provided additional protection for workers being forced into early retirement.

Executive Order 11246, as Amended (Effective October 14, 1968)

This order prohibits employment discrimination based on sex as well as color, race, religion or national origin by federal contractors or subcontractors and contractors who perform work exceeding \$10,000. Employers are required to state in all advertising that they are affirmative action/equal opportunity employers.

Title VII of the Civil Rights Act of 1964, as Amended by the Equal Employment Opportunity Act of 1972

Discrimination based upon sex, as well as race, color, religion, and national origin by employers of fifteen or more employees, public and private employment agencies, labor organizations with fifteen or more members, and labor-management apprenticeship programs. Discrimination based on any of those listed declared unlawful in hiring, firing, wages, fringe benefits, classifying, referring, assigning, or promoting employees; extending or assigning use of facilities; training/retraining or apprenticeships; or any other terms, conditions or privileges of employment. The Equal Employment Opportunity Commission has issued guidelines banning advertising and classifying positions as men/women or male/female jobs. Also, guidelines prohibit employers from excluding from employment an applicant or employee because of pregnancy.

Title IX, of the Educational Amendments of 1972

This legislation protects students, faculty and staff in federally funded education programs. Title IX applies to all elementary and secondary schools, colleges and universities. It also applies to programs and activities affiliated with schools that receive federal funds (such as internships and school-to-work programs). Sexual harassment is a form of prohibited sex discrimination, and both students and teachers are protected from sexual harassment may recover monetary damages. Title IX prohibits sexual harassment in all school programs and activities in school facilities or in other locations when the school is the sponsor of the activity. Both male and female students are protected from harassment regardless of who is committing the harassing behavior. In addition, schools may not discriminate against an enrolled student in academic or non-academic activities because of pregnancy, birth of a child, false pregnancy, miscarriage, or termination of pregnancy unless the student opts to participate in an alternate, comparable activity.

Rehabilitation Act 1973

The Rehabilitation Act's purpose is to "promote and expand employment opportunities in the public and private sectors for handicapped individuals," through the elimination of discrimination and affirmative action programs. Employers covered by the act include agencies of the federal government and employers receiving federal contracts over \$2500 or federal financial assistance.

American with Disabilities Act 1990

The American with Disabilities Act (ADA) was enacted to eliminate discrimination against those with handicaps. It prohibits discrimination based on a physical or mental handicap by employers engaged in interstate commerce and state governments. The type of discrimination prohibited is broader than that explicitly outlined by Title VII.

The Uniformed Services Employment and Reemployment Rights Act of 1994 (significantly updated in 1996 and 1998).

This Act provides reemployment protection and other benefits for veterans and employees who perform military service. It clarifies the rights and responsibilities of National Guard and Reserve members, as well as their civilian employers. It applies almost universally to all employers including the federal government—regardless of the size of their business.

Health Insurance Portability and Accountability Act of 1996 (HIPAA)

The Health Insurance Portability and Accountability Act (HIPAA) applies to employer-based and commercially issued group health insurance only. HIPAA is the only federal law that directly addresses the issue of genetic discrimination. There is no similar law applying to private individuals seeking health insurance in the individual market. The law prohibits group health plans from using any health status-related factor, including genetic information, as a basis for denying or limiting eligibility for coverage or for charging an individual more for coverage, limits exclusions for preexisting conditions in group health plans to 12 months and prohibits such exclusions if the individual has been covered previously for that condition for 12 months or more, states explicitly that genetic information in the absence of a current diagnosis of illness shall not be considered a preexisting condition and doesn't prohibit employers from refusing to offer health coverage as part of their benefits package.

Executive Order, February 8, 2000

U.S. President Clinton signed an order prohibiting every federal department and agency from using genetic information in any hiring or promoting. This executive order prohibits federal employers from requiring or requesting genetic tests as a condition of being hired or receiving benefits. Employers cannot request or require

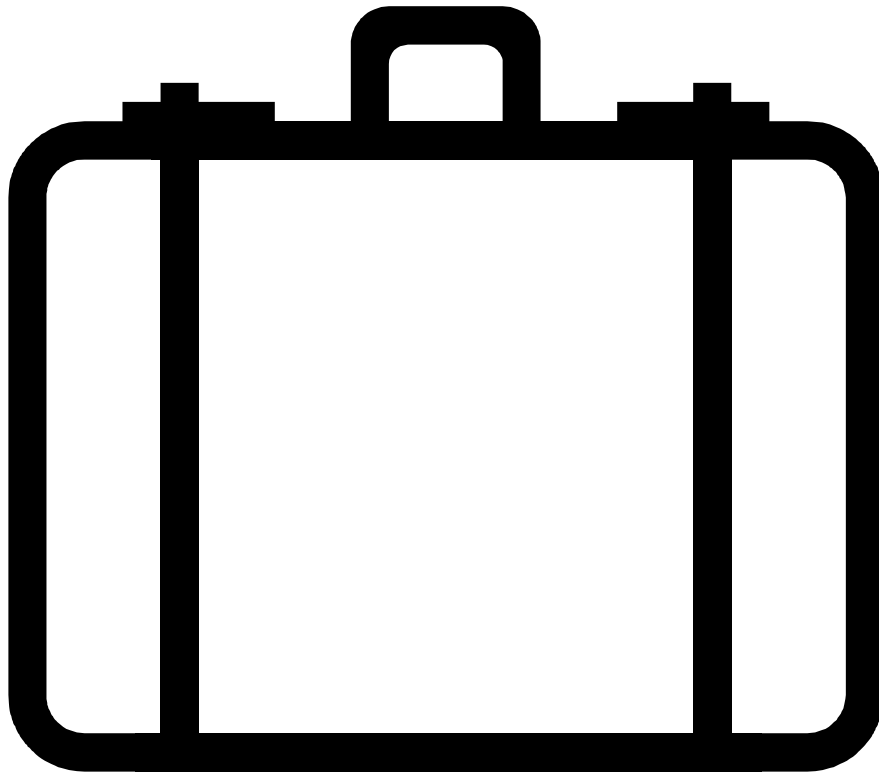
employees to undergo genetic tests in order to evaluate an employee's ability to perform his or her job; prohibits federal employers from using protected genetic information to classify employees in a manner that deprives them of advancement opportunities. Employers cannot deny employees promotions or overseas posts because of a genetic predisposition for certain illnesses, and provides strong privacy protections to any genetic information used for medical treatment and research. Under the EO, obtaining or disclosing genetic information about employees or potential employees is prohibited, except when it is necessary to provide medical treatment to employees, ensure workplace health and safety, or provide occupational and health researchers access to data.

MODULE 5E: STUDENT ACTIVITIES

TO THE STUDENT: After reading and studying the information sheet above, complete the following activities.

Activity 1: Personal Diversity Suitcase

Write in the suitcase below behaviors, beliefs, values, and facts that describe your own cultural bag. For example, honor student, speak fluent Spanish, live with extended family, age 17, etc.



Activity 2: Do you value diversity?

Directions: Write brief responses to the following questions.

1. List five phrases or terms commonly used and understood by you and your friends.
2. Identify which of the above phrases an older adult or foreigner at your workplace would not understand. Describe how language might create barriers in the workplace.
3. Identify any slang or workplace jargon that was new to you when you began your current job. Describe how you adapted to appropriately using the new terms.
4. Describe clothing or personal style choices of your co-workers and how those choices impact your working relationships. If the impact is negative, how might this barrier be removed?
5. Imagine a school or workplace celebration in which individuals contribute the food to be consumed. Describe your willingness to try foods that are new to you. How does your response indicate your value of diversity? In what situations might it be best for you NOT to sample certain foods and beverages?

Activity 3: Is it Discrimination?

Directions: Review the following cases and mark those reflecting discrimination True and those that do not indicating any discrimination as False.

_____ Case 1: Larry receives and forwards an email at work titled “25 Ways Beer is Better Than Women”. Several women receive the email message and report to their supervisor that the message was derogatory and offensive to most women.

_____ Case 2: Susan has been a successful news anchor for a local TV station for 25 years, but lately her work has not been up to par. She has not adapted well to new technology and it is impacting her on-air performance. Her supervisor arranged for private tutoring in an effort to help Susan adapt to the new technology, but Susan has made little progress. Susan was fired due to poor performance and a younger, much more attractive news anchor was hired to replace Susan.

_____ Case 3: Steve and his co-workers have made a hobby of telling “Redneck” jokes, always trying to outdo one another. The jokes are outrageous, but are limited to lunchtime conversation. The group dines in a private area, not available to customers and the general public.

Activity 4: Creating Diversity Awareness

1. Describe, in a few sentences, how you might create a non-sexist “Career Fair” for your school.
2. Plan a “Disability Program” for your school to enhance awareness of the contributions physically and mentally challenged individuals make to their workplaces. Who will you invite to speak to students? What technology might participants demonstrate for students in your school?
3. List the accommodations your school and/or employer have made for those who are physically challenged. Evaluate those accommodations by designing and completing a “Wheelchair Obstacle Course” intended to test your skill in locating and utilizing available accommodations. Your obstacle course should include the challenge to complete tasks encountered by individuals on a daily basis.

Answers to Activity 2-1: 1.True. In 1995 a major U.S. Corporation had to pay a large fine when female employees complained about this offensive email. 2.False. Although a younger worker was hired, Susan was fired for poor performance, not age. 3.False. Although the jokes may be distasteful to many, no one is forced to join the lunch group and listen to or participate in the discussion. This situation could easily escalate and become offensive so supervisors should carefully monitor the situation.

References:

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<http://www.jagcnet.army.mil/JAGCNETInternet/Homepages/AC/Legal%20Assistance%20Home%20Page.nsf/0/3el64b2308f7dee6852568ad00205ee4>

http://www.law.cornell.edu/topics/employment_discrimination.html

http://www.ornl.gov/sci/techresources/Human_Genome/elsi/legislat.shtml

<http://www.shrm.org/books/investigatingharassment/excerpt.asp>

MODULE 5E: STANDARDS ADDRESSED IN THIS MODULE

Pennsylvania’s Academic Standards for Career Education and Work

13.3.11. Career Retention and Advancement

- A. Evaluate personal attitudes and work habits that support career retention and advancement.
- C. Evaluate conflict resolution skills as they relate to the workplace.
 - Constructive criticism
 - Group dynamics
 - Managing/leadership
 - Mediation
 - Negotiation
 - Problem solving

Pennsylvania’s Academic Standards for Reading, Writing, Speaking and Listening (RWSL)

1.1.11. Learning to Read Independently

- E. Establish a reading vocabulary by identifying and correctly using new words acquired through the study of their relationships to other words. Use a dictionary or related reference.