



NEW EMPLOYEE ORIENTATION

*EQUAL EMPLOYMENT
OPPORTUNITY &
WORKPLACE HARASSMENT*

PRESENTED BY
THE OFFICE OF FAIR PRACTICES
FAIRPRACTICES@MDCOURTS.GOV

Objectives

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- By the end of this training, you will be able to:
 - Name 5 ***protected classes*** recognized by the Maryland Judiciary
 - Identify 2 types of unlawful harassment
 - Identify three behaviors which may create a hostile work environment

Agenda

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- Overview of Laws
- Protected Classes
- What is Harassment
- What is Retaliation
- Disability Accommodation
- Religious Accommodation
- Complaint Process

Equal Employment Opportunity Laws

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- Title VII of the Civil Rights Act of 1964
- The Age Discrimination in Employment Act (ADEA)
- The Americans with Disabilities Act (ADA)
- Maryland Law

Protected Classes

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- **Title VII of the Civil Rights Act** – forbids discrimination because of an employee's:
 - **Race**
 - **Color**
 - **National Origin**
 - **Religion**
 - **Gender (women, men)**
 - **Genetic Information**

Protected Classes



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- **Disability-** **Americans with Disabilities Act (ADA)**
 - Prohibits discrimination against a disabled person who is qualified to perform the essential functions of the job
 - may require employer to make reasonable accommodation
 - Title I-Protects employees and applicants
 - Title II- Protects public users of the Judiciary's services by ensuring access to the Judiciary's facilities.
- **Age-** **Age Discrimination in Employment Act (ADEA)**
 - Prohibits discrimination against employees over 40 years of age

Protected Classes



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- **Maryland law** protects an employee's:
 - **Sexual Orientation**
 - **Gender Identity/Expression**
 - **Family or Marital Status**
 - **Age (any age!)**
 - **Religious and Political Affiliation**
- Maryland law also requires reasonable accommodation for pregnant employees

Unlawful Discrimination

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- What is unlawful discrimination?
 - Treating an employee differently (usually less favorably) because of their protected class
 - For example hiring, firing, promotion, demotion, pay rate, discipline, etc.

Unlawful Harassment

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- Two Types of Harassment:
 - Hostile Work Environment
 - Quid Pro Quo



Remember!

Unlawful Harassment (Continued)

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- Unlawful harassment is NOT a demanding supervisor or annoying coworker
- Expecting an employee to do the job is not harassment!

Hostile Work Environment

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- What is an unlawful hostile work environment?
 - When working conditions are made intolerable for an employee because of his/her sex or other protected class
- Who can create a hostile work environment?
 - Supervisors
 - Co-workers
 - Vendors or contractors
 - Visitors to the work premises

Examples of Conduct Prohibited in the Workplace

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- Emails, texts, or voice mails that are offensive, threatening, intimidating or insensitive
- Staring or leering
- Violating “personal space”
- Offensive comments about clothing, body type, or grooming

Examples of Conduct Prohibited in the Workplace

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Remember!

- Sexual advances
- Grabbing, hugging, kissing, and touching
- Offensive jokes, comments, or slurs related to a protected class
- Offensive photos, cartoons, graffiti, posters, or screen savers

ZERO TOLERANCE

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The Maryland Judiciary forbids *all* conduct which creates a hostile work environment when the conduct is based upon a protected class.

Retaliation

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- The law protects employees who:
 - Complain about discrimination or harassment

or

- participate in the investigation of a complaint of discrimination or harassment

Supervisor Liability

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- Employers may be liable for a supervisor's harassing or discriminatory conduct
 - Unless employer can show it took appropriate measures to prevent and correct any harassing conduct, and
 - The victim failed to take advantage of those measure or failed to otherwise avoid harm.
- Supervisors must make sure Judiciary EEO policy is followed and immediately address inappropriate conduct
- Supervisors who harass or discriminate may be individually liable and responsible for defending against any legal claim against them

ADA Reasonable Accommodation

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- An adjustment to a job, the work environment, or the way things are usually done that enables an employee to perform his/her job because of a disability.
- Contact your ADA Coordinator if you think you need a reasonable accommodation.

Religious Accommodation

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- The Maryland Judiciary has a *Policy on Religious Accommodation*. You can find it on the intranet under HR or the Office of Fair Practices.
- A religious accommodation is an adjustment to the work environment that will allow an employee to practice his or her religion.

Internet/Social Networking

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- Social media – an extension of the workplace when employees exchange posts or “tweets”
- Offensive posts (including jokes, pictures, innuendo) directed at other employees, managers, or the public may be considered harassment
- Judiciary policy against discrimination and harassment applies to social media posts involving Judiciary employees
- Remember – employees have no expectation of privacy when using Judiciary information systems!

Complaints

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- Maryland Judiciary takes all complaints seriously and will investigate promptly and confidentially
- Employees may address the offensive conduct directly if they feel comfortable doing so.
- If not, bring concerns to a supervisor or Administrative Official; or
- Fill out a “Complaint of Discrimination/Harassment/Retaliation” Form and submit to the Office of Fair Practices.

Simple Things to Remember

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Remember!

- Laws recognize and protect the cultural background of all employees and visitors to Judiciary worksites.
- Be courteous and respectful in dealings with others at work.
- Think before you speak or act.

Thank You!

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- **Office of Fair Practices**
2001 A Commerce Park Drive, Annapolis, Maryland, 21401
410-260-3679
fairpractices@mdcourts.gov
- **Employee Ombudsman**
 - (410) 304-2391
- ✦ **External Agencies:**
 - U.S. Equal Employment Opportunity Commission (EEOC)**
www.eeoc.gov
 - Maryland Commission on Civil Rights (MCCR)** www.mccr.state.gov